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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 117/92

of 20 January 1992

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 17 January 1992;

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 21 January 1992.

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

Done at Brussels, 20 January 1992.

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 20 January 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	129,64 ⁽²⁾ ⁽³⁾
0712 90 19	129,64 ⁽²⁾ ⁽³⁾
1001 10 10	177,68 ⁽¹⁾ ⁽²⁾
1001 10 90	177,68 ⁽¹⁾ ⁽²⁾
1001 90 91	154,94
1001 90 99	154,94
1002 00 00	164,73 ⁽⁴⁾
1003 00 10	141,16
1003 00 90	141,16
1004 00 10	130,54
1004 00 90	130,54
1005 10 90	129,64 ⁽²⁾ ⁽³⁾
1005 90 00	129,64 ⁽²⁾ ⁽³⁾
1007 00 90	140,95 ⁽⁴⁾
1008 10 00	60,25
1008 20 00	125,21 ⁽⁴⁾
1008 30 00	71,13 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	71,13
1101 00 00	229,92 ⁽⁸⁾
1102 10 00	243,63 ⁽⁸⁾
1103 11 10	287,76 ⁽⁸⁾
1103 11 90	247,30 ⁽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 (triticale).

⁽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 118/92

of 20 January 1992

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 17 January 1992;

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 21 January 1992.

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

Done at Brussels, 20 January 1992.

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 20 January 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4
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 1	1st period 2	2nd period 3	3rd period 4	4th period 5
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 119/92

of 20 January 1992

fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 1628/91 ⁽²⁾, and in particular Article 18 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68 ⁽³⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87 ⁽⁶⁾, Regulation (EEC) No 1964/82 ⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 ⁽⁸⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁹⁾, lay down the conditions for granting special export refunds for certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas given the current market situation in the Community and the possibilities of disposal in certain third countries, in particular export refunds on adult male bovine animals of a live weight of at least 300 kilograms

and other bovines of a live weight of at least 250 kilograms should be granted; whereas experience gained in recent years has shown that it is advisable to treat live pure-bred breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on certain fresh or chilled meat listed in Annex I under CN code 0201, on certain frozen meat listed in Annex I under CN code 0202, on certain meat or offal listed in Annex I under CN code 0206 and on certain other prepared or preserved meat or offal listed in Annex I under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by the CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, the refund should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas a minimum content of lean bovine meat should be fixed for boneless cuts wrapped individually and covered by CN codes 0201 30 and 0202 30;

Whereas refunds should also be granted on fresh or frozen boned or boneless pieces, even where each piece is not individually wrapped, and on minced meat, and the wording of the tariff subheadings for fresh boned or boneless pieces specified;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in Annex I under CN code 1602 50 90, Community participation in international trade may be maintained by granting a refund corresponding to that at present available;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 376, 31. 12. 1987, p. 31.

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade is not significant;

Whereas, if the refund system is to operate normally, refunds 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 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- 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 Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EEC) No 3795/91 ⁽⁴⁾; establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals, except in the case of certain frozen beef held by the intervention agencies that is to be exported under Commission Regulations (EEC) No 243/90 ⁽⁵⁾ and (EEC) No 676/90 ⁽⁶⁾;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of bovine and other meat contained in prepared or preserved meat covered by CN code 1602 50; whereas products of the bovine species alone should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas control over products other than mixtures of meat or offal should be reinforced by making the granting of refunds on these products conditional on manufacturer under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁷⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in Annex hereto.

Article 2

This Regulation shall enter into force on 21 January 1992.

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

Done at Brussels, 20 January 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 358, 30. 12. 1991, p. 1.

⁽⁵⁾ OJ No L 27, 31. 1. 1990, p. 8.

⁽⁶⁾ OJ No L 75, 21. 3. 1990, p. 8.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

ANNEX

(ECU/100 kg)		
Product code	Destination (°)	Amount of refund (°)
		— Live weight —
0102 10 00 190	01	96,00
0102 10 00 390	01	96,00
0102 90 31 900	02	85,50
	03	55,50
	04	25,50
0102 90 33 900	02	85,50
	03	55,50
	04	25,50
0102 90 35 900	02	101,50
	03	73,00
	04	34,50
0102 90 37 900	02	101,50
	03	73,00
	04	34,50
		— Net weight —
0201 10 10 100	02	92,00
	03	65,00
	04	32,50
0201 10 10 900	02	126,50
	03	88,00
	04	44,00
0201 10 90 110 (°)	02	124,50
	03	85,00
	04	42,50
0201 10 90 190	02	92,00
	03	65,00
	04	32,50
0201 10 90 910 (°)	02	171,50
	03	115,00
	04	57,50
0201 10 90 990	02	126,50
	03	88,00
	04	44,00
0201 20 21 000	02	126,50
	03	88,00
	04	44,00

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (°)
— Net weight —		
0201 20 29 100 (°)	02	171,50
	03	115,00
	04	57,50
0201 20 29 900	02	126,50
	03	88,00
	04	44,00
0201 20 31 000	02	92,00
	03	65,00
	04	32,50
0201 20 39 100 (°)	02	124,50
	03	85,00
	04	42,50
0201 20 39 900	02	92,00
	03	65,00
	04	32,50
0201 20 51 100	02	161,00
	03	110,50
	04	56,00
0201 20 51 900	02	92,00
	03	65,00
	04	32,50
0201 20 59 110 (°)	02	218,50
	03	146,00
	04	73,00
0201 20 59 190	02	161,00
	03	110,50
	04	56,00
0201 20 59 910 (°)	02	124,50
	03	85,00
	04	42,50
0201 20 59 990	02	92,00
	03	65,00
	04	32,50
0201 20 90 700	02	92,00
	03	65,00
	04	32,50
0201 30 00 050 (°)	05	112,00
0201 30 00 100 (°)	02	312,00
	03	208,50
	04	104,50
	06	266,50
0201 30 00 150 (°)	02	165,00
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0201 30 00 190 (°)	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00

(ECU/100 kg)		
Product code	Destination (°)	Amount of refund (°)
		— Net weight —
0202 10 00 100	02	92,00
	03	65,00
	04	32,50
0202 10 00 900	02	126,50
	03	88,00
	04	44,00
0202 20 10 000	02	126,50 ⁽¹⁰⁾
	03	88,00
	04	44,00
0202 20 30 000	02	92,00 ⁽¹⁰⁾
	03	65,00
	04	32,50
0202 20 50 100	02	161,00 ⁽¹⁰⁾
	03	110,50
	04	56,00
0202 20 50 900	02	92,00
	03	65,00
	04	32,50
0202 20 90 100	02	92,00
	03	65,00
	04	32,50
0202 30 90 100 ⁽⁴⁾	05	112,00
0202 30 90 400 ⁽⁴⁾	02	165,00 ⁽¹⁰⁾
	03	125,00 ⁽¹⁰⁾
	04	62,50 ⁽¹⁰⁾
	06	144,50 ⁽¹⁰⁾
	07	90,00 ⁽¹⁰⁾
0202 30 90 500 ⁽⁴⁾	02	128,00
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
0206 10 95 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
0206 29 91 000	02	128,00
	03	84,00
	04	42,00
	06	102,50
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	128,00
0210 20 90 500 ⁽³⁾	02	128,00
1602 50 10 120	02	134,50 ^(°)
	03	108,00 ^(°)
	04	108,00 ^(°)
1602 50 10 140	02	119,50 ^(°)
	03	96,00 ^(°)
	04	96,00 ^(°)

(ECU/100 kg)

Product code	Destination (7)	Amount of refund (6)
		— Net weight —
1602 50 10 160	02	96,00 (5)
	03	77,00 (5)
	04	77,00 (5)
1602 50 10 170	02	63,50 (5)
	03	51,00 (5)
	04	51,00 (5)
1602 50 10 190	02	63,50
	03	51,00
	04	51,00
1602 50 10 240	02	36,00
	03	36,00
	04	36,00
1602 50 10 260	02	26,00
	03	26,00
	04	26,00
1602 50 10 280	02	16,00
	03	16,00
	04	16,00
1602 50 90 120	01	116,00 (5)
1602 50 90 130	01	73,00 (5)
1602 50 90 190	01	36,00
1602 50 90 320	01	103,00 (5)
1602 50 90 330	01	65,00 (5)
1602 50 90 390	01	36,00
1602 50 90 520	01	77,00 (5)
1602 50 90 530	01	48,50 (5)
1602 50 90 590	01	36,00
1602 50 90 610	01	36,00
1602 50 90 620	01	16,00
1602 50 90 700	01	36,00
1602 50 90 800	01	26,00
1602 50 90 900	01	16,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 European third countries, the Canary Islands, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and South African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 Switzerland.

(*) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(*) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(10) Excluding frozen meat exported under Regulations (EEC) No 243/90, (EEC) No 676/90, (EEC) No 1680/90 and (EEC) No 1682/90. However, in the case of exports under Regulations (EEC) No 1680/90 and (EEC) No 1682/90, the export refunds set out in the Annex to Regulation (EEC) No 1309/90 should be applied.

NB : The countries are as defined in Commission Regulation (EEC) No 3518/91 (OJ No L 334, 5. 12. 1991, p. 10). The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 120/92
of 20 January 1992
fixing the export refunds on fruit and vegetables

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 Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges and apples of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at

present be exported in economically significant quantities;

Whereas, if the refund system is to operate normally, refunds 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 correcting factor provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾ as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- 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 factor referred to in the preceding indent;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively;

Whereas where Spain and, from the beginning of the second stage of transition on 1 January 1990, Portugal are concerned when refunds are fixed, account is to be taken for each product in accordance with Articles 87 and 255 of the Act of Accession, of economically justified price differences;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on fruit and vegetables shall be as set out in column I of the Annex hereto. However, the refunds applicable on products harvested on the one part in Spain and on the other part in Portugal shall be those given in columns II and III of the Annex.

Article 2

This Regulation shall enter into force on 1 February 1992.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ 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, 20 January 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 January 1992 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (I)	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0702 00 10 100	05	4,50	—	—
0702 00 10 900	—	—	—	—
0702 00 90 100	05	4,50	—	—
0702 00 90 900	—	—	—	—
0802 12 90 000	05	9,67	9,67	9,67
0802 21 00 000	05	11,30	11,30	11,30
0802 22 00 000	05	21,80	21,80	21,80
0802 31 00 000	05	14,00	14,00	14,00
0805 10 11 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 11 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 11 900	—	—	—	—
0805 10 15 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 15 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 15 900	—	—	—	—
0805 10 19 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 19 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 19 900	—	—	—	—
0805 10 21 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 21 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 21 900	—	—	—	—
0805 10 25 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 25 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 25 900	—	—	—	—
0805 10 29 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 29 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 29 900	—	—	—	—
0805 10 31 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 31 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 31 900	—	—	—	—
0805 10 35 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 35 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 35 900	—	—	—	—

(ECU/100 kg net)

Product code	Destination of refund (I)	Amounts of refunds		
		Community as constituted on 31 December 1985 (I)	Spain (II)	Portugal (III)
0805 10 39 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 39 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 39 900	—	—	—	—
0805 10 41 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 41 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 41 900	—	—	—	—
0805 10 45 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 45 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 45 900	—	—	—	—
0805 10 49 100	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 49 300	01	11,00	8,78	5,99
	04	11,00	8,78	5,99
0805 10 49 900	—	—	—	—
0805 20 50 100	—	—	—	—
0805 20 50 900	—	—	—	—
0805 30 10 100	05	13,50	5,66	3,39
0805 30 10 900	—	—	—	—
0806 10 11 100	05	—	—	—
0806 10 11 300	05	—	—	—
0806 10 11 900	—	—	—	—
0806 10 15 100	05	—	—	—
0806 10 15 300	05	—	—	—
0806 10 15 900	—	—	—	—
0806 10 19 100	05	—	—	—
0806 10 19 300	05	—	—	—
0806 10 19 900	—	—	—	—
0808 10 91 100	—	—	—	—
0808 10 91 910	02	6,50	—	1,58
0808 10 91 990	—	—	—	—
0808 10 93 100	—	—	—	—
0808 10 93 910	02	6,50	—	1,58
0808 10 93 990	—	—	—	—
0808 10 99 100	—	—	—	—
0808 10 99 910	02	6,50	—	1,58
0808 10 99 990	—	—	—	—
0809 30 00 110	03	—	—	—
0809 30 00 190	—	—	—	—
0809 30 00 900	03	—	—	—

(¹) The destinations are as follows :

- 01 Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, countries on the territory of the former Soviet Union and Yugoslavia as constituted on 1 January 1991,
 - 02 Sweden, Norway, Iceland, Austria, the Faroe Islands, Finland, Greenland, Malta, Syria, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, countries on the territory of the former Soviet Union, Yugoslavia as constituted on 1 January 1991, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Yemen), Iran and Jordan,
 - 03 all destinations excluding Switzerland, Austria and that part of Community territory located outside the customs territory of the Community,
 - 04 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland and Malta,
 - 05 All destinations excepting that part of Community territory located outside the customs territory of the Community.
-

COMMISSION REGULATION (EEC) No 121/92

of 17 January 1992

on the issuing of a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat fodder held by the Portuguese intervention agency

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 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾ as amended by Regulation (EEC) No 2203/90 ⁽⁴⁾, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 25 000 tonnes of common wheat fodder held by the Portuguese intervention agency should be issued;

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

The Portuguese intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 25 000 tonnes of common wheat fodder held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 30 January 1992.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 30 April 1992.

3. Tenders must be lodged with the Portuguese intervention agency:

Instituto Nacional de intervenção e Garantia Agrícola (INGA)

Rua Camilo Castelo Branco, 45 - 2º Andar - P-1000 LISBOA

(telex 53 3251 - tel.: 53 71 72/3).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Portuguese intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 17 January 1992.

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 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.
⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁶⁾ OJ No L 288, 18. 10. 1991, p. 21.

COMMISSION REGULATION (EEC) No 122/92

of 17 January 1992

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 10 500 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 Annex. 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, 17 January 1992.

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

LOT A

1. **Operation No** (1): 903/91
2. **Programme**: 1991
3. **Recipient** (2): Angola
4. **Representative of the recipient** (3): Edimba UEE, Sucursal Central, Lobito, Caixa Postal 496 tel. 0722/2048 - 0722/2752, telex: 8285 Edimba UEE, Sucursal Sud, Namibe, tel. 064/60365
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: maize flour
7. **Characteristics and quality of the goods** (4): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1.b)
8. **Total quantity**: 3 835 tonnes (6 500 tonnes of cereals)
9. **Number of lots**: one (two parts: A 1: 2 360 tonnes; A 2: 1 475 tonnes)
10. **Packaging and marking** (5): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (a) and II.B.3)
Markings in Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: A 1: Lobito; A 2: Namibe
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**: 24. 2 — 16. 3. 1992
18. **Deadline for the supply**: 31. 3. 1992
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 4. 2. 1992
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 18. 2. 1992
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9. 3 — 30. 3. 1992
 - (c) deadline for the supply: 14. 4. 1992**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 3. 3. 1992, 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: 23. 3 — 13. 4. 1992
 - (c) deadline for the supply: 28. 4. 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** (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 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 31. 1. 1992, fixed by Commission Regulation (EEC) No 3758/91 (OJ No L 352, 21. 12. 1991, p. 81)

LOT B

1. **Operation Nos** (1): 908/91
2. **Programme**: 1991
3. **Recipient** (2): Angola
4. **Representative of the recipient**: Edimba UEE Rua de Calçada n° 10, Luanda, tél. 92 192
Edimba UEE Sucursal Central Lobito — Caixa Postal 496 tél. 0722/2048 — 0722/2752, télex : 8285
Edimba UEE Sucursal Sul — Namibe, tél. 064/60365
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: milled rice (product codes 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1.f)
8. **Total quantity**: 1 665 tonnes (4 000 tonnes of cereals)
9. **Number of lots**: one (three parts: B1: 833 tonnes; B2: 416 tonnes; B3: 416 tonnes)
10. **Packaging and marking** (7): see list published in OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2.a and IIA.3)
Marking in Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: B1: Luanda; B2: Lobito; B3: Namibe
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**: 24. 2 — 16. 3. 1992
18. **Deadline for the supply**: 31. 3. 1992
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 4. 2. 1992
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 18. 2. 1992
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9. 3 — 30. 3. 1992
 - (c) deadline for the supply: 14. 4. 1992**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: at 12 noon on 3. 3. 1992
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 23. 3 — 13. 4. 1992
 - (c) deadline for the supply: 28. 4. 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 22037 AGREC B or 25670 AGREC B
25. **Refund payable on request by the successful tenderer** (9): refund applicable on 31. 1. 1992, fixed by Commission Regulation (EEC) No 3758/91 (OJ No L 352, 21. 12. 1991, p. 81)

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 of 29. 4. 1991, page 33.
- (3) The successful tenderer shall deliver to the beneficiary 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.

- (4) In order not to overload the telex, tenders are requested to provide, before the date and time laid down in point 20 of the 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 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.
 - (5) 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.
 - (6) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) 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 Annex.
 - (7) 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'.
-

COMMISSION REGULATION (EEC) No 123/92

of 17 January 1992

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 7 171 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 republi-cation of the notice of invitation to tender, a third dead-line 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 Annex. 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, 17 January 1992.

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⁾: 905/91
2. **Programme**: 1991
3. **Recipient** ⁽⁷⁾: Angola
4. **Representative of the recipient** ⁽¹⁾: Transapro UEE, Sede, Rua Amilcar Cabral 112, 2° D, Luanda, tel 34555/7, telex 3371; Transapro UEE, Regional de Benguela, Zona Industrial a Canata, Lobito, tel 072/2705, telex 8261; Transapro UEE, Regional Huila, Rua Comandante Cow Boy, Namibe, tel 061/22001, telex 8691
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽²⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.I.(a))
8. **Total quantity**: 4 745 tonnes (6 500 tonnes of cereals)
9. **Number of lots**: one (three parts: A1: 2 190 tonnes; A2: 1 460 tonnes; A3: 1 095 tonnes)
10. **Packaging and marking** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2(a) and II.B.3) markings in Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: A1: Luanda; A2: Lobito; A3: Namibe
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**: 25. 2 — 10. 3. 1992
18. **Deadline for the supply**: 31. 3. 1992
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 4. 2. 1992 at 12 noon
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 11. 2. 1992 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: 10 — 23. 3. 1992
 - (c) deadline for the supply: 14. 4. 1992**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 25. 2. 1992 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: 24. 3 — 7. 4. 1992
 - (c) deadline for the supply: 28. 4. 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** ⁽⁴⁾: 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 22037 AGREC B or 25670 AGREC B)
25. **Refund payable on request by the successful tenderer** ⁽⁵⁾: refund applicable on 31. 1. 1992, fixed by Commission Regulation (EEC) No 3758/91 (OJ No L 322, 21. 12. 1991, p. 81)

LOT B

1. **Operation Nos** (1): 659/91, 660/91, 661/91 and 662/91
2. **Programme**: 1991
3. **Recipient** (7): Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Ethiopia; Sudan
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (2) (6) (9): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.I(a))
8. **Total quantity**: 220 tonnes (301 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (3) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2(a) and II.B.3)
Markings in English
Supplementary markings on packaging: see Annex II
11. **Method of mobilization** (8): the Community market
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**: 25. 2 — 10. 3. 1992
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**: 12 noon on 4. 2. 1992
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 11. 2. 1992
 - (b) period for making the goods available at the port of shipment: 10. 3 — 23. 3. 1992
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 25. 2. 1992
 - (b) period for making the goods available at the port of shipment: 24. 3 — 7. 4. 1992
 - (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** (4): 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 22037 AGREC B or 25670 AGREC B)
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 31. 1. 1992, fixed by Commission Regulation (EEC) No 3758/91 (OJ No L 352, 21. 12. 1991, p. 81)

LOT C

1. **Operation Nos⁽¹⁾**: 989/91 and 990/91
2. **Programme**: 1991
3. **Recipient⁽²⁾**: Euronaid, Rijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Haiti
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods⁽³⁾⁽⁴⁾⁽⁵⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.I (a))
8. **Total quantity**: 270 tonnes (370 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking⁽³⁾⁽¹⁰⁾**: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (a) and II.B.3)
Markings in French
Supplementary markings on packaging: see Annex II
11. **Method of mobilization⁽⁶⁾**: the Community market
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**: 25. 2 — 10. 3. 1992
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**: 12 noon on 4. 2. 1992
21. **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 11. 2. 1992
 - (b) period for making the goods available at the port of shipment: 10. 3 — 23. 3. 1992
 - (c) deadline for the supply: —**B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 25. 2. 1992
 - (b) period for making the goods available at the port of shipment: 24. 3. — 7. 4. 1992
 - (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⁽⁴⁾**: 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 22037 AGREC B or 25670 AGREC B)
25. **Refund payable on request by the successful tenderer⁽⁷⁾**: refund applicable on 31. 1. 1992, fixed by Commission Regulation (EEC) No 3758/91 (OJ No L 352, 21. 12. 1991, p. 81)

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) The successful tenderer shall deliver to the beneficiary 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.
- (³) 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'.
- (⁴) 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.
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) 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 this Annex.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- phytosanitary certificate,
 - certificate of origin.
- (⁷) 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.
- (⁸) 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.
- (⁹) The radioactivity certificate must indicate the caesium-134 and -137 level.
- (¹⁰) Shipment to take place in 20-foot containers, condition FLC/LCL. The supplier shall be responsible for the cost of making the containers available in the stack position at 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 provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of cartons belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered red locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (¹¹) Commission delegate to be contacted by the successful tenderer:
- see list published in OJ No C 114, 29. 4. 1991. p. 33.

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

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total de la partida (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (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)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº	Inscripciones complementarias sobre el embalaje Yderligere påskrifter Ergänzende Aufschriften auf der Verpackung Συμπληρωματικές ενδείξεις στη συσκευασία Supplementary markings on the packaging Inscriptions complémentaires sur l'emballage Iscrizioni supplementari sull'imballaggio Bijkomende vermeldingen op de verpakking Inscrições complementares na embalagem
B	220	54	659/91	Ethiopia / Caritas Germany / 910423 / Addis Ababa via Assab / For free distribution
		26	660/91	Ethiopia / Caritas Germany / 910424 / Asmara via Massava / Option Assab / For free distribution
		40	661/91	Ethiopia / Prosalus / 915550 / Shanshamane via Assab / For free distribution
		100	662/91	Sudan / Cafod / 917606 / Khartoum via Port Sudan / For free distribution
C	270	120	989/91	Haiti / Caritas B / 910241 / Port-au-Prince / Pour distribution gratuite
		150	990/91	Haiti / Protos / 911511 / Port-au-Prince / Pour distribution gratuite

COMMISSION REGULATION (EEC) No 124/92

of 20 January 1992

amending Regulation (EEC) No 570/88 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs and amending Regulation (EEC) No 1157/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1630/91 ⁽²⁾, and in particular Articles 6 (7), 7a (3) and 12 (3) thereof,

Whereas it has been decided, pursuant to Commission Regulation (EEC) No 570/88 ⁽³⁾, as last amended by Regulation (EEC) No 1157/91 ⁽⁴⁾ and as corrected by Regulation (EEC) No 2675/91 ⁽⁵⁾, to include cream with added tracers in the list of raw materials that may qualify for aid for the manufacture of the final products referred to in point 2 of Article 4 of Regulation (EEC) No 570/88 and to merge the three formulae A, C and D; whereas experience with tracing justifies, where this will have no negative consequences regarding checks, the adaptation of Annex IIa to that Regulation concerning the tracers to be incorporated into cream for formula B, the merging of Annex I and Annex III concerning the tracers to be incorporated into former formula A/C products and former formula D products and, as a result, making the necessary changes to Article 6 (1);

Whereas the first subparagraph of Article 18 (3) lays down that the proof required for the purposes of the release of the processing security must be produced for the competent agency within a certain time limit; whereas in some Member States the competent authority for deciding on the release of securities is different from the authority to which processors must submit the proof required for the release; whereas the aforementioned provision should be amended in order to prevent any delays in administrative transmission from being detrimental to processors;

Whereas in some cases final incorporation of the cream is likely to occur just after the tracing operation; whereas, as

a result, it is possible to allow processors not to lodge the processing security referred to in Article 18 (2) where they do not claim the aid until after completion of all the checks referred to in Article 23 proving that the contractual obligations have been fulfilled;

Whereas point 5 of Article 23 lays down less stringent control measures for products to which tracers have been added in the case of small users; whereas the current butter market situation and the growth in size of these small users justifies an increase in the maximum quantities laid down;

Whereas the possibility of using the old preprinted packaging up to 30 September 1991 should also apply to the old preprinted wrappers;

Whereas Regulation (EEC) No 1157/91 must therefore be amended accordingly;

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

Regulation (EEC) No 570/88 is hereby amended as follows:

1. in the first subparagraph of Article 6 (1):

(a) the first indent is replaced by the following:

— if the butter or concentrated butter is to be incorporated in formula A/C/D products: the products listed in Annex I;

(b) the third indent is deleted;

2. the first subparagraph of Article 18 (3) is replaced by the following:

‘3. The proof required for the purposes of the release of the processing security referred to in paragraph 2 must be produced for the competent agency designated by the Member State within 12 months of the expiry of the period laid down in Article 11.’;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 19.

⁽³⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁴⁾ OJ No L 112, 4. 5. 1991, p. 57.

⁽⁵⁾ OJ No L 253, 10. 9. 1991, p. 13.

3. the following subparagraph is added to Article 22 (3) :

'However, the processing security referred to in Article 18 (2) does not have to be lodged if the cream referred to in Article 1 (c) has tracers added to it and is incorporated into the final products referred to in point 2 of Article 4 within a period not exceeding 72 hours and if the aid is claimed following completion of the checks referred to in Article 23.';

4. in the second subparagraph of point 5 of Article 23, '6 tonnes' and '5 tonnes' are replaced by '9 tonnes' and '7 tonnes' respectively;

5. Annex I and Annex III are replaced by Annex I hereto and Annex IIa is replaced by Annex IIa hereto.

Article 2

In the second subparagraph of Article 3 of Regulation (EEC) No 1157/91, 'and wrappers' is hereby added after 'old preprinted packaging' and 'it bears' is replaced by 'they bear'.

Article 3

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

It shall apply from the first invitation to tender following the date of its entry into force. However, in the case of points 1, 2 and 5 of Article 1 and Article 2 it shall apply from 7 May 1991.

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

Done at Brussels, 20 January 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

ANNEX I

Products to be incorporated per tonne of concentrated butter or of butter

(First indent of Article 6 (1))

The products referred to in the first indent of Article 6 (1) are the following:

I. Either:

- (a) — 250 grams of 4-hydroxy-3-methoxybenzaldehyde obtained either from vanilla or from synthetic vanillin,
or
— 100 grams of 4-hydroxy-3-methoxybenzaldehyde obtained exclusively from vanilla beans or integral extracts thereof⁽¹⁾;
or
- (b) — 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3 a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part,
or
— 150 grams of stigmaterol ($C_{29}H_{48}O = \Delta-5,22$ -stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation,
or
— 170 grams of stigmaterol ($C_{29}H_{48}O = \Delta-5,22$ -stigmastene-3-beta-ol) at least 85 % pure, calculated on the product ready to be incorporated, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta-5,22$ -ergostene-3-beta-ol) and not more than 6 % sitosterol ($C_{29}H_{50}O = \Delta-5$ -stigmatene-3-beta-ol).

II. Or:

- (a) 20 grams of ethyl ester of beta-apo-8'-carotenic acid, in the form of a compound soluble in the butterfat;
and
- (b) 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part,
or
— 150 grams of stigmaterol ($C_{29}H_{48}O = \Delta-5,22$ -stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation,
or
— 170 grams of stigmaterol ($C_{29}H_{48}O = \Delta-5,22$ -stigmastene-beta-ol) at least 85 % pure, calculated on the product ready to be incorporated, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta-5,22$ -ergostene-beta-ol) and not more than 6 % sitosterol ($C_{29}H_{50}O = \Delta-5$ -stigmatene-3-beta-ol).

III. Or

- (a) 250 kg of refined granulated or powdered sugar;
and
- (b) 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready to be incorporated, with a maximum acid value of 0,3, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part⁽²⁾,
or

⁽¹⁾ The method of analysis by means of which compliance with this provision is checked is to be the method applied by the official agencies of the Member State in which processing into finished products takes place.

⁽²⁾ In this case, the final product will have a minimum fat content of 79,1 %.

— 150 grams of stigmasterol ($C_{29}H_{48}O = \Delta$ -5,22-stigmastene-3-beta-ol) at least 95 % pure, calculated on the product ready for incorporation (¹),

or

— 170 grams of stigmasterol ($C_{29}H_{48}O = \Delta$ -5,22-stigmastene-3-beta-ol) at least 85 % pure, calculated on the product ready to be incorporated, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta$ -5,22-ergostene-3-beta-ol) and not more than 6 % sitosterol ($C_{29}H_{50}O = \Delta$ -5-stigmastene-3-beta-ol).

IV. Or :

(a) Compounds responsible for the aroma of one or more flavourings in the form of oils or oleoresins, e.g. onion oil, garlic oil, tarragon oil, etc., in such quantities that their favour can be perceived after dilution of the concentrated butter and marked with a neutral oil in the proportion of 1 : 20 in accordance with the principle of the proposal for Draft International Standard IAO/TC 34/SC 12 N 150 ;

and

(b) — 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part,

or

— 150 grams of stigmasterol ($C_{29}H_{48}O = \Delta$ -5,22-stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation,

or

— 170 grams of stigmasterol ($C_{29}H_{48}O = \Delta$ -5,22-stigmastene-3-beta-ol) at least 85 % pure, calculated on the product ready to be incorporated, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta$ -5,22-ergostene-3-beta-ol) and not more than 6 % sitosterol ($C_{29}H_{50}O = \Delta$ -5-stigmastene-3-beta-ol).

V. Or

(a) — 500 grams of thymol (5-methyl-2-isopropyl-1-phenol = $C_{10}H_{14}O$), at least 99 % pure,

or

— 500 grams of eugenol (4-allyl-2-methoxyphenol = $C_{10}H_{12}O_2$), at least 99 % pure,

or

— 10 grams of capsaicin (*trans*-8-methyl-N-vanillyl-6-nonenamide $C_{18}H_{27}NO_3$), in the oleoresin of capsicum ;

and

(b) — 11 kg of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part,

or

— 150 grams of stigmasterol ($C_{29}H_{48}O = \Delta$ -5,22-stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation,

or

— 170 grams of stigmasterol ($C_{29}H_{48}O = \Delta$ -5,22-stigmastene-3-beta-ol) at least 85 % pure, calculated on the product ready to be incorporated, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta$ -5,22-ergostene-3-beta-ol) and not more than 6 % sitosterol ($C_{29}H_{50}O = \Delta$ -5-stigmastene-3-beta-ol).

(¹) The method of analysis by means of which compliance with this provision is checked is to be the method applied by the official agencies of the Member State in which processing into finished products takes place.

ANNEX IIa

Products to be incorporated in cream

(Second subparagraph of Article 6 (1))

1. With the exclusion of any other product, including fats of non-milk origin, the following are to be incorporated into the cream referred to in Article 1 *et seq*:
 - (a) either
 - compounds responsible for the aroma, i.e. 4-hydroxy-3-methoxybenzaldehyde obtained from vanilla or from synthetic vanillin,
 - or
 - compounds responsible for the colour, i.e. ethyl ester or beta-apo-8'-carotenoic acid in the form of a compound soluble in the milk fat,in such quantities that their flavour or colour can be perceived after the addition of tracers and up to incorporation ;
 - and
 - (b) either
 - in a proportion of at least 1 %, the triglycerides of enanthic acid (n-heptanoic acid C₇) at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, and a saponification number between 385 and 395, the esterified acid part being composed of at least 95 % of enanthic acid,
 - or
 - in a proportion of at least 1 %, the triglycerides of n-undecanoic acid (C₁₁) at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, and a saponification number between 275 and 285, the esterified acid part being composed of at least 95 % of n-undecanoic acid,
 - or
 - in a proportion of at least 600 ppm, a compound containing at least 90 % sitosterol, more particularly 80 % beta-sitosterol and a maximum of 9 % campesterol and 1 % of other sterols present in traces, including stigmasterol,
 - or
 - in a proportion of 2 %, a directly incorporated mixture containing one part free n-tridecanoic acid (C₁₃), two parts milk fat, 2,5 parts sodium caseinate and 94,5 parts mineral salts obtained from milk.
2. The homogeneous and stable dispersion in the cream of the products referred to in paragraph 1 (b), which are incorporated into one another beforehand, is to be ensured by premixing and using mechanical, thermal and refrigeration treatment or other authorized treatment.
3. The concentrations expressed in percent or in ppm referred to in paragraph 1 are calculated by reference to the part of the cream made up exclusively of fat.

COMMISSION REGULATION (EEC) No 125/92

of 20 January 1992

amending Regulation (EEC) No 3521/91 increasing to 650 000 tonnes the quantity of common wheat held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 3524/91 ⁽⁵⁾, opened a standing invitation to tender for the export of 158 000 tonnes of common wheat held by the German intervention agency; whereas, in a communication of 16 January 1992, Germany informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of common wheat held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 650 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 3521/91 must therefore be amended;

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

Article 1

Article 2 of Regulation (EEC) No 3521/91 is replaced by the following :

Article 2

1. The invitation to tender shall cover a maximum of 650 000 tonnes of common wheat to be exported to the countries on the territory of the former Soviet Union.

2. The regions in which the 650 000 tonnes of common wheat are stored are stated in Annex I to this Regulation.'

Article 2

Annex I to Regulation (EEC) No 3521/91 is replaced by the Annex hereto.

Article 3

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, 20 January 1992.

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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 334, 5. 12. 1991, p. 21.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein / Hamburg	140 628
Niedersachsen / Bremen	161 517
Nordrhein-Westfalen	141 208
Hessen	14 706
Rheinland-Pfalz	8 610
Baden-Württemberg	10 373
Bayern	152 438
Saarland	8 698
Berlin	6 822
Antwerp (Belgium)	4 828'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 June 1991

requiring France to suspend the implementation of the aid described below in favour of the Pari Mutuel Urbain (PMU), introduced in breach of Article 93 (3) of the EEC Treaty

(Only the French text is authentic)

(92/35/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 93 (2) and (3) thereof,

Whereas :

- (1) By letter dated 27 July 1989, the Commission requested the French authorities to comment on alleged State aids granted in favour of the Pari Mutuel Urbain (PMU) and to provide all relevant information to enable the Commission to assess the measures pursuant to Articles 92 and 93 of the EEC Treaty and reminded the French authorities of their obligation pursuant to Article 93 (3) of the EEC Treaty to inform the Commission in sufficient time to enable it to submit its comments, of any plans to grant or alter aid.
- (2) By letter dated 23 August 1989, the French authorities requested the Commission to extend the deadline for response by one month to which the Commission agreed by telex of 29 August 1989.
- (3) The French authorities replied by letter dated 11 October 1989 and a meeting to discuss the measures took place between the Commission and the French authorities on 6 November 1990.
- (4) By letter dated 11 January 1991, the Commission informed the French authorities that it had decided to initiate the Article 92 (3) procedure in respect of

seven aid measures granted in favour of the PMU. The Commission requested the French Government to comment on the measures within a period of two months, and also requested all necessary information to enable the Commission to calculate the precise amount of these aids and the periods during which they had been provided.

- (5) The French authorities replied by letter dated 12 April 1991. The reply did not contain all the necessary information to establish the precise amount of aid and the period during which it was being granted, as well as sufficient information to enable the Commission to assess the compatibility of the measures with the internal market.
- (6) On the basis of the information currently at its disposal, the Commission understands that three of the seven aid measures were only granted in the past but that the other four have an ongoing character. Of these four, the exemption from corporation tax has no financial effect at the present time because of the deficit nature of the financial position of the PMU and its members.
- (7) The Commission understands the three remaining ongoing aid measures to be as follows :

Treasury facilities

The financial resources of the PMU have been swelled to the detriment of the State by allowing it to defer on a temporary basis the payment to the

State of certain charges which are levied on horserace betting. This enables the PMU to earn considerable amounts of interest during the additional period that these monies transit in the treasury resources of the PMU. The treasury facilities date from 1980 and an extension of the period of deferment was granted in 1982.

Exemption from the one-month delay rule for VAT payment

This exemption allows the PMU to deduct immediately the VAT it has paid to suppliers compared to the normal situation under which deduction can only be made one month later. It thus enables the PMU to earn extra interest at the expense of the State.

Exemption from the social housing levy

The PMU is an economic interest grouping composed of 10 members, all of which are racecourse undertakings. Racecourse undertakings are assimilated to professional agricultural bodies which are exempted from the payment by the employer of a charge on the employee payroll in respect of the social housing levy. As such the PMU is exempted from the payment of the social housing levy on its payroll, although it is not engaged in an agricultural activity.

(8) *The Community market for horserace betting and related services*

The provision of trade statistics for service activities is generally difficult. For the service activity concerned by this case, namely horserace betting and related services, it is particularly difficult. Nevertheless the information provided below is sufficient in the Commission's opinion to demonstrate that there is trade and competition in horserace betting and related services, that the PMU and a limited number of competitors take part in this trade, that trade is increasing and that bookkeeping or tote betting cannot be considered as separate, unrelated markets whose development and functioning is independent each of the other. By these means the Commission considers that, notwithstanding the difficulty of obtaining precise trade statistics, the circumstances necessary to motivate its decision as laid down by the Court in its ruling

in joined cases 296/82 and 318/82 (Leeuwarder)⁽¹⁾, have been satisfied.

Market composition, competition and trade

Horseshoe betting is allowed and operated in all Member States except Luxembourg. Even in Luxembourg permission was granted to a bookmaking multinational to open an 'agence hippique', although the venture did not subsequently materialize.

Betting can take two forms: bookmaking, where bets are placed against the bookmaker who thus can incur a financial risk dependent upon the precise bets placed and horserace result, or under a tote or totalizator arrangement, where bets are pooled and winnings paid out as a given percentage of the betting monies received with no financial risk to the operator of the betting system. A skilled bookmaker by adjusting the odds he provides on bets can much reduce and even eliminate totally his inherent financial risk.

The tote is the more common form of betting and is allowed and operated in the eleven Member States mentioned. Bookmaking is additionally allowed and operated in Belgium, Germany, Ireland, Italy and the United Kingdom.

The total estimated size of horserace betting in 1989 was ECU 14 570 million. The two largest national markets are the United Kingdom and France with totals of ECU 8 042 million and ECU 4 456 million respectively. The third largest national market is Germany (ECU 516 million) followed by Italy (ECU 444 million), Ireland (ECU 407 million) and Belgium (ECU 381 million). In the United Kingdom bookmaking is the dominant form representing over 96 % of all betting. In France only the tote form is allowed, so that by definition tote betting represents 100 % of all betting.

Ladbroke

In the United Kingdom the major market players are Ladbroke, Brent-Walker and Corals with market shares of approximately 25, 20 and 12 % respectively. All are organized as corporate bodies paying the normal company taxes in addition to the special separate taxes on betting which is a common feature in the Member States. In terms of trade, Ladbroke is the most active. It has offices in Ireland, Belgium, Germany, Italy, Spain and the Netherlands.

⁽¹⁾ [1985] ECR, p. 809.

In Ireland Ladbroke has 50 betting shops and in Belgium it has over 900 outlets and is the market leader with an estimated market share of over 41 %. In second place is the PMU belge with a market share of approximately 16 %, an organization separate from the PMU (France), but operating on the same principle of tote betting. In third place is Tiercé franco-belge which is owned by Corals, with a 13 % market share. It is clear that both Ladbroke and Corals trade in the Belgian market.

In the Netherlands, Ladbroke currently operates the State monopoly on tote betting which was awarded after adjudication to Ladbroke by the Dutch authorities in 1986. At the end of 1990, Ladbroke sought to renegotiate the contract with the competent Dutch authorities, the NDR. During the course of these negotiations a number of Ladbroke units were visited by representatives of the NDR accompanied by representatives of the PMU. On 28 March 1991 Ladbroke gave six months notice of its intention to terminate the contract. Subsequently both Ladbroke and the PMU as well as certain other companies were asked to make proposals for the provision of a computer/totalizator system. On 25 May 1991 the competent Dutch authorities (NDR) published a press statement that they would purchase an American totalizator system. It is clear that Ladbroke is currently trading in the Dutch market and that the PMU and Ladbroke have been in competition in that market.

PMU

In France, the PMU holds an effective monopoly established by law for all off-course horserace betting. Off-course betting represents about 85 % of the French market with the remaining 15 % represented by on-course betting, mainly organized by the PMU but also by individual racecourse undertakings taking bets, at races on their own courses.

Although it is only in recent years that the PMU has actively sought to increase its role and trade in markets for betting and related services outside France, under the Law of 23 December 1964 the PMU was already the sole body authorized in France for the taking of bets from abroad on French races and the placing of French bets on foreign races.

The PMU, either directly or indirectly through commercial companies such as the Pari Mutuel International (PMI) in which the PMU has a majority holding of 77,5 % of the share capital, is ac-

tively engaged in exporting betting and related services in competitive, commercial markets in other Member States and outside the Community. Indeed, this objective is clearly stated in Article 3 of the PMI's Articles of Association.

During the 1980s, within the protected domestic market, the PMU has developed, with assistance provided by the State, a sophisticated computer system and terminals for the taking of on- and off-course bets.

At the same time it has developed the necessary skills and expertise for the television recording of French horseraces and the live transmission to betting shops and other outlets by means of satellite links and terminal equipment. Background information on horses' form and previous race results are mixed into the pictures. This is essential information in order to remain competitive for the custom of the modern punter. Ladbroke in conjunction with the other major bookmaking firms in the United Kingdom have developed similar systems for transmitting pictures and commentary of UK races.

The PMU is involved in the Belgian market in different ways.

Through its subsidiary, the PMI, the PMU established a subsidiary in Belgium on 26 May 1989 called the Pari Mutuel Belge, abbreviated to PMB. The PMB includes under its objective the organization and operation in Belgium of all forms of bets authorized by law. The PMB is constituted by a share capital which is 99,98 % owned by the PMI.

It is involved in a proposal organized by a joint venture called the Groupement Hippodromes Wallons to build two new racecourses in the Wallon region of Belgium. The PMU is to provide the necessary technology and technical expertise for the taking of off-course bets, on both Belgian and French races. In connection with the provision of these services the PMU will transmit to Belgium its pictures and commentaries on French racing. According to the proposal this will involve an investment by the PMU of several hundred million Belgian francs.

As from 20 March 1991 the PMU outlets in Paris and the north-east of France can and have taken bets on Belgian races on the first and third Wednesdays of each month. An agreement introducing this arrangement was signed between the two organizations on 25 May 1990 and its implementation was made legally possible in France by Decree 91-118 of 31 January 1991.

Under the arrangements, the monies placed by punters in France are combined with the monies from Belgian punters to form a single pool of bets for the purposes of the totalizator. Winnings are paid out to punters after a retention charge by both PMU and the PMU belge. For the first three meetings the volume of the French bets exceeds those placed in Belgium, with the French bets representing an average of between 54 and 60 % of the total volume of bets placed. Based on the first three meetings, the average volume of bets placed by French punters amounts to some FF 2,3 million per meeting, equivalent to approximately BF 14 million. This corresponds to an annual turnover of BF 336 million.

Whilst the figure is small compared to the total turnover for betting in Belgium of ECU 381 million, i.e. it represents around only 2 %, it is based on an extrapolation of only the first three meetings. It is quite possible that as the French public become more aware of the attractions of betting on Belgian races and as the PMU extends the operation to other parts of France, these figures will increase.

More important than demonstrating the existence of interstate trade by the PMU is the fact that this is an example of the type of cooperation agreements that the PMU wishes to establish with similar organizations in Community Member States. More particularly, the PMU wishes to establish the facility to take bets in Member States outside France on horseraces held in France.

This will place the PMU in direct competition with Ladbroke. For example, 95 % of Ladbroke Belgium's turnover represents the taking of bets on the results of horseraces held in France. Similarly in Germany about 40 % of the bets placed relate to the results of French horseraces. The PMU wishes to capture a part of these markets and use the proceeds to support French horseracing activity.

Another example of the PMU's competition with Ladbroke can be found in the complaint that it lodged before the Belgian courts concerning the taking of bets on French races in Belgium. In that complaint, the PMU said that it was losing business to Ladbroke from punters, both in Belgium as well as in France living in the border region, who placed bets by telephone. No figures are available to the Commission to indicate the volume of telephone bets. The Commission understands that the volume of telephone bets, combined with the use of credit cards, which can be placed either in the same country as the caller or on a cross-border basis, is generally increasing. Certainly the trade exists, through apparently it only represents a small part of overall activity.

Another example of 'tele-betting' is the Minitel service. Under this service a punter can receive information for horserace betting through a normal television set that might be placed in his own home. A bet can be placed either through the television or by telephone. In France Minitel betting is relatively common. The Minitel service provided by the PMU in France is now being advertised and sold into Belgium. The objective must be to encourage Belgian punters to place bets on French races with the PMU rather than with other operators in the Belgian market. This brings the PMU into competition with other operators in the Belgian market and clearly, trade is again involved.

A last example of the competition between the PMU and Ladbroke in Belgium and of the exports of the PMU into Belgium is the complaint by Ladbroke on the refusal of the PMU to provide Ladbroke with television pictures and commentary on French racing for use in connection with off-course betting. The PMU has stated its intention to supply pictures and commentary within the context of its joint venture with the Groupement Hippodromes Wallons. The Commission is investigating this complaint.

In Germany, through the PMI and its German agent, Deutscher Sportverlag, the PMU sells live television pictures and commentary on French races to German bookmakers. Based on the price list for the services charged and the number of subscribers, the Commission estimates that the PMU is realizing a turnover of approximately ECU 1 million in Germany.

There is also a complaint currently being examined by the Commission concerning the PMU's refusal to sell such coverage to the Ladbroke office in Germany. Within this complaint the Commission has become aware of the Hellmund judgment of the District Court of Saarbrücken. This case concerned the refusal of the PMU and the Deutscher Sportverlag to sell live television coverage of French races and to sell the necessary decoding equipment to receive the television pictures and sound. The German court considered that the television coverage was indispensable for the conduct of the bookmaker's business and ordered the PMI and the Deutscher Sportverlag to sell the television pictures and sound to the German bookmaker.

The Commission attaches particular importance to the judgment by the District Court of Saarbrücken since it not only made clear the existence of the PMU's trading activities in Germany, but also the vital importance of live TV pictures and commentary to a bookmaker's business.

In Switzerland with effect from 14 April 1991 the PMU is operating 50 outlets for the taking of bets.

on French horseracing. The contract to provide this service was obtained by the French PMU initially in direct competition with Ladbroke. Notwithstanding the fact that Switzerland is not a member of the Community, in the light of the Court's ruling in the Tubemeuse case (Case 142/87)⁽¹⁾, the Commission considers this relevant information, since the PMU's operations in Switzerland can strengthen its position in intra-Community markets and trade. It also demonstrates the general competition between the two companies for the provision of betting and related services and is another example of the export activities of the PMU.

The export activities and aims of the PMU are no secret. They have been confirmed by the French authorities, and the President of the PMU at a public press conference on 30 January 1991 made clear the policy objectives of the PMU to export its technical expertise in the area of the computerized collection and processing of off-course betting and thus to participate in international competition.

The conclusion that the Commission must draw from this lengthy list of observations is that the PMU participates either directly or indirectly in intra-Community trade, that the PMU is pursuing an active policy of export expansion and that it is one of the major market players. The information also shows that there is trade and competition in the provision of betting services in the Community, that competition in the international market is intensifying as the main market participants seek to consolidate or expand their market shares and as the barriers between national markets fall away as a result of advances in modern telecommunications and the processing power of computers.

The Commission also notes the privileged position of the PMU in this competition in that it has effectively a legally-protected monopoly in the second largest national market in the Community.

- (9) The Commission notes that the test established by the Court in the Philip Morris case (Case 730/79)⁽²⁾ for establishing a distortion of competition and an effect on intra-Community trade is stated as follows :

'When state financial aid strengthens the position of an undertaking compared with the other under-

takings competing in intra-Community trade, the latter must be regarded as affected by that aid'.

The foregoing paragraphs have demonstrated the award of state aid and the existence of other undertakings competing in intra-Community trade. The Commission must therefore consider that the conditions for the application of Article 92 (1) are fulfilled.

If this is the case then the conditions for prior notification under Article 93 (3) must also certainly be applicable, because the scope of application of Article 93 (3) must be greater than that of Article 92 (1). If this were not so, the Commission's capacity to assess the compatibility of aids would be much diminished and impaired. The Court has always upheld this approach.

In consequence the aids were introduced in breach of Article 93 (3), in that they were not notified in advance to the Commission at the planning stage and must therefore be deemed to be unlawful.

- (10) In view of the above, and as the Court has acknowledged in its judgment of 14 February 1990 in Case C 301/87 (*Boussac*)⁽³⁾, where an infringement of Article 93 (3) has been committed, the Commission is entitled to take a provisional decision requiring France to suspend immediately the payment of aid to firms and to provide all the documents, information and particulars necessary for examining the compatibility of the aids with the common market.

Furthermore, pursuant to existing case-law, should France fail to comply with this Decision by not suspending the implementation of the scheme and the payment of the aid, the Commission could, while pursuing its examination of the substance of the case, refer the matter to the Court of Justice direct in order to have such infringement established, in accordance with the second subparagraph of Article 93 (2).

- (11) Given the direct effect of Article 93 (3)⁽⁴⁾ and the clear and unconditional requirement that payment of the aid be suspended immediately, this Decision must apply in full in the French legal system. The Commission would point out in this respect that, as made clear in the case law of the Court of Justice, not only national courts but also national

⁽¹⁾ [1990] ECR I, p. 959.

⁽²⁾ [1980] ECR, p. 267.

⁽³⁾ [1990] ECR I, p. 307.

⁽⁴⁾ See Judgments in Case 77/72 *Capolongo* [1973] ECR, p. 611, Case 120/73 *Lorenz* [1973] ECR 1471 and Case 78/76 *Steinicke* [1977] ECR, p. 595.

administrative authorities, including local or regional authorities, have to apply Community law rather than national law where there is a conflict between the two⁽¹⁾.

- (12) The Commission has also already initiated the procedure provided for in Article 93 (2) in respect of the aid since it takes the view that, on the basis of the information available to it, the aid is not compatible with the common market pursuant to Article 92 (1) and cannot at this stage qualify for the exemptions provided for in Article 92 (2) and (3).

The Commission would point out that, should a negative final decision be taken subsequently on the aid, the Commission may require any unlawful aid that has been paid in breach of the procedural rules provided for in Article 93 (3) to be repaid⁽²⁾. The abolition of the aid would involve repayment, in accordance with the procedures and provisions of French law, in particular those relating to interest on arrears on debts due to the State, with interest starting to run on the date on which the unlawful aid was granted. This measure is necessary in order to restore the *status quo*⁽³⁾ by removing the financial benefits which the firms receiving the unlawful aid have improperly enjoyed since the date on which the aid was paid.

- (13) By letter dated 24 April 1991, the Commission requested France to confirm that the three ongoing aid measures had been suspended in accordance with the obligation imposed pursuant to Article 93 (2) of the EEC Treaty and to confirm their position within five working days. By fax dated 30 April 1991, the French authorities informed the Commission that they had not suspended the grant of the aid,

HAS ADOPTED THIS DECISION:

Article 1

France shall suspend forthwith the payment of the following aid:

- treasury facilities enabling the PMU to defer on a temporary basis the payment of taxes levied on the horseracing bets administered by the PMU,
- exemption from the one-month delay rule for VAT payment,
- exemption from the payment of the social housing levy in respect of the PMU's employees,

introduced in breach of Article 93 (3), and shall communicate to the Commission, within 15 days, the measures which it has taken to comply with this Decision.

Article 2

France shall, within 30 days of notification of this Decision, provide all appropriate information allowing substantive assessment of the aid referred to in Article 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 11 June 1991.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ See Judgments in Case 166/77 *Simmenthal* [1978] ECR, p. 629 and Case 103/88 *Costanzo* [1989] ECR, p. 1839.

⁽²⁾ See Judgments in Case 70/72 *Kohlegesetz* [1973] ECR, p. 813 and Case 310/85 *Deuil* [1987] ECR, p. 901. See also Commission communication, OJ No C 318, 24. 11. 1983, p. 3.

⁽³⁾ See Judgment in Case C-142/87 *Tubemeuse* cited above.