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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2937/91**of 1 October 1991****opening and providing for the administration of Community tariff quotas for certain industrial products (1991)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain industrial products will remain in the course of 1991 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1991 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

1. From the date of entry into force of this Regulation until 31 December 1991, the duties applicable to imports of the following products shall be suspended at the levels and up to the limits of the Community tariff quotas shown below:

Order No	CN code (a)	Description	Quota volume	Quota duty (%)
09.2781	ex 7226 10 91	Flat-rolled products of silicon-electrical steel, cold-rolled, grain oriented, of a width not exceeding 500 mm, of a thickness of 0,23 mm or less, with a nominal magnetic inversion loss rate of 0,8 W/kg or less determined by the Epstein method with a current of 50 cycles and one induction of 1,7 tesla	75 tonnes	0

Order No	CN code (a)	Description	Quota volume	Quota duty (%)
09.2823	ex 3905 90 00	Ethylene-vinyl alcohol copolymers with an ethylene content expressed in moles of 38 % minimum and 46 % maximum, and with a melting point of 160 °C or more not exceeding 185 °C, for the manufacture of biodegradable products, with a minimum starch content of 40 % (1)	3 500 tonnes	0
09.2825	ex 3002 10 99	Sterile serum obtained from the blood of a bovine foetus, with an endotoxin content of less than 0,3 nanograms/ml, for the manufacture of monoclonal antibodies to be used for therapeutic purposes in cases of septic shock (1)	2 500 litres	0
09.2827	ex 2932 90 70	1,3-2,4-Di-o-benzylidene D-glucitol with a purity by weight not less than 96 %	30 tonnes	0
09.2829	ex 3806 90 00	Solid extract of wood resin, not soluble in aliphatic hydrocarbons having a resin acid content of 30 % or less, a melting point of over 100 °C and an acid number lower than 106	500 tonnes	0

(a) See Taric codes in the Annex.

(1) The end-use of this product will be monitored in accordance with the relevant Community provisions.

2. Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer submits a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authori-

ties of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full, it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 October 1991.

For the Council

The President

H. VAN DEN BROEK

*ANNEX***Taric codes**

Order No	CN codes	Taric codes
09.2781	ex 7226 10 91	* 20
09.2823	ex 3905 90 00	* 96
09.2825	ex 3002 10 99	* 20
09.2827	ex 2932 90 70	* 80
09.2829	ex 3806 90 00	* 40

COUNCIL REGULATION (EEC) No 2938/91

of 1 October 1991

on emergency action for the supply of certain agricultural products to the population of Albania

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas agricultural products should be made available to Albania to improve the food supply to the population of that country; whereas the Community has agricultural products in storage as a result of intervention measures and these should be used in priority for the abovementioned action; whereas, for certain of these products, the necessary measures can, under the rules in force, be adopted by the Commission;

Whereas the action proposed is essentially humanitarian in its aim and should therefore also be based upon Article 235 of the Treaty;

Whereas the cost of the operation should ultimately be met from the appropriations allocated for cooperation with non-member countries;

Whereas it is a matter for the Commission to set detailed rules for application and verification of this action,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall, on the terms set out below, take emergency action to supply Albania with certain cereals.

Article 2

For implementation of the emergency action:

1. the Community shall transfer free of charge to Albania a maximum of 100 000 tonnes of common wheat of

bread-making quality available as a result of intervention measures;

2. delivery costs shall be met by the Community and shall be determined by tendering procedure;
3. no export refunds shall be granted for products supplied pursuant to this Regulation and the monetary compensatory amount arrangements shall not apply.

Article 3

The value of the products transferred to Albania that is to be entered in the accounts shall be determined using the procedure laid down in Article 13 of Regulation (EEC) No 729/70 ⁽³⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁴⁾.

Article 4

1. The Commission shall be responsible for execution of the emergency action.
2. Detailed rules for application of this Regulation shall be adopted, as necessary, using the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 ⁽⁵⁾, as last amended by Regulation (EEC) No 3577/90 ⁽⁶⁾.
3. The Commission shall be responsible for checking on the spot delivery operations and the application of the criteria adopted when the aid is distributed to the population.

Article 5

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 October 1991.

For the Council

The President

H. VAN DEN BROEK

⁽¹⁾ OJ No C 211, 13. 8. 1991, p. 9.

⁽²⁾ Opinion delivered on 13 September 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 353, 17. 12. 1990, p. 23.

COMMISSION REGULATION (EEC) No 2939/91

of 7 October 1991

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2661/91 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 4 October 1991;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2661/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1991.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 250, 7. 9. 1991, p. 1.

ANNEX

to the Commission Regulation of 7 October 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	124,00 ⁽²⁾ ⁽³⁾
0712 90 19	124,00 ⁽²⁾ ⁽³⁾
1001 10 10	179,50 ⁽¹⁾ ⁽³⁾
1001 10 90	179,50 ⁽¹⁾ ⁽³⁾
1001 90 91	153,37
1001 90 99	153,37
1002 00 00	164,02 ⁽⁶⁾
1003 00 10	139,91
1003 00 90	139,91
1004 00 10	125,93
1004 00 90	125,93
1005 10 90	124,00 ⁽²⁾ ⁽³⁾
1005 90 00	124,00 ⁽²⁾ ⁽³⁾
1007 00 90	134,74 ⁽⁴⁾
1008 10 00	52,45
1008 20 00	123,60 ⁽⁴⁾
1008 30 00	52,69 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	52,69
1101 00 00	227,72 ⁽⁸⁾
1102 10 00	242,63 ⁽⁸⁾
1103 11 10	291,41 ⁽⁸⁾
1103 11 90	245,43 ⁽⁸⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticaele).

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 2940/91

of 7 October 1991

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91⁽⁵⁾ and subsequent amending Regulation;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 4 October 1991;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 October 1991.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.
⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 7 October 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2941/91
of 4 October 1991
on the supply of various consignments of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1)(c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 11 133 tonnes of cereals;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation No** (1): 598/91
2. **Programme**: 1991
3. **Recipient** (2): CICR, 19 avenue de la Paix, CH 1202 Genève; tel. 734 60 01; telex 22269 CICR CH
4. **Representative of the recipient** (3): Subdelegação Do Comité Internacional da Cruz Vermelha, Rua Luis Inacio, 276, Caixa Postal 1130; Beira, República Popular de Moçambique
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: maize
7. **Characteristics and quality of the goods** (4): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (d))
8. **Total quantity**: 400 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (5) (6): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2 (b) and IIA.3)
markings in Portuguese
supplementary markings on the packaging: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: Beira
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 — 30. 11. 1991
18. **Deadline for the supply**: 30. 12. 1991
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 10. 1991 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 29. 10. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 8. 11 — 7. 12. 1991
 - (c) deadline for the supply: 6. 1. 1991**B. In the case of a third invitation to tenders**:
 - (a) deadline for the submission of tenders: 5. 11. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15. 11 — 14. 12. 1991
 - (c) deadline for the supply: 13. 1. 1992
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (7): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (8): refund applicable on 30. 9. 1991, fixed by Commission Regulation (EEC) No 2592/91 (OJ No L 243, 31. 8. 1991, p. 11)

LOTS B and C

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1991
3. **Recipient** ⁽²⁾: Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900)
7. **Characteristics and quality of the goods** ⁽³⁾: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1 (f))
8. **Total quantity**: 3 082 tonnes (7 397 tonnes of cereals)
9. **Number of lots**: two (B: 72 tonnes; C: 3 010 tonnes): see Annex II
10. **Packaging and marking**: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A.2 (c)) and II.A.3); B ⁽⁴⁾ ⁽¹⁰⁾ ⁽¹¹⁾; C ⁽⁴⁾ ⁽¹¹⁾
marking in French and Spanish
supplementary markings on the packaging: see Annex II
11. **Method of mobilization**: the Community market ⁽⁷⁾
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 — 30. 11. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 10. 1991 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 29. 10. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment: 8. 11 — 7. 12. 1991
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 11. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment: 15. 11 — 14. 12. 1991
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁸⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾: refund applicable on 30. 9. 1991, fixed by Commission Regulation (EEC) No 2592/91 (OJ No L 243, 31. 8. 1991, p. 11)

LOT D

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1991
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: durum wheat
7. **Characteristics and quality of the goods** ⁽³⁾: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A1 (b))
8. **Total quantity**: 3 336 tonnes
9. **Number of lots**: one (in three parts, D 1: 1 500 tonnes; D 2: 1 436 tonnes; D 3: 400 tonnes)
10. **Packaging and marking** ⁽⁴⁾ ⁽¹⁾:
 - D 1 and D 2: in bulk
 - D 3: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A.2 (b) and II.A.3) markings in English.
 - supplementary markings on the packaging: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed ⁽⁵⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 — 30. 11. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 10. 1991 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 29. 10. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment: 8. 11 — 7. 12. 1991
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 11. 1991 at 12 noon
 - (b) period for making the goods available at the port of shipment: 15. 11 — 14. 12. 1991
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁶⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾: refund applicable on 30. 9. 1991, fixed by Commission Regulation (EEC) No 2592/91 (OJ No L 243, 31. 8. 1991, p. 11)

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer:
 - see list published in OJ No C 114, 29. 4. 1991. p. 33.
- (³) The successful tenderer shall deliver to the beneficiaries a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- certificate of origin,
- phytosanitary certificate,
- fumigation certificate (Lot A).

- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05,
 - 236 33 04.
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annexes.
- (⁷) The supplier should send a duplicate of the original invoice to: M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (⁸) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.
- (⁹) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (¹⁰) The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.

Shipment to take place in 20-foot containers, conditions FCL/LCL. The supplier shall be responsible for the cost of making the containers available to the stack position of the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provision of the second subparagraph of Article 13 (2) of Regulation (EEC) No 2200/87 shall not apply.

- (¹¹) Bagging must be carried out before shipment.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Deilmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	400		CICR	Moçambique	Acção nº 598/91 MZ-63 / Moçambique
B	72	B1 : 36	Prosalus	República Dominicana	Acción nº 651/91 / República Dominicana / Prosalus / 915523 / Ysura Azua vía Santo Domingo/ Destinado a la distribución gratuita
		B2 : 36	Cinterad	Zaire	Action nº 652/91 / Zaire / Cinterad / 913452 / Kinshasa via Matadi / Pour distribution gratuite
C	3 010	C1 : 562	CRS	El Salvador	Acción nº 653/91 / El Salvador / Cathwel / 910105 / San Salvador vía Acajutla / Destinado a la distribución gratuita
		C2 : 2 448	Oxfam Belgium	Nicaragua	Acción nº 654/91 / Nicaragua / Oxfam B / 910817 / Managua vía Corinto / Destinado a la distribución gratuita
D	3 336	D1 : 1 500	WFP	Kenya	Action No 515/91
		D2 : 1 436	WFP	Kenya	Action No 516/91
		D3 : 400	WFP	Jordan	Action No 519/91 / Jordan 0210804 / Supplied by the World Food Programme / Aqaba

COMMISSION REGULATION (EEC) No 2942/91

of 4 October 1991

concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3926/90 of 20 December 1990 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1991 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 2381/91⁽⁴⁾, provides for common sole quotas for 1991 ;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated ;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII e by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1991 ; whereas Belgium has prohibited fishing for this

stock as from 22 September 1991 ; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION :

Article 1

Catches of common sole in the waters of ICES division VII e by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1991.

Fishing for common sole in the waters of ICES division VII e by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 22 September 1991.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 October 1991.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 378, 31. 12. 1990, p. 1.⁽⁴⁾ OJ No L 219, 7. 8. 1991, p. 2.

COMMISSION REGULATION (EEC) No 2943/91

of 4 October 1991

laying down detailed rules applicable to the free supply of bread-making common wheat to Albania as provided for in Council Regulation (EEC) No 2938/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2938/91 of 1 October 1991 on an emergency measure for the free supply of certain agricultural products to Albania⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 3653/90⁽³⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rate to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 843/91⁽⁵⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EEC) No 2938/91 provides for an emergency measure in particular for the supply of bread-making common wheat to Albania; whereas, with a view to implementing that emergency measure, detailed rules of application should be laid down for the cereals sector providing in particular for the said supply operation to be allocated by a tendering procedure; whereas common detailed rules should be laid down for invitations to tender opened for the purposes of this measure;

Whereas the detailed rules of application must also provide for arrangements governing the lodging of securities and controls to ensure the proper execution of the supply operation;

Whereas the conversion rate to be used for the supply costs referred to in Article 2 must be determined; whereas, with a view to an approach which is more balanced and more in line with the economic facts determining such costs, the exchange rate published in the 'C' series of the *Official Journal of the European Communities* should be applied;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88⁽⁶⁾, as last

amended by Regulation (EEC) No 1302/91⁽⁷⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. The detailed rules set out herein shall apply for the purposes of the free supply of bread-making common wheat to Albania as provided for in Regulation (EEC) No 2938/91.

2. All supplies shall entail an invitation to tender for supply costs as defined in Article 2 (2).

Article 2

1. An invitation to tender shall be organized for the supply costs incurred between the intervention stores and the destination laid down.

2. Such costs shall cover supply for goods loaded in bulk or in sacks on the means of transport, ex-store of the intervention agency, cif Albanian maritime port of unloading.

Article 3

Participation in the invitations to tender provided for under this Regulation shall be open on equal terms to any natural person who is a national of a Member State and established in the Community or any company established in accordance with the laws of a Member State, the registered office, central administration or main establishment of which is in a Member State.

Article 4

Tenderers shall participate in the invitation to tender by forwarding to the intervention agency concerned a tender by letter or any other written means of telecommunication provided for in the notice of invitation to tender.

⁽¹⁾ OJ No L 280, 8. 10. 1991, p. 4.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 85, 5. 4. 1991, p. 26.

⁽⁶⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁷⁾ OJ No L 123, 18. 5. 1991, p. 23.

Article 5

Tenders must cover all the supply costs referred to in Article 2 (2) of a lot or group of lots indicated in the notice of invitation to tender for a given destination. They shall be expressed in 'ecus per tonne. By way of derogation from Article 2 of Regulation (EEC) No 1676/85, that amount shall be converted using the conversion rate applying on the closing date for the submission of tenders and published in the 'C' series of the *Official Journal of the European Communities*.

Tenders shall be valid only where they are accompanied by:

- (a) an application for an export licence quoting a reference to Regulation (EEC) No 2938/91, to be entered in Section 22;
- (b) proof that a tendering security of ECU 10 per tonne has been lodged.

Tenders not submitted in accordance with this Regulation and the invitation to tender shall not be valid.

Tenders may be neither amended nor withdrawn.

Article 6

1. The intervention agency concerned shall notify the Commission of tenders received two hours at the latest after the expiry of the closing date for the submission of tenders.

2. In accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, the Commission shall fix the maximum supply costs for each lot or shall decide to make no award in respect of tenders received.

Article 7

1. The intervention agency concerned shall inform all tenderers of the outcome of their tenders at the earliest opportunity. It shall forward a declaration of award by written telecommunication to the successful tenderers.

2. Where several tenderers have lodged tenders quoting the same offer in respect of the same lot, the supply shall be awarded by the intervention agency by drawing lots.

Article 8

Removal of the goods shall be subject to the lodging of a security equal to the purchase price for the said cereals, adjusted in accordance with monthly increases applicable in the month of submission of tenders, that price being increased by 10 %.

Article 9

1. Except in cases of *force majeure*, the successful tenderer shall bear all risks which the goods may incur, in particular loss or determination as far as the supply stage provided for in Article 2 (2).

2. If taking over at the delivery stage is delayed owing to circumstances beyond the control of the successful tenderer, the additional costs shall be reimbursed by the Commission on the basis of supporting documents.

3. The successful tenderer shall apply to the Albanian authorities for a certificate testifying that the quantity delivered has been taken over.

4. The detailed rules for the granting of the taking-over certificate shall be defined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

5. The supply costs shall be reimbursed in respect of the quantity appearing in the taking-over certificate, no amount being withheld for normal loss of weight.

Article 10

1. Representative samples of the quantities supplied shall be taken by security firms designated by the tenderers before tenders are lodged in agreement with the intervention agency, at the time of loading in the port of export and at the time of unloading in the port of destination.

2. Samples shall be taken at the expense of the successful tenderer and made available to the intervention agency concerned.

Article 11

For the purposes of this Regulation, 'primary requirement' within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾, as last amended by Regulation (EEC) No 3745/89⁽²⁾:

- (a) maintenance of the tender and removal of the goods as regards the security provided for in point (b) for the second subparagraph of Article 5;
- (b) actual delivery of the lots awarded up to the supply stage without any significant change in quality compared with that applying at the time of removal from the intervention store as regards the security provided for in Article 9 (2).

2. The security provided for in point (b) of the second paragraph of Article 5 shall be released when:

- the tender has been rejected;
- the goods have been removed by the tenderer.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 364, 14. 12. 1989, p. 54.

3. The security provided for in Article 8 shall be released when the successful tenderer has presented the taking-over certificate provided for in Article 9 (3) and when evidence has been provided that the quality of the goods supplied to the Albanian authorities is not significantly different from that applying when they were removed. That evidence shall be provided by an analysis for the sampled taken for the purpose.

4. When the successful tenderer has provided the taking-over certificate and on presentation of the document relating to transport, the supply costs shall be reimbursed to him.

Article 12

In Part I of the Annex of Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item and footnote are added:

'106. Commission Regulation (EEC) No 2938/91 of 4 October 1991 on laying down detailed rules applicable to the free supply of bread-making common wheat to Albania as provided for in Council Regulation (EEC) No 2938/91 ⁽¹⁰⁶⁾.

⁽¹⁰⁶⁾ OJ No L 280, 8. 10. 1991, p. 16.'

Article 13

With a view to the invitation to tender provided for in Article 1, the intervention agencies concerned shall

publish, at least eight days before the date laid down for the first partial invitation to tender, a notice of invitation to tender specifying in particular:

- the additional clauses and conditions compatible with this Regulation;
- the main physical and technical characteristics of the various lots recorded at the time of buying-in by the intervention agency or at the time of checks conducted subsequently;
- the lots or groups of lots to which the tender must relate, with the names and addresses of the storers and the places of supply to which the lots must be delivered;
- the time limits laid down for removal and supply.

That notice, together with any amendments, shall be forwarded to the Commission before the expiry of the first closing date for the submission of tenders.

Article 14

The book value of the products disposed of pursuant to this Regulation shall be fixed in ecus per tonne in the regulation issuing the invitation to tender. That value shall be converted into national currency at the agricultural conversion rate applying on 1 August 1991.

Article 15

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2944/91

of 7 October 1991

on measures in respect of the improvement of the quality of milk in Ireland and Northern Ireland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1632/91⁽²⁾, and in particular Article 4 thereof,

Whereas provision should be made, amongst the measures favouring the enlargement of the markets for milk products referred to in the fourth indent of Article 4 (2) of Regulation (EEC) No 1079/77, to improve the milk quality in Ireland and Northern Ireland, taking into account the seasonal character of milk production and the strong export tradition of these areas;

Whereas for administrative reasons the organizations and producer groups possessing the necessary qualifications and experience should therefore be invited to propose detailed programmes which these organizations would themselves carry out;

Whereas, as regards the other arrangements, the main provisions of earlier Regulations, as amended in the light of relevant experience, may be repeated;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. Under the conditions laid down in this Regulation, measures shall be taken in Ireland and Northern Ireland to encourage:

- (a) provision and installation, upgrading and testing of on-farm milk holding facilities and milking equipment, directed in particular towards improvements in total bacterial count and somatic cell count;
- (b) setting-up of milk collection centres, if necessary with refrigeration facilities (in properly justified exceptional cases, aid may also be granted to single farms);

- (c) counselling of individual milk producers, directed in particular towards the obtaining of milk (cowshed hygiene, milking, animal health) and its treatment (cooling);
- (d) counselling on the collection (jointly operated equipment collection points) and transport of raw milk (specifications, equipment and operation of milk tankers);
- (e) counselling of producers directed in particular towards antibiotic use, mastitis control, need for milking machine testing, udder preparation and milking techniques;
- (f) the improvement of the quality of water on farms.

2. The measures referred to in paragraph 1 shall be eligible only if they are begun after 17 June 1991; they shall be completed before 1 February 1993. In exceptional cases, however, a longer period may be fixed in accordance with Article 5 (2) to ensure maximum effectiveness of the measures concerned.

3. The time limit fixed in paragraph 2 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the competent authority and proves that due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, this extension may not exceed six months.

Article 2

1. Measures as referred to in Article 1 (1) shall be proposed and carried out by organizations or producer groups which:

- (a) have the necessary qualifications and experience;
- (b) give guarantees that they are capable of ensuring the satisfactory completion of the work.

2. Community financing is hereby limited to 50 %. Not more than 10 % of the total sum available to Ireland or Northern Ireland may be spent on measures pursuant to Article 1 (1) (c), (d) and (e).

3. No account shall be taken of administrative expenses incurred in carrying out the measures in question.

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 23.

Article 3

1. Interested parties are invited to forward to the competent authority designated by the Member State in which the head office of the organization concerned is situated, hereinafter referred to as the 'competent authority' detailed proposals concerning the measures referred to in Article 1 (1).

Proposals must reach the competent authority before 1 November 1991. Where this date is not complied with, proposals shall be considered null and void.

2. Further rules for the submission of proposals shall be as set out in the Annex.

Article 4

1. Complete proposals shall include:

- (a) the name and address of the applicant;
- (b) all details concerning the measures proposed, including the time required for completion, the expected results and details of any third parties to be involved;
- (c) the total cost of these measures, net of tax, expressed in ecus giving an itemized breakdown of this amount and setting out the source of finance;
- (d) the desired form of payment of the Community contribution (Article 7 (1) (a) or (b));
- (e) the most recent report available on the applicant's activities, unless this is already in the possession of the competent authority.

2. Proposals shall be valid only where:

- (a) they are submitted by an applicant fulfilling the conditions laid down in Article 2 (1);
- (b) they are accompanied by an undertaking that the applicant will comply with the provisions of this Regulation and the implementation criteria laid down by the Commission.

Article 5

1. Before 1 December 1991 the competent authorities shall:

- (a) examine all proposals submitted and any supporting documents to check that they are in the correct form and contain the information required. They shall ensure that the proposals comply with the provisions of Article 4 and shall ask applicants for further details if necessary;
- (b) compile a list of all the proposals received and send it to the Commission together with copies of each proposal and a reasoned opinion indicating whether or not the proposal conforms with this Regulation.

2. After consulting the relevant interest groups in the milk industry, and following examination of the proposals by the Management Committee for Milk and Milk

Products in accordance with Article 31 of Council Regulation (EEC) No 804/68⁽¹⁾, the Commission shall establish before 1 January 1992 a list of the proposals selected for financing.

3. The competent authorities shall conclude contracts with those parties whose proposals have been selected before 1 February 1992 in at least two copies and signed by the interested party and the competent authority. The competent authorities shall for this purpose use standard form contracts to be provided by the Commission.

4. The competent authority shall inform each applicant as soon as possible of the decision taken in respect of its proposal.

Article 6

1. The contract referred to in Article 5 (3) shall:

- (a) include the details referred to in Article 4 (1) or make reference to them; and
- (b) supplement these details, where necessary, by additional conditions resulting from the application of Article 5 (1).

2. The competent authority shall send a copy of the contract to the Commission without delay.

3. The competent authority shall ensure compliance with the provisions of the contract, in particular by carrying out the following checks:

- administrative and accounting checks to verify the costs incurred and compliance with the provisions on joint financing,
- technical and/or scientific checks to verify fulfilment of the specifications laid down in the contract,
- other on the spot checks, as necessary.

Each contractor should receive not less than two inspection visits during the period of the contract.

Article 7

1. The competent authority shall pay to the party in question, in accordance with the choice indicated in the latter's proposal, either:

- (a) within six weeks of the date of signature of the contract, a single payment on account amounting to 60 % of the agreed Community contribution; or
- (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

However, while a contract is being performed, the competent authority may :

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment either wholly or in part if the party concerned submits a reasoned request and shows that he must incur a substantial part of the expenditure significantly earlier than the date laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be conditional upon the lodging with the competent authority of a security equal to the amount of the instalment, plus 15 %.

3. The release of securities and payment of the balance, by the competent authority shall be subject to :

- (a) confirmation by the competent authority that the party concerned has fulfilled his obligations as laid down in the contract ;
- (b) transmission to the competent authority of the report referred to in Article 8 (1) and verification of the details contained in this report by the competent authority.

However, on reasoned request by the party concerned, the balance can be paid after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal

to the total amount of the Community contribution plus 15 % have been lodged ;

- (c) the competent authority finding that the party concerned, or any third party named in the contract, has spent his own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, the securities shall be forfeit. In this event, the amount in question shall be deducted from the expenditure of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for one of the measures referred to in Article 1 (1) shall submit to the competent authority, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the results of the measures in question. If the report is submitted later than four months after the final date, 10 % of the Community contribution shall be withheld for each month commenced after expiry of that time limit.

2. On performance of each contract, the competent authority shall send to the Commission a statement to this effect and a copy of the final report.

Article 9

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

In accordance with Article 3 (2) of Commission Regulation (EEC) No 2944/91 of 4 October 1991 on the implementation of measures in respect of the improvement of the quality of milk in Ireland and Northern Ireland, the interested parties are hereby informed that proposals are to be sent, within the time limits laid down, to the following competent authorities, in one original and five copies by registered letter or by messenger with acknowledgement of receipt:

Member States	Competent authority
Ireland	Department of Agriculture and Food Milk Policy Division Floor 1 East Agriculture House Kildare Street IRL—Dublin 2
United Kingdom	Intervention Board External Trade Division Lancaster House UK-Newcastle-upon-Tyne NE4 7YE

COMMISSION REGULATION (EEC) No 2945/91**of 7 October 1991****correcting Regulation (EEC) No 2267/91 determining, for tobacco from the 1990 harvest, the quantity actually produced and the prices and premiums payable under the system of maximum guaranteed quantities**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1737/91 ⁽²⁾, and in particular Article 4 (5) thereof,

Having regard to Commission Regulation (EEC) No 2824/88 of 13 September 1988 laying down certain detailed rules for the application of the system of maximum guaranteed quantities in the tobacco sector and amending Regulations (EEC) No 1076/78 and (EEC) No 1726/70 ⁽³⁾, and in particular Articles 1 and 2 (4) thereof,

Whereas Commission Regulation (EEC) No 2267/91 ⁽⁴⁾ determines the quantity of tobacco from the 1990 harvest actually produced and the prices and premiums payable under the system of maximum guaranteed quantities;

Whereas a check has shown that an obvious mistake appears in Annex II to that Regulation, the intervention price for a variety being increased rather than reduced;

whereas the Regulation in question should accordingly be corrected;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EEC) No 2267/91, the figure '2,120' for the intervention price for variety No 23 (Tsebelia) is hereby replaced by '1,850'.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 2 August 1991.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 163, 26. 6. 1991, p. 11.

⁽³⁾ OJ No L 254, 14. 9. 1988, p. 9.

⁽⁴⁾ OJ No L 208, 30. 7. 1991, p. 26.

COMMISSION REGULATION (EEC) No 2946/91

of 7 October 1991

on the defraying of certain costs relating to food aid for the people of the Soviet Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 598/91 of 5 March 1991 on urgent action for the supply of agricultural products intended for the people of the Soviet Union⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 2205/90⁽³⁾, and in particular Article 2 (4) thereof,

Whereas, for the purposes of implementing Regulation (EEC) No 598/91, invitations to tender were opened for the manufacture and packaging of the various products which are to be taken over, and for their transports to and distribution at destination by bodies selected by the Commission; whereas, in many cases, the latter bodies will not be able to take over the products on the latest date they are to be made available as laid down in the various invitations to tender; whereas the conditions under which the Community is to finance the additional costs of storage arising from such late takeover by the bodies responsible for the transport of the products to destination should consequently be determined;

Whereas the storage of the products in question was not made subject to compliance with any special provision and whereas, as a consequence, the Community's financial contribution to such additional costs must be on a lumpsum basis;

Whereas the date of application of this Regulation must be determined taking account of the dates laid down for the first supplies organized under Regulation (EEC) No 598/91 to be made available;

Whereas the exchange rate to be used when converting the ecu into the national currency should be specified and that rate should be fixed at a level reflecting the real economic situation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 5 (2) of Regulation (EEC) No 598/91,

HAS ADOPTED THIS REGULATION:

Article 1

Where the products to be supplied in the framework of the invitations to tender opened pursuant to Regulation

(EEC) No 598/91 have not been taken over by the bodies designated by the Commission on the latest date laid down for each supply to be made available, the additional storage costs shall be defrayed by the Community in accordance with the provisions of this Regulation.

Article 2

1. Additional storage costs shall be paid in respect of the period running:

- from and including the day following the latest date by which the goods are to be made available as laid down in the invitation to tender for takeover by the body designated by the Commission;
- the actual date of takeover of the product.

2. The additional storage costs are hereby fixed at ECU 0,25/tonnes per day.

3. The amount fixed in paragraph 2 shall be concerted into national currency using the rate applicable on 19 September 1991 and published in the 'C' series of the *Official Journal of the European Communities*.

Article 3

Payment applications shall be submitted by successful tenderers to the body responsible for payment of the supply, together with the following supporting documents:

- (a) a copy of the certificate drawn up on completion of checks;
- (b) a statement by the body responsible for payment to the effect that the product was available at the date specified;
- (c) a copy of the certificate of takeover issued by the body designated by the Commission.

Article 4

Additional storage operations shall be entered in the accounts each month by the intervention agencies of the Member States and shall be shown in expenditure on emergency aid for the people of the Soviet Union.

Article 5

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 September 1991.

⁽¹⁾ OJ No L 67, 14. 3. 1991, p. 19.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2947/91

of 7 October 1991

introducing a countervailing charge on apples originating in Australia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1623/91⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1875/91 of 28 June 1991 fixing for the 1991/92 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of class I for the month of October 1991 at ECU 43,78 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for apples originating in Australia, the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these apples;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for other currencies, an exchange rate based on an average of the ecu rates published in the Official Journal of the European Communities, C series, over a period to be determined, multiplied by the coefficient referred to in the previous indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 7,79 per 100 kilograms net is applied to apples (CN codes 0808 10 91, 0808 10 93 and 0808 10 99) originating in Australia.

Article 2

This Regulation shall enter into force on 9 October 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 168, 29. 6. 1991, p. 70.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2948/91**of 7 October 1991****concerning applications for STM licences for cereals submitted on 1 to 3 October 1991 for imports of common wheat, barley and maize into Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 1367/91 of 24 May 1991 laying down detailed rules for applying the supplementary trade mechanism to imports of cereals into Portugal ⁽¹⁾ sets a target ceiling of 220 000 tonnes for common wheat, 40 000 tonnes for barley and 300 000 tonnes for maize to be broken down into equal monthly quantities;

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽²⁾, as last amended by Regulation (EEC) No 3296/88 ⁽³⁾, the Commission has been notified of applications received on 3 October 1991 for STM licences for imports of common wheat, barley and maize into Portugal which are well in excess of the ceiling set; whereas measures should be taken to deal with this situation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences which were submitted on 1 to 3 October 1991 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of:

- 0,08 for common wheat falling within CN code 1001 90 99,
- 0,03 for barley falling within CN code 1003 00 90,
- 0,06 for maize falling within CN code 1005 90 00.

2. The issue of STM licences concerning imports of common wheat, barley and maize into Portugal from 4 to 31 October 1991 is hereby suspended.

Article 2

This Regulation shall enter into force on 8 October 1991.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 130, 25. 5. 1991, p. 31.

⁽²⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7.