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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 684/92****of 16 March 1992****on common rules for the international carriage of passengers by coach and bus**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, in accordance with Article 75 (1) (a) of the Treaty, the establishment of a common transport policy entails, *inter alia*, laying down common rules applicable to the international carriage of passengers by road;

Whereas such rules were laid down in Council Regulations No 117/66/EEC ⁽⁴⁾, (EEC) No 516/72 ⁽⁵⁾ and (EEC) No 517/72 ⁽⁶⁾ and whereas this Regulation does not call in question the liberalization achieved by those Regulations;

Whereas freedom to provide services constitutes a basic principle of the common transport policy and requires that carriers from all Member States be guaranteed access to international transport markets without discrimination on grounds of nationality or place of establishment;

Whereas there should be provision for flexible arrangements subject to certain conditions for shuttle services with accommodation, special regular service and certain occasional services, in order to satisfy market demand;

Whereas, while maintaining authorization arrangements for regular services and shuttle services without accommodation, certain rules should be amended, particularly as regards authorization procedures;

Whereas observance of the Treaty rules on competition must be guaranteed;

Whereas administrative formalities should be reduced as far as possible without the abandonment of the controls and penalties that guarantee the correct application of this Regulation;

Whereas it is for the Member States to adopt the measures necessary for the implementation of this Regulation;

Whereas the application of this Regulation should be monitored by means of a report to be submitted by the Commission and any future action in this area should be considered in the light of that report,

HAS ADOPTED THIS REGULATION:

SECTION I

GENERAL PROVISIONS

*Article 1***Scope**

1. This Regulation shall apply to the international carriage of passengers by coach and bus within the territory of the Community by carriers for hire or reward or own-account carriers established in a Member State in accordance with its law, using vehicles which are registered in that Member State and are suitable, by virtue of their construction and equipment, for carrying more than nine persons, including the driver, and are so intended, and to the movement of such vehicles empty in connection with such carriage.

Change of vehicle or interruption of carriage to enable part of a journey to be made by another means of transport shall not affect the application of this Regulation.

⁽¹⁾ OJ No C 120, 6. 5. 1987, p. 9,
OJ No C 301, 26. 11. 1988, p. 5 and
OJ No C 31, 7. 2. 1989, p. 9.

⁽²⁾ OJ No C 94, 11. 4. 1988, p. 126.

⁽³⁾ OJ No C 356, 31. 12. 1987, p. 62.

⁽⁴⁾ OJ No 147, 9. 8. 1966, p. 2688/66.

⁽⁵⁾ OJ No L 67, 20. 3. 1972, p. 13. Regulation last amended by Regulation (EEC) No 2778/78 (OJ No L 133, 30. 11. 1978, p. 4).

⁽⁶⁾ OJ No L 67, 20. 3. 1972, p. 19. Regulation last amended by Regulation (EEC) No 1301/78 (OJ No L 158, 16. 6. 1978, p. 1).

2. In the event of carriage from a Member State to a third country and vice-versa, this Regulation shall apply to the part of the journey on the territory of the Member State of picking up or setting down, after conclusion of the necessary agreement between the Community and the third country concerned.

3. Pending the conclusion of agreements between the Community and the third countries concerned, this Regulation shall not affect provisions relating to the carriage referred to in paragraph 2 contained in bilateral agreements concluded by Member States with those third countries. However, Member States shall endeavour to adapt those agreements to ensure compliance with the principle of non-discrimination between Community carriers.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. Regular services

1.1. Regular services are services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Regular services shall be open to all, subject, where appropriate, to compulsory reservation.

1.2. Services, by whomsoever organized, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, insofar as such services are operated under the conditions specified in 1.1., shall be deemed to be regular services. Such services are hereinafter called 'special regular services'.

Special regular services shall include:

- (a) the carriage of workers between home and work,
- (b) carriage to and from the educational institution for school pupils and students,
- (c) the carriage of soldiers and their families between their state of origin and the area of their barracks,
- (d) urban carriage in frontier areas.

The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.

1.3. The organization of parallel or temporary services, serving the same public as existing regular services, the use of additional vehicles and shorter intervals, the non-serving of certain stops and the serving of

additional stops on existing regular services shall be governed by the same rules as existing regular services.

2. Shuttle services

2.1. Shuttle services are services whereby, by means of repeated outward and return journeys, groups of passengers assembled in advance are carried from a single area of departure to a single area of destination. These groups, made up of passengers who have completed the outward journey, are carried back to the place of departure in the course of a subsequent journey. 'Area of departure' and 'area of destination' mean respectively the place where the journey begins and the place where the journey ends, together with, in each case, localities within a radius of 50 km.

Outside the areas of departure and destination, groups may be picked up and set down respectively at up to three different places.

The area of departure and destination and the additional picking-up and setting-down points may be within the territory of one or more Member States.

2.2. Shuttle services with accommodation include, in addition to transport, accommodation for at least 80 % of the passengers with or without meals, at the place of destination and, where necessary, during the journey.

Passengers shall stay at the place of destination for at least two nights.

Shuttle services with accommodation may be provided by a group of carriers acting on behalf of the same contractor and passengers may:

- either make the return journey with a different carrier, of the same group, from the outward journey
- or catch a connection en route, with a different carrier of the same group, in the territory of one of the Member States.

The names of such carriers and the connection points en route shall be communicated to the competent authorities of the Member States concerned, in accordance with the procedures to be determined by the Commission after consulting the Member States.

2.3. For the purposes of point 2, a group assembled in advance is a group for which a body or person responsible in accordance with the rules of the State of establishment has taken charge of conclusion of the contract or collective payment of the services or has received all reservations and payments before departure.

3. Occasional services

3.1. Occasional services are services falling neither within the definition of a regular service nor within the definition of a shuttle service.

They include :

(a) tours, that is to say services whereby the same vehicle is used to carry one or more groups of passengers previously assembled where each group is brought back to its place of departure ;

(b) services :

- which are carried out for groups of passengers previously assembled, where passengers are not brought back to their points of departure in the course of the same journey ; and
- which also cover, in those cases where there is a stay at the place of destination, accommodation or other tourist services not ancillary to carriage or accommodation ;

(c) services organized on the occasion of special events such as seminars, conferences and cultural or sporting events which do not meet the definitions in points (a) and (b) ;

(d) services mentioned in the Annex to this Regulation ;

(e) services which do not meet the criteria in (a), (b), (c) and (d), i.e. residual services.

3.2. For the purposes of point 3, a group assembled in advance is a group :

(a) for which a body or person responsible, in accordance with the rules of the State of establishment, has taken charge of conclusion of the contract or collective payment of the services or has received all reservations and payments before departure ; and :

(b) which consists of

- either at least twelve people,
- or a number of people making up at least 40 % of the vehicle's capacity, excluding the driver.

3.3. The services referred to in point 3 shall not cease to be occasional services solely because they are provided at certain intervals.

3.4. Occasional services may be provided by a group of carriers acting on behalf of the same contractor, and travellers may catch a connection en route, with a

different carrier of the same group, in the territory of one of the Member States.

The names of such carriers and the connection points en route shall be communicated to the competent authorities of the Member States concerned, in accordance with the procedures to be determined by the Commission after consulting the Member States.

4. Own-account transport operations

Own-account transport operations are those carried out by an undertaking for its own employees or by a non-profit-making body for the transport of its members in connection with its social objective provided that :

- the transport activity is only an ancillary activity for the undertaking or body,
- the vehicles used are the property of that undertaking or body or have been obtained on deferred terms by them or have been the subject of a long-term leasing contract and are driven by a member of the staff of the undertaking or body.

Article 3

Freedom to provide services

1. Any carrier for hire or reward referred to in Article 1 shall be permitted to carry out the transport services defined in Article 2 without discrimination as to nationality or place of establishment if he :

- is authorized in the State of establishment to undertake carriage by means of regular services, shuttle services or occasional services by coach and bus ;
- satisfies the conditions laid down in accordance with Community rules on admission to the occupation of road passenger transport operator in national and international transport operations ;
- meets legal requirements on road safety as far as the standards for drivers and vehicles are concerned.

2. Any own-account carrier referred to in Article 1 shall be permitted to carry out the transport services defined in Article 13 without discrimination as to nationality or place of establishment if he :

- is authorized in the State of establishment to undertake carriage by coach and bus in accordance with the market-access conditions laid down by national legislation ;
- meets legal requirements on road safety as far as the standards for drivers and vehicles are concerned.

Article 4

Access to the market

1. Shuttle services with accommodation as defined in Article 2 (2.2) and occasional services as referred to in Article 2 (3.1), second subparagraph, (a), (b), (c) and (d) shall not require authorization.
2. Special regular services referred to in Article 2 (1.2), second subparagraph, (a), (b), (c) and (d), shall not require authorization if they are covered by a contract concluded between the organizer and the carrier.
3. Empty journeys by vehicles in connection with the transport operations referred to in paragraphs 1 and 2 shall likewise not require authorization.
4. Regular services and shuttle services without accommodation shall be subject to authorization in accordance with Articles 5 to 10. Residual occasional services as defined in Article 2 (3.1), second subparagraph, (e) and special regular services other than those referred to in paragraph 2 of this Article shall also be subject to authorization in accordance with these Articles.
5. Arrangements for own-account carriers set out in Article 13.

SECTION II

REGULAR SERVICES, SHUTTLE SERVICES WITHOUT ACCOMMODATION AND OTHER SERVICES SUBJECT TO AUTHORIZATION

Article 5

Nature of authorization

1. Authorizations shall be issued in the name of the transport undertaking; they may not be transferred by the latter to third parties. However, the carrier who has received the authorization may, with the consent of the authority referred to in Article 6 (1), operate the service through a sub-contractor. In this case, the name of the latter undertaking and its role as sub-contractor shall be indicated in the authorization. The sub-contractor must fulfil the conditions laid down in Article 3 (1).

In the case of undertakings associated for the purpose of operating a regular service or a shuttle service, the authorization shall be issued in the names of all the undertakings. It shall be given to the undertaking that manages the operation and copies shall be given to the others. The authorization shall state the names of all the operators.

2. The period of validity of an authorization shall not exceed five years for regular services and two years for shuttle services without accommodation. It may be set at less either at the request of the applicant or by mutual

consent of the competent authorities of the Member States on whose territory passengers are picked up or set down.

3. Authorizations shall specify the following:

- (a) the type of service;
- (b) the route of the service, giving in particular the place of departure and the place of destination;
- (c) the period of validity of the authorization;
- (d) for regular services, the stops and the timetable.

4. Authorizations shall conform to a model drawn up by the Commission after consultation of the Member States.

5. Authorizations shall entitle their holder(s) to operate regular services and shuttle services without accommodation in the territories of all Member States over which the routes of the services pass.

Article 6

Submission of applications for authorization

1. Applications for authorization shall be submitted to the competent authorities of the Member State in whose territory the place of departure is situated, hereinafter referred to as 'the authorizing authority'.

In the case of regular services, the 'place of departure' shall mean one of the termini.

2. Applications shall conform to a model drawn up by the Commission after consultation of the Member States.

3. Persons applying for authorization shall provide any further information which they consider relevant or which is requested by the authorizing authority.

Article 7

Authorization procedure

1. Authorizations shall be issued in agreement with the competent authorities of all the Member States in whose territories passengers are picked up or set down. The authorizing authority shall forward to such authorities — as well as to the competent authorities of Member States whose territories are crossed without passengers being picked up or set down — a copy of the application, together with copies of any other relevant documentation, and its assessment.

2. The competent authorities of the Member States whose agreement has been requested shall notify the authorizing authority of their decision on the application within two months. These time limits shall be calculated from the date of receipt of the request for an opinion. If, within this time limit, the authorizing authority has received no reply, the authorities consulted shall be deemed to have given their agreement.

The authorities of the Member States whose territories are crossed without passengers being picked up or set down may notify the authorizing authority of their comments within the time limits laid down in the first subparagraph.

3. Subject to paragraphs 7 and 8, the authorizing authority shall take a decision on the application within three months of the date of submission of the application.

4. (a) An application may be rejected:

- if the applicant is unable to provide the service that is the subject of the application with equipment directly available to him;
- if in the past the applicant has not complied with national or international legislation on road transport and in particular the conditions and requirements relating to authorizations for international road passenger services or has committed serious breaches of legislation in regard to road safety, in particular with regard to the rules applicable to vehicles and driving and rest periods for drivers;
- if, in the case of an application for renewal of authorization, the conditions of authorization have not been complied with.

(b) The application may also be rejected:

- (i) if it is shown that the service in question would directly compromise the existence of regular services already authorized, except in cases in which the regular services in question are carried out only by a single carrier or group of carriers;
- (ii) if it is shown that the said service would seriously affect the viability of a comparable rail service on the direct sections concerned, or
- (iii) if it appears that the operation of services covered by the application is aimed only at the most lucrative of the services existing on the links concerned.

The fact that an operator offers lower prices than are offered by other road or rail transporters or the fact that the link in question is already operated by other road or rail carriers may not in itself constitute justification for rejecting the application.

5. The authorizing authority may refuse applications only on the basis of reasons compatible with this Regulation.

6. If the procedure for reaching the agreement referred to in paragraph 1 does not enable the authorizing authority to decide on an application, the matter may be referred to the Commission within the time limit laid down in paragraph 3.

7. After consulting the Member States concerned, the Commission shall within six weeks take a decision which

shall take effect within 30 days of the notification of the Member States concerned.

8. The Commission decision shall continue to apply until such time as agreement is reached between the Member States concerned.

9. Having completed the procedure laid down in this Article, the authorizing authority shall inform all the authorities referred to in paragraph 1 of its decision, sending them a copy of any authorization; the competent authorities of the transit Member States may indicate that they do not wish to be so informed.

Article 8

Grant and renewal of authorizations

1. Once the procedures referred to in Article 7 have been completed, the authorizing authority shall grant the authorization or shall formally refuse the application.

2. Decisions refusing an application must state the reasons on which they are based. Member States shall ensure that transport undertakings are given the opportunity to make representations in the event of their application being refused.

3. Article 7 shall apply, *mutatis mutandis*, to applications for the renewal of authorizations or for alteration of the conditions under which the services subject to authorization must be carried out.

In the event of a minor alteration to the operating conditions, in particular adjustment of fares and timetables, the authorizing authority need only supply the other Member States concerned with the information in question.

The Member States concerned may also agree that the authorizing authority alone shall decide on alterations to the conditions under which a service is operated.

Article 9

Lapse of an authorization

1. Without prejudice to Article 14 of Regulation (EEC) No 1191/69⁽¹⁾, an authorization for a regular service shall lapse at the end of its period of validity or three months after the authorizing authority has received from its holder notice of his intention to withdraw the service. Such notice must contain a proper statement of reasons.

⁽¹⁾ Council Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway (OJ No L 156, 28. 6. 1969, p. 1). Regulation last amended by Regulation (EEC) No 1893/91 (OJ No L 169, 29. 6. 1991, p. 1).

2. Where demand for a service has ceased to exist, the period mentioned in paragraph 1 shall be reduced to one month.

3. The authorizing authority shall inform the competent authorities of the other Member States concerned that the authorization has lapsed.

4. An authorization for a shuttle service without accommodation shall lapse on the date stated by the holder in the notification sent to the authorizing authority.

5. The holder of the authorization shall notify users of the service concerned of its withdrawal one month beforehand by means of appropriate publicity.

Article 10

Obligations of carriers

1. Save in the event of *force majeure*, the operator of a regular service shall, until the authorization expires, take all measures to guarantee a transport service that fulfils the standards of continuity, regularity and capacity and complies with the other conditions laid down by the competent authority in accordance with Article 5 (3).

2. The carrier shall display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage — insofar as these are not laid down by law — in such a way as to ensure that such information is readily available to all users.

3. Without prejudice to Regulation (EEC) No 1191/69, it shall be possible for the Member States concerned, by common agreement and in agreement with the holder of the authorization, to make changes to the operating conditions governing a regular service.

SECTION III

OCCASIONAL SERVICES, SHUTTLE SERVICES WITH ACCOMMODATION AND OTHER SERVICES EXEMPT FROM AUTHORIZATION

Article 11

Control document

1. The services referred to in Article 4 (1) shall be carried out under cover of a control document.

2. The control document shall consist of a journey form and a set of translations of the journey form.

3. A carrier operating occasional services and shuttle services with accommodation shall fill out a journey form before each journey.

4. The journey form shall contain at least the following information :

- (a) the type of service ;
- (b) the main itinerary ;
- (c) in the case of a shuttle service with accommodation, the duration, the dates or days of departure and return, the areas of departure and destination and the taking-up and setting-down points ;

(d) the carrier(s) involved.

5. The books of journey forms shall be supplied by the competent authorities of the Member State where the transport undertaking is established or by bodies appointed by those authorities.

6. The Commission shall, after consultation of the Member States, lay down the model for the control document and the way in which it is to be used.

Article 12

Local excursions

Within the framework of an international shuttle service with accommodation, or an international occasional service, a carrier may carry out occasional services (local excursions) in a Member State other than that in which it is established.

Such services shall be intended for non-resident passengers previously carried by the same carrier on one of the international services mentioned in the first subparagraph and must be carried out with the same vehicle or another vehicle from the same carrier or group of carriers.

SECTION IV

OWN-ACCOUNT TRANSPORT OPERATIONS

Article 13

1. Own-account road transport operations defined in point 4 of Article 2 shall be exempt from any system of authorization but shall be subject to a system of certificates.

2. Own-account road transport operations other than those defined in point 4, of Article 2 shall be subject to authorization in accordance with Articles 5 to 10.

3. The certificates provided for in paragraph 1 shall be issued by the competent authority of the Member State in which the vehicle is registered and shall be valid for the entire journey including transit.

They must conform to a model determined by the Commission after consultation of the Member States.

SECTION V

CONTROLS AND PENALTIES

Article 14

Transport tickets

1. Passengers using a regular service, excluding special regular services, or a shuttle service shall throughout their journey possess transport tickets, either individual or collective, which indicate :

- the points of departure and destination and, where appropriate, the return journey;
- the period of validity of the ticket;
- the price of transport and, in the case of passengers who have paid for accommodation, the total price of the journey, including accommodation, and details of the accommodation.

2. The transport ticket provided for in paragraph 1 shall be presented at the request of any authorized inspecting officer.

Article 15

Inspections on the road and in undertakings

1. The authorization or control document shall be carried on the vehicle and shall be presented at the request of any authorized inspecting officer.

In the case of the services covered by Article 4 (2), the contract or a certified true copy of it shall serve as a control document.

2. Carriers operating coaches and buses in international passenger transport shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods. In the context of implementation of this Regulation, authorized inspecting officers shall be empowered to:

- (a) check the books and other documentation relating to the operation of the transport undertaking;
- (b) make copies of, or take extracts from, the books and documentation on the premises;
- (c) have access to all the transport undertaking's premises, sites and vehicles;
- (d) require the production of any information contained in books, documentation or data bases.

Article 16

Mutual assistance

1. Member States shall on request provide the other Member States concerned with all available information on:

- breaches of the provisions of this Regulation and of the other Community rules in the field of the international carriage of passengers by coach or bus committed in their own territory by a carrier from another Member State, and the penalties imposed;
- the penalties imposed on their own carriers in respect of breaches committed in another Member State's territory.

2. The authorizing authority shall withdraw an authorization if the holder no longer fulfils the conditions on the basis of which the authorization was issued under this Regulation, in particular where the Member State in which the carrier is established so requests. The authority

shall immediately inform the competent authorities of the Member State concerned.

3. The competent authorities of the Member States shall prohibit a carrier from operating an international passenger service under this Regulation if he repeatedly commits serious breaches of the regulations governing road safety, in particular with regard to the rules applicable to vehicles and driving and rest periods for drivers.

SECTION VI

TRANSITIONAL AND FINAL PROVISIONS

Article 17

Transitional provision

Authorizations for services existing on the date of entry into force of this Regulation shall continue to be valid until they expire insofar as the services in question remain subject to authorization.

Article 18

Agreements between Member States

1. Member States may conclude bilateral and multilateral agreements on the further liberalization of the services covered by this Regulation, in particular as regards the authorization system and the simplification or abolition of control documents.

2. Member States shall inform the Commission of any agreements concluded under paragraph 1.

Article 19

Implementation

Member States shall, before 1 June 1992 and after consulting the Commission, adopt the measures necessary for the implementation of this Regulation and notify such measures to the Commission.

Member States shall adopt measures relating in particular to the means of carrying out checks on compliance and the penalties applicable in case of breach. They shall ensure that all such measures are applied without discrimination as to the nationality or place of establishment of the carrier.

Article 20

Commission report and proposal

1. Before 1 July 1995 the Commission shall report to the Council on the application of this Regulation. Before 1 January 1996 it shall submit to the Council a proposal for a Regulation on the simplification of procedures including — in the light of the report's conclusions — the abolition of authorizations.

2. Before 1 January 1997 the Council shall act by qualified majority on the Commission proposal referred to in paragraph 1.

Article 21

Repeals

1. Regulations No 117/66/EEC, (EEC) No 516/72 and (EEC) No 517/72 are hereby repealed.

2. References to the Regulations repealed shall be taken as references to this Regulation.

Article 22

Entry into force and application

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

It shall apply from 1 June 1992.

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

Done at Brussels, 16 March 1992.

For the Council

The President

Jorge BRAGA DE MACEDO

*ANNEX***Services referred to in Article 2 (3.1) (d)**

These services shall comprise :

1. Closed-door tours, i.e. services carried out using the same vehicle, which transports the same group of passengers throughout the journey and brings them back to their place of departure.
 2. Services involving a laden journey from a place of departure to a place of destination followed by an empty journey to the vehicle's place of departure.
 3. Services preceded by an empty journey from one Member State to another Member State within the territory of which travellers are picked up, provided that those travellers :
 - are grouped by transport contracts concluded before their arrival in the country in which they are picked up,
 - have previously been brought by the same carrier, under the conditions set out in 2, to the country in which they are again picked up and are transported out of that country, or
 - have been invited to another Member State, the transport costs being borne by the person inviting them. The passengers must form a homogeneous group which must not have been formed solely with a view to the journey in question.
-

COMMISSION REGULATION (EEC) No 685/92

of 19 March 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,Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 594/92⁽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 18 March 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 594/92 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 20 March 1992.

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

Done at Brussels, 19 March 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 64, 10. 3. 1992, p. 4.

ANNEX

to the Commission Regulation of 19 March 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy (°)
0709 90 60	127,91 (°) (°)
0712 90 19	127,91 (°) (°)
1001 10 10	165,03 (°) (°) (°)
1001 10 90	165,03 (°) (°) (°)
1001 90 91	142,84
1001 90 99	142,84 (°)
1002 00 00	163,00 (°)
1003 00 10	142,50
1003 00 90	142,50 (°)
1004 00 10	121,00
1004 00 90	121,00
1005 10 90	127,91 (°) (°)
1005 90 00	127,91 (°) (°)
1007 00 90	138,96 (°)
1008 10 00	52,97 (°)
1008 20 00	122,48 (°)
1008 30 00	63,85 (°)
1008 90 10	(°)
1008 90 90	63,85
1101 00 00	212,80 (°) (°)
1102 10 00	241,27 (°)
1103 11 10	269,30 (°) (°)
1103 11 90	228,48 (°)

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

(°) 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.

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

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

(°) 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.

(°) 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 and Commission Regulation (EEC) No 2622/71.

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

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

(°) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(°) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(°) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 686/92

of 19 March 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,

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 18 March 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 20 March 1992.

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

Done at Brussels, 19 March 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 19 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	4,05	4,05	4,03
0712 90 19	0	4,05	4,05	4,03
1001 10 10	0	5,64	5,64	5,64
1001 10 90	0	5,64	5,64	5,64
1001 90 91	0	3,53	3,53	3,53
1001 90 99	0	3,53	3,53	3,53
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	4,05	4,05	4,03
1005 90 00	0	4,05	4,05	4,03
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	4,94	4,94	4,94

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	6,28	6,28	6,28	6,28
1107 10 19	0	4,69	4,69	4,69	4,69
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 687/92
of 19 March 1992

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 728/91⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 729/91⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 730/91⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commis-

sion decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, however, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 16 and 17 March 1992 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 80, 27. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 80, 27. 3. 1991, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 80, 27. 3. 1991, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 20 March 1992.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	72,00 ⁽²⁾
1509 10 90	72,00 ⁽²⁾
1509 90 00	83,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽⁴⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Turkey : ECU 11,48 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 12,69 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	15,84
0711 20 90	15,84
1522 00 31	36,00
1522 00 39	57,60
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC. However, an amount equal to the amount fixed by Regulation (EEC) No 3148/91 is to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 688/92

of 19 March 1992

on the issuing of a standing invitation to tender for the resale on the internal market of 24 000 tonnes of rice held by the Spanish 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1424/76 of 21 June 1976 laying down general rules for intervention on the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 794/91 ⁽⁴⁾, provides that rice held by the intervention agency is to be sold by tender;

Whereas Commission Regulation (EEC) No 75/91 ⁽⁵⁾ lays down the procedure and conditions for the disposal of rice held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 24 000 tonnes of rice held by the Spanish 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 Spanish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 24 000 tonnes of rice held by it in accordance with Regulation (EEC) No 75/91.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 2 April 1992.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 15 May 1992.
3. Tenders must be lodged with the Spanish intervention agency:
— Servicio Nacional de Productos Agrarios (SENPA) c/Beneficencia 8, Madrid 28004 (telex: 23427 SENPA E).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish 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, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 82, 28. 3. 1991, p. 5.

⁽⁵⁾ OJ No L 9, 12. 1. 1991, p. 15.

COMMISSION REGULATION (EEC) No 689/92**of 19 March 1992****fixing the procedure and conditions for the taking-over of cereals by intervention agencies**

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 intervention prices are fixed in respect of a given standard quality and provision has been made for price increases and reductions to be applied if the quality of the cereals offered does not correspond to that standard;

Whereas cereals of inadequate quality for use or storage should not be accepted for intervention; whereas, in fixing the minimum quality, the diversity of climatic conditions in the different regions of the Community should be taken into consideration;

Whereas, in order to simplify the management of intervention operations and, in particular, to permit the establishment of homogeneous lots for each type of cereal offered to intervention, a minimum quality, below which the intervention agency is not obliged to accept the offer, should be fixed; whereas, however, it may be necessary to provide for a greater minimum tonnage in certain Member States, so that intervention agencies may take account of pre-existing conditions and practices of the wholesale trade in those countries;

Whereas the conditions under which cereals are offered to and taken over by the intervention agencies must be as uniform as possible throughout the Community in order to avoid any discrimination between producers; whereas minimum quality characteristics should therefore be laid down; whereas, however, it may be appropriate for the Member States to apply, concurrently with the provisions of this Regulation, certain provisions of their own which are suited to their own climatic conditions and commercial practices;

Whereas Commission Regulation (EEC) No 1569/77 of 11 July 1977 fixing the procedure and conditions for the taking-over of cereals by intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2642/91 ⁽⁴⁾, has been amended several times; whereas for reasons of clarity it should be replaced;

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

During the periods referred to in Article 7 of Regulation (EEC) No 2727/75, any holder of a homogeneous batch of not less than 80 tonnes of common wheat, rye, barley, maize or sorghum or 10 tonnes of durum wheat, harvested within the Community, shall be entitled to offer the batch to the intervention agency.

However, the intervention agencies may fix a greater minimum tonnage.

Article 2

1. In order to be accepted for intervention, the cereals must be sound, fair and of marketable quality.

2. They shall be considered of sound and fair merchantable quality if they are of the typical colour of the cereal in question, free from abnormal smell and live pests (including mites) at every stage of their development, meet the minimum quality requirements set out in the Annex hereto, and the radioactivity levels of which do not exceed the maximum levels permitted under Community regulations.

The level of radioactive contamination of the product shall be monitored if the situation so requires and during the period necessary only. Where necessary, the duration and scope of the controls shall be determined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

For cereals presented as being of breadmaking quality, the intervention agency shall, in case of doubt, undertake a germination test. Where the germinative capacity is less than 85 % for common wheat and 75 % for rye, the cereal in question shall, at the request of the supplier, be accepted by the intervention agency and paid for at the intervention price minus, in the case of common wheat, the reduction provided for in the first subparagraph of Article 4a (1) of Commission Regulation (EEC) No 1570/77 ⁽⁵⁾.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽⁴⁾ OJ No L 247, 5. 9. 1991, p. 20.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 18.

However, if evidence is furnished to the satisfaction of the intervention agency that the cereal offered is of breadmaking quality, the cereal in question shall be accepted as such and the buying-in price to be paid shall be that fixed for breadmaking quality. The costs of carrying out the tests required to furnish the abovementioned evidence shall be defrayed by the supplier.

3. For the purposes of this Regulation, the definitions of matter other than basic cereals of unimpaired quality shall be those set out in the Annex to Council Regulation (EEC) No 2731/75⁽¹⁾, with the addition, as regards maize, of the definition set out in the first indent of Article 4 (c) and, as regards sorghum, that set out in the first indent of Article 4a (c) of that Regulation.

Grains of basic cereals and other cereals which are damaged, affected, by ergot or decayed shall be classified as 'miscellaneous impurities' even if they have defects which belong to other categories.

Article 3

1. To be valid, all offers for intervention shall be made using a form issued by the intervention agency, containing the following details:

- name of the offerer,
- cereal offered,
- place of storage of the cereal offered,
- quantity, main characteristics and harvesting year of the cereal offered,
- the intervention centre to which the offer relates.

The form shall also contain a declaration that the products are of Community origin or, in the case of cereals admitted to intervention under specific conditions according to their zone of production, details of the region in which they were produced.

However, the intervention agency may regard as valid offers submitted in another written form, in particular telecommunications, provided that all the details to be shown on the form referred to in the first subparagraph are included.

Without prejudice to the validity from the date of presentation of an offer submitted in accordance with the third subparagraph, Member States may require that it be followed by the forwarding or direct submission to the competent agency of the form provided for in the first subparagraph.

2. Should an offer be inadmissible, the operator concerned shall be informed by the intervention agency accordingly within five working days following receipt.

3. Should an offer be admissible, operators shall be informed as soon as possible of the store at which the cereals are to be taken over and of the delivery schedule.

At the request of the offerer or the storekeeper, the said schedule may be amended by the intervention agency.

The final delivery shall be made not later than the end of the fourth month at the latest following the month during which the offer was received, without, however, being later than 1 July in Spain, Greece, Italy and Portugal and 31 July in the other Member States.

4. The cereals offered shall be taken over by the intervention agency when the quantity and the minimum required standards, as set out in the Annex, have been established by the intervention agency or its representative for the entire lot in respect of the goods delivered to the intervention store.

5. The quality characteristic shall be established on the basis of a representative sample of the lot offered, made up of samples taken at the rate of one sample per delivery and at least one every 60 tonnes.

6. (a) The quantity delivered must be weighed in the presence of the offerer and a representative of the intervention agency who is independent *vis-à-vis* the offerer.

The representative of the intervention agency may also be the storer, in that case:

- the intervention agency shall subsequently itself conduct an inspection involving at least a volumetric check; any difference between the quantity as weighed and the quality estimated by the volumetric method may not exceed 4 % in the case of products on floor storage and 2 % in the case of products stored in silos;
- the storer shall bear all costs relating to missing quantities in excess of the tolerance referred to in the first indent.

(b) In the case of takeover in the store in which the cereals are being held at the time of the offer, the quantity may be established on the basis of the stock records which must satisfy professional requirements and those of the intervention agency, and provided that:

- the stock records show the weight recorded on weighing, the physical quality characteristics at the time of weighing, and, in particular, the moisture content, transsilages if any, and treatments carried out; the weighing may not have been carried out more than 10 months previously;
- the storekeeper declares that the lot offered corresponds in all respects to the details contained in the stock records;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

- the quality characteristics established at the time of weighing are the same as those of the representative sample made up from the samples taken by the intervention agency or its representative at a rate of one for every 60 tonnes.

Where the first subparagraph is applied :

- the weight to be recorded shall be that entered in the stock records adjusted, where appropriate, to take account of any difference between the moisture content recorded on weighing and that recorded on the basis of the representative sample ;
- an inspection involving a volumetric check shall be conducted subsequently by the intervention agency ; any difference between the quantity as weighed and the quantity estimated by the volumetric method may not exceed 4 % in the case of products on floor storage and 2 % in the case of products stored in silos ;
- the storer shall bear all costs relating to missing quantities in excess of the tolerances referred to in the second indent.

7. The intervention agency shall have the physical and technical characteristics of the samples taken analysed under its responsibility within 20 working days of the representative sample being made up.

If the analyses provided for in the preceding subparagraph show that the cereals offered do not meet the minimum quality required for intervention, the said cereals shall be withdrawn at the offerer's expense. The offerer shall also bear all the costs incurred.

The cost of determining the tannin content of sorghum and, in the case of durum wheat, the cost of the amylasic activity (Hagberg) test and of determining the protein content shall be met by the offerer.

In cases of dispute, the intervention agency shall have the necessary tests on the cereals in question carried out again, the cost being met by the losing party.

8. A takeover note shall be issued by the intervention agency in respect of each offer, giving :

- the date of verification of the quantity and the minimum characteristics,
- the weight delivered,
- the number of samples taken to make up the representative sample,
- the physical characteristics established,
- the agency responsible for analysing the technological criteria and the results thereof.

The note shall be dated and sent for countersignature to the storekeeper.

Article 4

1. Without prejudice to Article 4 (3) of Commission Regulation (EEC) No 1432/88 ⁽¹⁾, the price payable to the offerer shall be the intervention buying-in price referred to in Article 7 (3) of Regulation (EEC) No 2727/75, valid on the date specified as the first day of delivery when notice was given an acceptance of the offer, adjusted in accordance with Articles 1 and 2 of Council Regulation (EEC) No 1581/86 ⁽²⁾, for goods delivered at warehouse, before unloading, account being taken of increases and reductions to be determined.

However, where delivery takes place in a month in which the intervention buying-in price is lower than that of the month of the offer, the latter price shall apply.

2. Payment shall be made between the 30th and the 35th day following the date of takeover, as referred to in Article 3 (4).

Article 5

Any operator who stores bought-in products on behalf of the intervention agency shall monitor their presence and state of preservation regularly and inform the aforesaid agency without delay of any problem arising in that respect.

The intervention agency shall check the quality of the stored product at least once a year. Samples for that purpose may be taken when the annual inventory is established as provided for in Article 3 of Commission Regulation (EEC) No 618/90 ⁽³⁾.

Article 6

The intervention agencies shall, where necessary, adopt additional procedures and conditions for taking over, compatible with this Regulation, to take account of any special conditions existing in the Member State in question ; in particular, they may request periodic stock returns.

Article 7

Regulation (EEC) No 1569/77 is hereby repealed.

Article 8

This Regulation shall enter into force on 1 July 1992.

⁽¹⁾ OJ No L 131, 27. 5. 1988, p. 37.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽³⁾ OJ No L 67, 15. 3. 1990, p. 21.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

	Durum wheat	Common wheat	Rye	Barley	Maize	Sorghum
A. Maximum moisture content	14,5 %	14,5 %	14,5 %	14,5 %	14,5 %	14,5 %
B. Maximum percentage of matter which is not basic cereal of unimpaired quality of which :	12 %	12 %	12 %	12 %	12 %	12 %
1. Broken grains	6 %	5 %	5 %	5 %	10 %	10 %
2. Impurities consisting of grains (other than indicated at 3) of which :	5 %	12 %	5 %	12 %	5 %	5 %
(a) shrivelled grains					—	—
(b) other cereals	3 %	} 5 %		} 5 %		
(c) grains damaged by pests						
(d) grains in which the germ is discoloured			—	—	—	—
(e) grains overheated during drying	0,50 %	3 %	3 %	3 %	3 %	3 %
3. Mottled grains and/or grains affected with fusariosis of which :	5 %	—	—	—	—	—
— grains affected with fusariosis	1,5 %	—	—	—	—	—
4. Sprouted grains	4 %	6 %	6 %	6 %	6 %	6 %
5. Miscellaneous impurities (Schwarzbesatz) of which :	3 %	3 %	3 %	3 %	3 %	3 %
(a) extraneous seeds :						
— noxious	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %
— other						
(b) damaged grains :						
— grains damaged by spontaneous heating or too extreme heating during drying	0,05 %					
— other						
(c) extraneous matter						
(d) husks						
(e) ergot	0,05 %	0,05 %	0,05 %	—	—	—
(f) decayed grains			—	—	—	—
(g) dead insects and fragments of insects						
C. Maximum percentage of wholly or partially mitadine grains	40 %	—	—	—	—	—
D. Maximum tannin content	—	—	—	—	—	1 % (!)
E. Minimum specific weight	78 kg/hl	72 kg/hl	68 kg/hl	63 kg/hl	—	—
F. Protein content	11,5 % (!)	—	—	—	—	—
G. Hagberg falling number	220	—	—	—	—	—

(!) Percentage calculated on the dry matter.

COMMISSION REGULATION (EEC) No 690/92

of 19 March 1992

establishing a reference method for the detection of cows' milk casein in cheeses made from ewes' milk

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty of Accession of Spain and Portugal and in particular Article 67 (1) and (2), Article 98, Article 234 (2) and Article 310 thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in the agricultural sector⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾, and in particular Article 1 (1) thereof,

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⁽³⁾, as last amended by Commission Regulation (EEC) No 374/92⁽⁴⁾, and in particular Article 9 (3), Article 14 (7) and Article 17 (4) thereof,

Having regard to Council Regulation (EEC) No 876/68 of 28 June 1968 on the general rules for granting export refunds in the milk and milk products sector and for the fixation of their amounts⁽⁵⁾, as last amended by Regulation (EEC) No 1344/86⁽⁶⁾, and in particular Article 6 (3) thereof,

Whereas cheeses made exclusively from ewes' milk are subject to certain specific rules under the terms of Community regulations in the agricultural sector; whereas prior to the application of these rules steps should be taken to check that the product concerned does not contain cows' milk;

Whereas aid for private storage of ewes' milk cheeses can be granted under Council Regulation (EEC) No 508/71 of 8 March 1971 laying down general rules on private storage aid for long-keeping cheeses⁽⁷⁾; whereas a special refund for these same products can be decided under the terms of Regulation (EEC) No 876/86; whereas no monetary compensatory amounts are imposed for the trade in ewes' milk-based products under the terms of Regulation (EEC) No 1677/85; whereas the application of accessionsary compensatory amounts is excluded trade in ewes'

milk cheeses to and from Spain by Council Regulation (EEC) No 466/86 of 25 February 1986 determining the general rules for the application of accessionsary compensatory amounts in the milk and milk products sector with respect to the accession of Spain⁽⁸⁾, and by Council Regulation (EEC) No 3640/90 of 11 December 1990, determining the general rules for the application of accessionsary compensatory amounts in the milk and milk products sector with respect to the accession of Portugal⁽⁹⁾;

Whereas, as the Commission has indeed established the abovementioned provisions concerning cheeses made from ewes' milk, it is necessary to verify by appropriate control that no cows' milk has been incorporated into the products concerned; whereas it appears necessary at control level to establish a Community reference method for the detection of cows' milk without prejudice to the use of routine methods, if they comply with certain criteria;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limits set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The reference method of analysis figuring in the Annex shall be applied to ensure that cheese which must be exclusively made from ewes' milk does not in fact contain cows' milk casein.

Cows' milk casein shall be held to be present, if the apparent cows' milk casein content of the sample to be analyzed is equal to or higher than the content of the reference sample described in the Annex.

Article 2

Routine methods for the detection of cows' milk casein in cheeses from ewes' milk may be used under the following conditions:

- the detection limit must be 0,5 % or lower,
- false-positive results must not occur. If this cannot be excluded, any sample giving a positive result has to be analyzed using the reference method,

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 41, 18. 2. 1992, p. 9.

⁽⁵⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁶⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁷⁾ OJ No L 58, 11. 3. 1971, p. 1.

⁽⁸⁾ OJ No L 53, 1. 3. 1986, p. 23.

⁽⁹⁾ OJ No L 362, 27. 12. 1990, p. 3.

- cows' milk casein must be detectable with the required sensitivity even after long ripening periods, as may occur under usual commercial conditions. If this requirement is not fulfilled for a certain type of ewes' milk cheese, that cheese must be analyzed using the reference method.

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 16 September 1992.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

REFERENCE METHOD FOR THE DETECTION OF COWS' MILK CASEIN IN CHEESES MADE FROM EWES' MILK

1. Scope

Detection of cows' milk casein in cheeses made from ewes' milk by isoelectric focusing of γ -caseins after plasminolysis.

2. Field of application

The method is suitable for sensitive and specific detection of cows' milk casein in fresh and ripened cheeses made from ewes' milk.

3. Principle of the method

3.1. Isolation of caseins from cheese.

3.2. Dissolving of the isolated caseins and submitting to plasmin (EC.3.4.21.7) cleavage.

3.3. Isoelectric focusing of plasmin-treated caseins in the presence of urea and straining of proteins with Coomassie Brilliant Blue G-250.

3.4. Evaluation of stained γ_2 -casein patterns (evidence of cows' milk) by comparison of the pattern obtained from the sample with those obtained in the same gel from standards containing 0 % and 1 % cows' milk.

4. Reagents

Unless otherwise indicated, analytical grade chemicals must be used. Water must be double-distilled or of equivalent purity.

Note: The following details apply to laboratory prepared polyacrylamide gels containing urea, of dimensions 265 × 125 × 0,25 mm. Where other sizes and types of gel are used, the separation conditions may have to be adjusted.

Isoelectric focusing

4.1. Reagents for production of the urea containing polyacrylamide gels

4.1.1. Stock gel solution

Dissolve

4,85 g acrylamide

0,15 g N,N'-methylene-bis-acrylamide (BIS)

48,05 g urea

12,22 g glycerol (87 % w/w)

in water and make up to 100 ml and store in a brown glass bottle in the refrigerator.

Note: A commercially available preblended acrylamide/BIS solution can be used in preference to the quoted fixed weights of the neurotoxic acrylamides. Where such a solution contains 30 % w/v acrylamide and 0,8 w/v BIS, a volume of 16,2 ml must be used for the formulation instead of the fixed weights. The shelf life of the stock solution is a maximum of 10 days; if its conductivity is more than 5 μ S, de-ionize by stirring with 2 g Amberlite MB-3 for 30 min, then filter through a 0,45 μ m membrane.

4.1.2. Gel solution

Prepare a gel solution by mixing additives and ampholytes with the stock gel solution (see 4.1.1).

9,0 ml stock solution

24 mg β -alanine

500 μ l ampholyte pH 3,5-9,5⁽¹⁾

500 μ l ampholyte pH 6-7⁽¹⁾

Mix the gel solution and de-gas for two to three minutes in an ultrasonic bath or in vacuo.

Note: Prepare the gel solution immediately prior to pouring it (see 6.2).

⁽¹⁾ The products Ampholine pH 3,5-9,5 (Pharmacia-LKB) and Servalyte pH 6-7 (Serva) have proved particularly suitable for obtaining the required separation of γ -caseins.

4.1.3. Catalyst solutions

40 % w/v ammonium persulphate (PER):

Dissolve 800 mg PER in water and make up to 2 ml.

N,N,N',N'-tetramethylethylene diamine (TEMED).

Note: Always use freshly prepared PER solution.

4.2. Contact fluid

Kerosene or liquid paraffin.

4.3. Anode solution

Dissolve 5,77 g phosphoric acid (85 % w/w) in water and dilute to 100 ml.

4.4. Cathode solution

Dissolve 2,00 g sodium hydroxide in water and dilute to 100 ml with water.

Sample Preparation

4.5. Protein isolation reagents

Dichloromethane.

Dilute acetic acid (25,0 ml of glacial acetic acid made up to 100 ml with water).

Acetone.

4.6. Protein dissolving buffer

Dissolve

5,75 g glycerol (87 % w/w)

24,03 g urea

250 mg dithiothreitol

in water and make up to 50 ml

Note: Store in a refrigerator, maximum shelf-life 1 week.

4.7. Reagents for Plasmin cleavage of casein

4.7.1. Ammonium carbonate buffer

Titrate a 0,2 mol/l ammonium hydrogencarbonate solution (1,58 g/100 ml water) with a 0,2 mol/l ammonium carbonate solution (1,92 g/100 ml water) to pH 8.

4.7.2. Bovine plasmin (E.C. 3.4.21,7), activity at least 5 U/ml.

4.7.3. Enzyme inhibition solution

Dissolve 2,624 g ϵ -aminocaproic acid (6-amino-n-hexanoic acid) in 100 ml of 40 % (v/v) ethanol.

4.8. Preparation of the renneted ewes' skimmed milk standards containing 0 % and 1 % of cows' milk

Skimmed milk is prepared by centrifuging of ovine or bovine raw bulk milk at 37° C at 2 500 g for 20 min. After cooling the tube and contents rapidly to 6-8° C, the upper fat layer is removed completely. For the preparation of the 1 % standard add 5,00 ml of bovine skimmed milk to 495 ml of ovine skimmed milk in a one-litre beaker, adjust the pH to 6,4 by the addition of dilute lactic acid (10 % w/v). Adjust the temperature to 35° C and add 100 μ l of calf rennet (rennet activity 1:10 000, c. 3 000 U/ml), stir for one minute and then leave the beaker covered with an aluminium foil at 35° C for one hour to allow formation of the curd. After the curd has formed, the whole renneted milk is freeze-dried without prior homogenization or draining of the whey. After freeze-drying it is finely ground to produce a homogeneous powder. For the preparation of the 0 % standard, carry out the same procedure using 300 ml of pure ovine skimmed milk.

Note: It is advisable to check the purity of the ovine milk by isoelectric focusing of the plasmin-treated caseins before preparation of the standards.

Reagents for protein staining

4.9. Fixative

Dissolve 150 g trichloroacetic acid in water and make up to 1 000 ml.

4.10. Destaining solution

Dilute 500 ml methanol and 200 ml glacial acetic acid to 2 000 ml with distilled water.

Note: Prepare the destaining solution fresh every day; it can be prepared by mixing equal volumes of stock solutions of 50 % (v/v) methanol and 20 % (v/v) glacial acetic acid.

4.11. Staining solutions**4.11.1. Staining solution (stock solution 1)**

Dissolve 3,0 g Coomassie Brilliant Blue G 250 (C.I. 42655) in 1 000 ml 90 % (v/v) methanol using a magnetic stirrer ($\pm$ 45 minutes), filter through two medium-speed folded filters.

4.11.2. Staining solution (stock solution 2)

Dissolve 5,0 g copper sulphate pentahydrate in 1 000 ml 20 % (v/v) acetic acid.

4.11.3. Staining solution (working solution)

Mix together 125 ml of each of the stock solutions (4.11.1, 4.11.2) immediately prior to staining.

Note: The staining solution should not be re-used other than on the day of preparation.

5. Equipment

5.1. Glass plates (265 $\times$ 125 $\times$ 4 mm); rubber roller (width 15 cm); levelling table.

5.2. Gel carrier sheet (265 $\times$ 125 mm).

5.3. Covering sheet (280 $\times$ 125 mm). Stick one strip of adhesive tape (280 $\times$ 6 $\times$ 0.25 mm) to each long edge (see Fig. 1).

5.4. Electrofocusing chamber with cooling plate (e.g. 265 $\times$ 125 mm) with suitable voltage source ($\geq$ 2,5 kV) or automatic electrophoresis device.

5.5. Circulation cryostat, thermostatically controlled at $12 \pm 0.5^\circ \text{C}$.

5.6. Centrifuge, adjustable to 3 000 g.

5.7. Electrode strips ($\geq$ 265 mm long).

5.8. Plastic dropping bottles for the anode and cathode solutions.

5.9. Sample applicators (10 $\times$ 5 mm, viscose or low protein-absorption filter paper).

5.10. Stainless steel scissors, scalpels and tweezers.

5.11. Stainless steel or glass staining and destaining dishes (e.g. 265 $\times$ 150 mm instrument trays).

5.12. Adjustable rod homogenizer (10 mm shaft diameter), rpm range 8 000-20 000.

5.13. Magnetic stirrer.

5.14. Ultrasonic bath.

5.15. Film welder.

5.16. 5-25 μl micropipettes.

5.17. Vacuum concentrator or freeze-dryer.

5.18. Thermostatically controlled water bath adjustable to 35 and $40 \pm 1^\circ \text{C}$ with shaker.

5.19. Densitometer equipment reading at $\lambda = 634 \text{ nm}$.

6. Procedure**6.1. Sample preparation****6.1.1. Isolation of caseins**

Weigh the amount equivalent to 5 g dry mass of cheese or standards — for white mould cheese where possible use the unripe centre — into a 100 ml centrifuge tube, add 60 ml distilled water and homogenize with a rod homogenizer (8 000-10 000 rpm). Adjust to pH 4,6 with dil. acetic acid (4.5) and centrifuge (five minutes, 3 000 g). Decant the fat and whey, homogenize the residue at 20 000 rpm in 40 ml distilled water adjusted to pH 4-5 with dil. acetic acid (4.5), add 20 ml dichloromethane (4.5), homogenize again and centrifuge (five minutes, 3 000 g). Remove the casein layer that lies between the aqueous and organic phases (see figure 2) with a spatula and decant off both phases. Re-homogenize the casein in 40 ml distilled water (see above) and 20 ml dichloromethane and centrifuge. Repeat this procedure until both extraction phases are colourless (two to three times). Homogenize the protein residue with 50 ml dry acetone (4.5) and filter through a medium-speed folded filter paper. Wash the residue on the filter with two separate 25 ml portions of acetone each time and allow to dry in the air or a stream of nitrogen, then pulverize finely in a mortar.

Note: Dry protein isolates can be kept indefinitely at room temperature. For rapid protein isolation homogenize the amount equivalent to 5 g dry mass of cheese twice with each 100 ml acetone (4.5) at 20 000 rpm, leave to stand for five minutes and then filter off through a folded filter. Dry the protein residue with acetone as described above to finally obtain the acetone-dried powder. The rapid method is not applicable to Roquefort-type cheese.

6.1.2. Plasmin cleavage of β -caseins to intensify γ -caseins

Suspend 25 mg isolated casein or 50 mg of the freeze-dried standards (4.8) or the acetone-dried powder from rapid protein isolation in 0,5 ml ammonium carbonate buffer (4.7.1) and homogenize for 20 min. by e.g. using ultrasonic treatment. Heat to 40° C and add 100 μ l plasmin (4.7.2), mix and incubate for one hour at 40° C with continuous shaking. To inhibit the enzyme add 20 μ l ϵ -aminocaproic acid solution (4.7.3), then add 200 mg of solid urea and 2 mg of dithiothreitol.

Note: To obtain more symmetry in the focused casein bands it is advisable to freeze-dry the solution after adding the ϵ -aminocaproic acid and then dissolving the residues in 0,5 ml urea buffer (4.6).

6.2. Preparation of the urea containing acrylamide gels

With the aid of a few drops of water roll the gel carrier sheet (5.2) onto a glass plate (5.1), removing any extraneous water with paper towel or tissue. Roll the cover sheet (5.3) with spacers (0,25 mm) onto another glass plate in the same way. Lay the plate horizontally on a levelling table.

Add 10 μ l each of the catalyst solutions Temed and PER (4.1.3) to the prepared and de-aerated gel solution (4.1.2), mix briefly and pour out evenly onto the centre of the cover sheet. Place one edge of the gel carrier plate (sheet side down) on the cover sheet plate and lower it slowly so that a gel film forms between the sheets and spreads out regularly and free of bubbles (Fig. 3). Carefully lower the gel carrier plate completely using a thin spatula and place three more glass plates on top of it to act as weights. After polymerization is complete (about 60 minutes) remove the gel polymerized onto the gel carrier sheet along with the cover sheet by tipping the glass plates. Clean the reverse of the carrier sheet carefully to remove gel residues and urea. Weld the 'gel sandwich' into a film tube and store in a refrigerator (maximum six weeks).

Note: The cover sheet with the spacers can be re-used. The polyacrylamide gel can be cut to smaller sizes, recommended when there are few samples or if an automatic electrophoresis device is used (two gels, size 4,5 $\times$ 5 cm).

6.3. Isoelectric focusing

Set the cooling thermostat to 12° C. Wipe off the reverse of the gel carrier sheet with kerosene, then drip a few drops of kerosene (4.2) onto the centre of the cooling block. Then roll the gel sandwich, carrier side down, onto it, taking care to avoid bubbles. Wipe off any excess kerosene and remove the cover sheet. Soak the electrode strips with the electrode solutions (4.3, 4.4), cut to gel length and place in the positions provided (distance of electrodes 9,5 cm).

Conditions for isoelectric focusing:

6.3.1. Gel size 265 $\times$ 125 $\times$ 0,25 mm

Step	Time (minutes)	Voltage (V)	Current (mA)	Power (W)	Volt hours (Vh)
1. Prefocusing	30	maximum 2 500	maximum 15	constant 4	$\pm$ 300
2. Sample focusing (*)	60	maximum 2 500	maximum 15	constant 4	$\pm$ 1 000
3. Final focusing	60	maximum 2 500	maximum 5	maximum 20	$\pm$ 3 000
	40	maximum 2 500	maximum 6	maximum 20	$\pm$ 3 000
	30	maximum 2 500	maximum 7	maximum 25	$\pm$ 2 500

(*) Sample application: After prefocusing (step 1), pipette 18 μ l of each of the sample solutions onto the sample applications (10 $\times$ 5 mm), place them on the gel at 1 mm intervals from each other and 5 mm longitudinally from the anode and press lightly. Carry out focusing using the above conditions, carefully removing the sample applicators after the 60 minutes of sample focusing.

Note: If thickness or width of the gels are changed, the values for current and power have to be suitably adjusted (e.g. double the values for electric current and power if a 265 $\times$ 125 $\times$ 0.5 mm gel is used).

- 6.3.2. Example of a voltage programme for an automatic electrophoresis device (2 gels of 5.0×4.5 cm), electrodes without strips applied directly to the gel.

Step	Voltage	Current	Power	Temperature	Volt hours
1. Prefocusing	1 000 V	10,0 mA	3,5 W	8° C	85 Vh
2. Sample focusing	250 V	5,0 mA	2,5 W	8° C	30 Vh
3. Focusing	1 200 V	10,0 mA	3,5 W	8° C	80 Vh
4. Focusing	1 500 V	5,0 mA	7,0 W	8° C	570 Vh

Place sample applicator in step 2 at 0000 Vh

Remove sample applicator in step 2 at 0030 Vh

- 6.4. Protein staining

- 6.4.1. Protein fixation

Remove the electrode strips immediately after turning off the power and put the gel immediately into a staining/destaining dish filled with 200 ml fixative (4.9); leave for 15 minutes, shaking occasionally.

- 6.4.2. Washing and staining the gel plate

Thoroughly drain off the fixative and wash the gel plate twice for 30 seconds each time with 100 ml destaining solution (4.10). Pour off the destaining solution and fill the dish with 250 ml staining solution (4.11.3); allow to stain for 45 minutes with gentle shaking.

- 6.4.3. Destaining the gel plate

Pour off the staining solution, wash the gel plate twice with 100 ml destaining solution each time, then shake for at least 2×15 minutes with 200 ml destaining solution until the background is clear and uncoloured. Then rinse the gel plate with distilled water (2×2 minutes) and dry in the air (2-3 hours) or with a haridryer (10-15 minutes).

Note: Carry out fixing, washing, staining and destaining at 20° C. Do not use elevated temperatures.

7. Evaluation

Evaluation is performed by comparing the protein patterns of the sample with reference samples on the same gel. Detection of cows' milk in ewes' milk or the products made from them is done via the γ_2 and γ_3 -caseins intensified by plasmin treatment (see 6.1.2), whose isoelectric points range between pH 6,5 and pH 7,5; see 4 and 5). The detection limit is below 0,5 %. For visual evaluation of the amount of bovine milk it is advisable to adjust the concentrations of samples and standards to obtain the same level of intensity of the ovine γ_2 -caseins (see ' γ_2 S' in 4 and 5). After which the amount of bovine milk (less than, equal to or greater than 1 %) in the unknown sample can judged directly by comparing the intensity of the bovine γ_2 -caseins (see ' γ_2 C' in 4 and 5). If available, apply densitometry (5.19) for the determination of the peak area ratio of bovine to ovine γ_2 -caseins (see 5). Compare this value to the ratio of γ_2 -caseins in the 1 % standard analyzed on the same gel.

Note: The method is operating satisfactory, if there is a clear positive signal for bovine γ_2 -casein in the 1 % standard but not in the 0 % standard. If not, optimize the procedure following the details of the method precisely.

8. References

Addeo F., Moio L., Chianese L., Stingo C., Resmini P., Berner I., Krause I., Di Luccia A., Bocca A.: *Use of plasmin to increase the sensitivity of the detection of bovine milk in ovine cheese by gel isoelectric focusing of γ_2 -caseins*. *Milchwissenschaft* 45, 708-711 (1990).

Krause I., Berner I., Klostermeyer H.: *Sensitive detection of cow milk in ewe and goat milk and cheese by carrier ampholyte — and carrier ampholyte/immobilized pH gradient — isoelectric focusing of γ_2 -caseins using plasmin as signal amplifier*. In: *Electrophoresis-Forum '89* (B.J. Radola, ed.) pp 389-393, Bode-Verlag, Munich (1989).

Krause I., Belitz H.-D., Kaiser K.-P.: *Nachweis von Kuhmilch in Schaf- und Ziegenmilch bzw. -käse durch isoelektrische Fokussierung in harnstoffhaltigen Polyacrylamidgelen*. *Z. Lebensm. Unters. Forsch.* 174, 195-199 (1982).

Krause I., Berner I., Klostermeyer H.: *Z. Lebensm. Unters. Forsch.* (in preparation).

Radola B.J.: *Ultrathin-layer isoelectric focusing in 50-100 μ m polyacrylamide gels on silanized glass plates or polyester films*. *Electrophoresis* 1, 43-56 (1980).

Figure 1 : Schematic drawing of the covering sheet

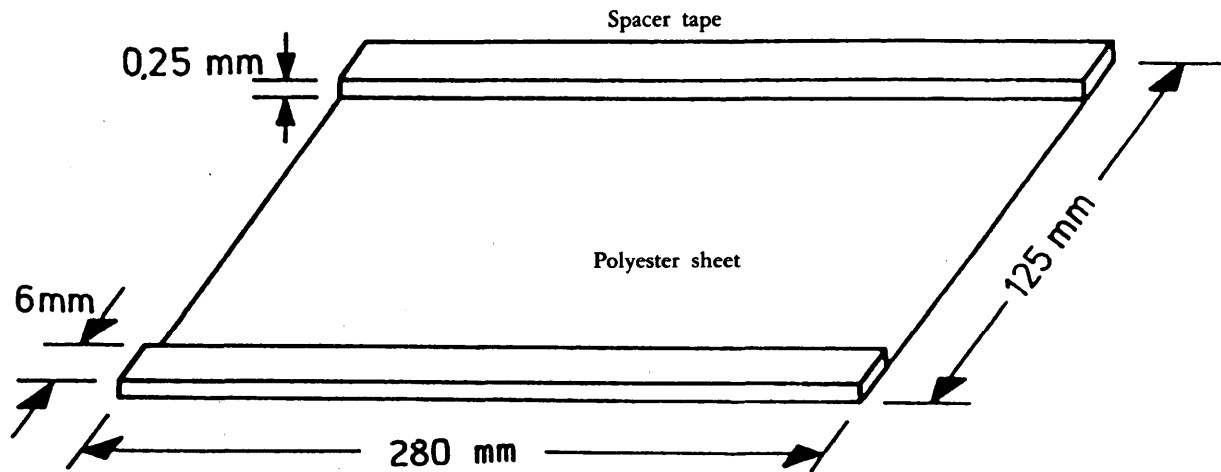


Figure 2 : Casein layer floating between aqueous and organic phases after centrifugation

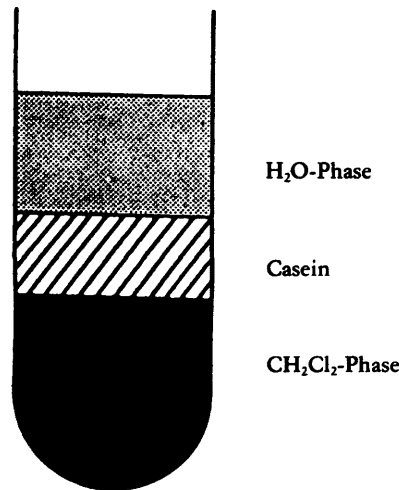


Figure 3 : Flapping technique for casting of ultrathin polyacrylamide gels.
a = spacer tape (0,25 mm); b = covering sheet (5.3); c, e = glass plates (5.1); d = gel solution (4.1.2); f = gel carrier sheet (5.2)

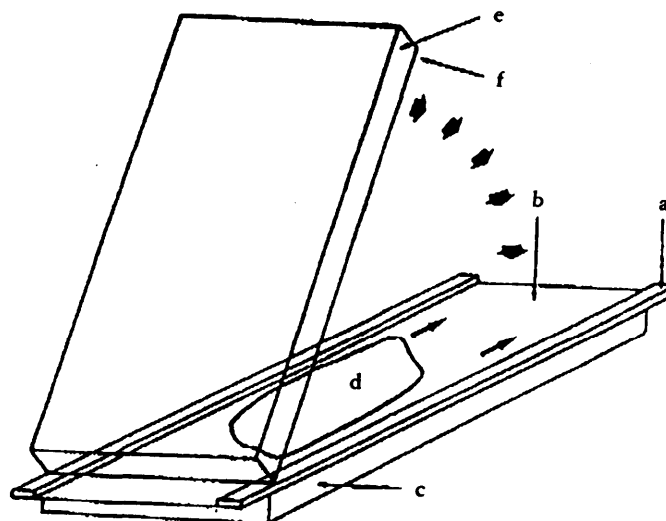


Figure 4 : Isoelectric focusing of plasmin-treated caseins from Pecorino-type cheese with different amounts of cows' milk. % CM = percentage of cow's milk, C = cow, S = sheep

Pecorino-type cheese containing :

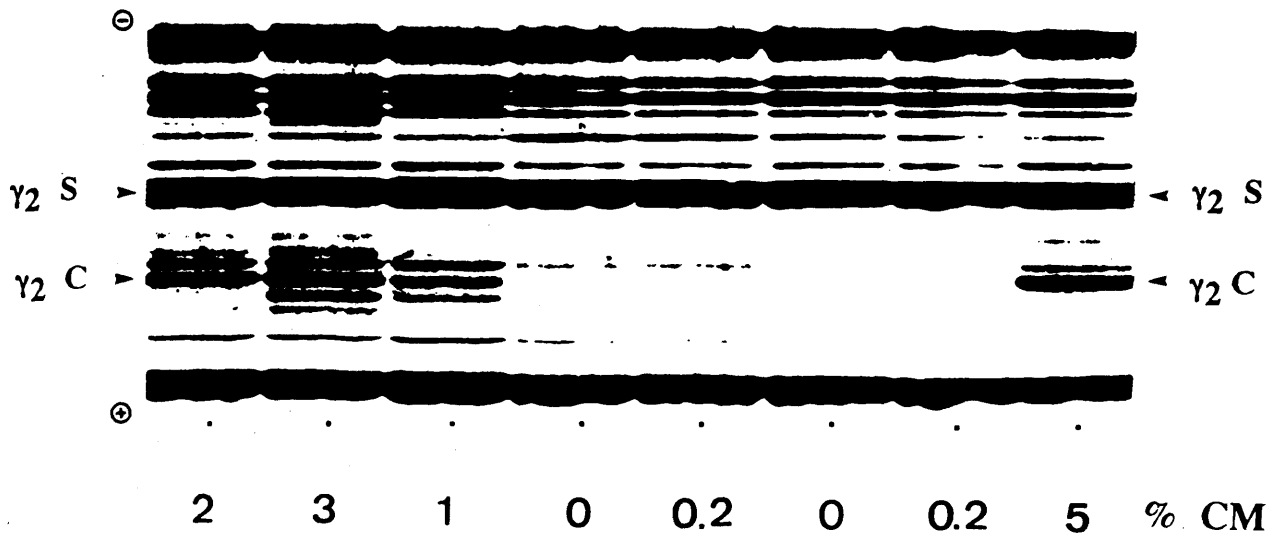
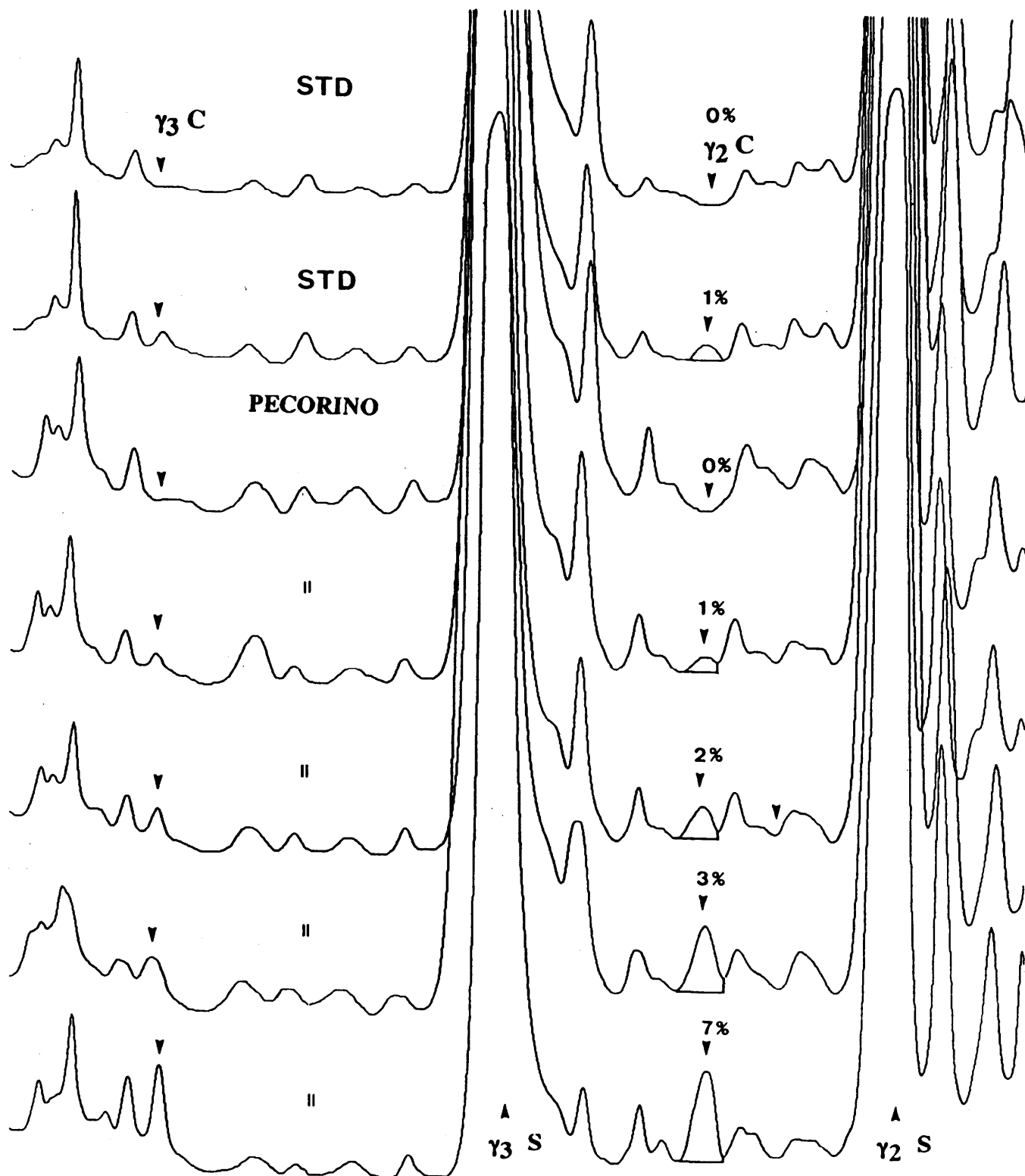


Figure 5: Superposition of densitograms of Pecorino-type cheese samples containing 0, 1, 2, 3 and 7 % of cows' milk after isoelectric focusing. Upper half of the IEF gel was scanned at $\lambda = 634$ nm. STD = standards containing 0 and 1 % of cows' milk



COMMISSION REGULATION (EEC) No 691/92**of 19 March 1992****fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EEC) No 444/92 ⁽²⁾, and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 provides for a 90 % reduction in the import duties on beef and veal ; whereas the amount of this reduction must be calculated in conformity with Article 3 of Commission

Regulation (EEC) No 970/90 ⁽³⁾, as amended by Regulation (EEC) No 815/91 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts by which import duties on beef and veal are to be reduced pursuant to Article 3 of Regulation (EEC) No 715/90 shall, in respect of importations during the second quarter of 1992, be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1992.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽³⁾ OJ No L 99, 19. 4. 1990, p. 8.

⁽⁴⁾ OJ No L 83, 3. 4. 1991, p. 6.

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

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Belgique Luxembourg FB/Flux/100 kg	Danmark dkr/100 kg	Deutschland DM/100 kg	Ελλάδα Δρχ/100 χηρ	España Pta/100 kg	France FR/100 kg	Ireland £ Int/100 kg	Italia Lit/100 kg	Nederland Fl/100 kg	Portugal Esc/100 kg	United Kingdom £/100 kg
0102 90 10	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 31	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 33	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 35	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0102 90 37	5 753,8	1 064,09	278,96	29 710,46	18 314,40	935,60	104,132	208 726	314,32	24 760,96	94,136
0201 10 10	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 10 90	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 20 21	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 20 31	10 932,1	2 021,77	530,03	56 449,99	34 797,40	1 777,65	197,852	396 580	597,20	47 045,88	178,860
0201 20 39	8 745,8	1 617,42	424,03	45 160,01	27 837,92	1 422,13	158,281	317 264	477,77	37 636,70	143,087
0201 20 51	13 118,6	2 426,12	636,04	67 740,07	41 756,89	2 133,18	237,422	475 896	716,65	56 455,07	214,631
0201 20 59	13 118,6	2 426,12	636,04	67 740,07	41 756,89	2 133,18	237,422	475 896	716,65	56 455,07	214,631
0201 20 90	16 398,3	3 032,65	795,04	87 159,35	51 450,01	2 666,48	296,777	594 869	895,82	70 063,79	270,077
0201 30 00	18 757,3	3 468,92	909,41	98 088,95	59 334,65	3 050,07	339,470	680 446	1 024,68	80 470,04	307,771
0202 10 00	7 540,1	1 394,44	365,57	38 225,48	24 213,19	1 226,07	136,461	273 527	411,90	32 592,36	122,852
0202 20 10	7 540,1	1 394,44	365,57	38 225,48	24 213,19	1 226,07	136,461	273 527	411,90	32 592,36	122,852
0202 20 30	6 032,1	1 115,55	292,46	30 580,33	19 370,52	980,86	109,168	218 822	329,53	25 663,13	98,281
0202 20 50	9 425,1	1 743,06	456,97	47 781,87	30 266,51	1 532,59	170,576	341 909	514,88	40 098,74	153,564
0202 20 90	11 310,1	2 091,67	548,35	59 548,05	35 656,22	1 839,11	204,692	410 291	617,86	48 439,41	185,868
0202 30 10	9 425,1	1 743,06	456,97	47 781,87	30 266,51	1 532,59	170,576	341 909	514,88	40 740,49	153,564
0202 30 50	12 968,9	2 398,45	628,78	67 231,44	41 201,09	1 532,59	234,713	470 466	708,47	55 115,48	212,372
0202 30 90	18 757,3	3 468,92	909,41	98 088,95	59 334,65	3 050,07	339,470	680 446	1 024,68	80 470,04	307,771
0206 10 95	18 757,3	3 468,92	909,41	98 088,95	59 334,65	3 050,07	339,470	680 446	1 024,68	80 470,04	307,771
0206 29 91	12 968,9	2 398,45	628,78	67 231,44	41 201,09	1 532,59	234,713	470 466	708,47	55 115,48	212,372
0210 20 10	16 398,3	3 032,65	795,04	87 159,35	51 450,01	2 666,48	296,777	594 869	895,82	70 063,79	270,077
0210 20 90	18 757,3	3 468,92	909,41	98 088,95	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
0210 90 41	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
0210 90 90	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
1602 50 10	18 757,3	3 468,92	909,41	98 892,20	59 093,43	3 050,07	339,470	680 446	1 024,68	80 306,77	308,349
1602 90 61	18 757,3	3 468,92	909,41	101 320,49	58 364,17	3 050,07	339,470	680 446	1 024,68	79 813,12	310,097

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

NB: KN-kodeerne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Code sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) nº 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten : zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) nº 2658/87 alterado.

COMMISSION REGULATION (EEC) No 692/92**of 19 March 1992****fixing the amount of the subsidy on oil seeds**

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1720/91⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 668/92⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾, and in particular Article 2 (3) thereof,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commis-

sion Regulation (EEC) No 307/92⁽⁷⁾, as last amended by Regulation (EEC) No 609/92⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 307/92 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ shall be as set out in the Annexes hereto.

Article 2

This Regulation shall enter into force on 20 March 1992.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 27.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 71, 18. 3. 1992, p. 21.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 32, 1. 2. 1992, p. 20.

⁽⁸⁾ OJ No L 65, 11. 3. 1992, p. 28.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	
1. Gross aids (ECU):					
— Spain	16,699	17,097	17,465	17,485	
— Portugal	25,779	26,177	26,545	26,565	
— Other Member States	16,699	17,097	17,465	17,485	
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	39,31	40,25	41,12	41,16	
— Netherlands (Fl)	44,30	45,35	46,33	46,38	
— BLEU (Bfrs/Lfrs)	810,84	830,17	848,04	849,01	
— France (FF)	131,85	134,99	137,90	138,06	
— Denmark (Dkr)	149,96	153,53	156,83	157,01	
— Ireland (£ Irl)	14,675	15,024	15,348	15,365	
— United Kingdom (£)	12,944	13,264	13,559	13,575	
— Italy (Lit)	29 414	30 116	30 764	30 799	
— Greece (Dr)	3 936,76	4 022,73	4 084,31	4 058,17	
— Spain (Pta)	2 567,73	2 627,25	2 682,35	2 684,54	
— Portugal (Esc)	5 463,21	5 545,33	5 621,36	5 620,89	

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	
1. Gross aids (ECU):					
— Spain	17,949	18,347	18,715	18,735	
— Portugal	27,029	27,427	27,795	27,815	
— Other Member States	17,949	18,347	18,715	18,735	
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	42,26	43,19	44,06	44,11	
— Netherlands (Fl)	47,61	48,67	49,64	49,70	
— BLEU (Bfrs/Lfrs)	871,54	890,86	908,73	909,70	
— France (FF)	141,72	144,86	147,77	147,92	
— Denmark (Dkr)	161,18	164,75	168,06	168,24	
— Ireland (£ Irl)	15,773	16,123	16,446	16,464	
— United Kingdom (£)	13,938	14,258	14,553	14,570	
— Italy (Lit)	31 616	32 317	32 966	33 001	
— Greece (Dr)	4 251,91	4 337,88	4 399,46	4 373,32	
— Spain (Pta)	2 756,26	2 815,79	2 870,88	2 873,07	
— Portugal (Esc)	5 724,06	5 806,17	5 882,21	5 881,74	

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	
1. Gross aids (ECU):					
— Spain	29,840	30,580	30,805	30,805	
— Portugal	36,570	37,310	37,535	37,535	
— Other Member States	18,140	18,880	19,105	19,105	
2. Final aids:					
Seed harvested and processed in:					
— Federal Republic of Germany (DM)	42,70	44,45	44,98	44,98	
— Netherlands (Fl)	48,12	50,08	50,68	50,68	
— BLEU (Bfrs/Lfrs)	880,81	916,74	927,67	927,67	
— France (FF)	143,23	149,07	150,85	150,85	
— Denmark (Dkr)	162,90	169,54	171,56	171,56	
— Ireland (£ Irl)	15,941	16,591	16,789	16,789	
— United Kingdom (£)	14,043	14,642	14,820	14,820	
— Italy (Lit)	31 953	33 256	33 653	33 653	
— Greece (Dr)	4 262,81	4 438,34	4 455,79	4 419,98	
— Portugal (Esc)	7 720,11	7 871,82	7 919,15	7 914,37	
— Spain (Pta)	4 551,51	4 661,66	4 695,80	4 695,01	

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 3	1st period 4	2nd period 5	3rd period 6	
DM	2,043520	2,042350	2,041320	2,040290	
Fl	2,299070	2,297680	2,296460	2,295140	
Bfrs/Lfrs	42,090300	42,060300	42,033500	41,007800	
FF	6,938140	6,936480	6,935230	6,934210	
Dkr	7,931950	7,929140	7,924230	7,921310	
£Irl	0,766130	0,766036	0,766284	0,766428	
£	0,714033	0,714153	0,714262	0,714292	
Lit	1 533,62	1 535,78	1 537,94	1 539,93	
Dr	235,89100	238,14500	240,26500	242,26000	
Esc	176,19700	176,52500	176,91200	177,35800	
Pta	129,03100	129,30800	129,49300	129,72000	

COMMISSION REGULATION (EEC) No 693/92
of 19 March 1992
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2880/91 ⁽⁴⁾, as last amended by Regulation (EEC) No 600/92 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2880/91 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginne cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 73,381 per 100 kilograms.

Article 2

This Regulation shall enter into force on 20 March 1992.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 274, 1. 10. 1991, p. 48.

⁽⁵⁾ OJ No L 64, 10. 3. 1992, p. 21.

COMMISSION REGULATION (EEC) No 694/92

of 19 March 1992

laying down detailed rules applicable to the free supply of food products to the population of Albania as provided for in Council Regulation (EEC) No 3860/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3860/91 of 23 December 1991 on an emergency measure for the free supply of food products to the population of Albania ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 3577/90 ⁽³⁾, and in particular Article 7 thereof,

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

Whereas Council Regulation (EEC) No 3860/91 provides for an emergency measure for the supply of food products to the population of Albania;

Whereas, with a view to implementing that emergency measure, detailed rules of application should be laid down for the cereals sector providing in particular for the said supply operation to be allocated by a tendering procedure; whereas common detailed rules should be laid down for invitations to tender opened for the purposes of this measure;

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

Whereas, in order to avoid the risk of monetary distortion when converting into ecus the tenders awarded for supply costs, a rate corresponding more closely to actual economic circumstances than the agricultural conversion rate should be used with due regard to the application of the correcting factor referred to in Article 2 (2) of Regulation (EEC) No 1676/85; whereas Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Regulation (EEC) No 1676/85 on the value of the unit of

account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁶⁾, as last amended by Regulation (EEC) No 3237/90 ⁽⁷⁾ provides for the publication of such a rate;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 665/92 ⁽⁹⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The detailed rules set out herein shall apply for the purpose of the free supply of food products to the population of Albania as provided for in Regulation (EEC) No 3860/91.

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

Article 2

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

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

Article 3

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

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 85.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 352, 17. 12. 1990, p. 23.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 85, 5. 4. 1991, p. 26.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁷⁾ OJ No L 310, 9. 11. 1990, p. 18.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 71, 18. 3. 1992, p. 7.

Article 4

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

Article 5

Tenders must cover all the supply costs referred to in Article 2 (2) of a lot or group of lots indicated in the notice of invitation to tender for a given destination. They shall be expressed in ecus per tonne.

That amount shall be converted using the conversion rate specified in Article 3a of Commission Regulation (EEC) No 3152/85, applicable on the closing date for the submission of tenders.

Tenders shall be valid only where they are accompanied by:

- (a) an application for an export licence quoting a reference to Regulation (EEC) No 3860/91, to be entered in Section 22;
- (b) proof that a tendering security of ECU 10 per tonne has been lodged.

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

Tenders may be neither amended nor withdrawn.

Article 6

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

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

Article 7

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

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

Article 8

Removal of the goods shall be subject to the lodging of a security equal to the purchase price for the said cereals,

adjusted in accordance with monthly increases applicable in the month of submission of tenders, that price being increased by 10 %.

Article 9

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

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

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

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

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

Article 10

1. Representative samples of the quantities supplied shall be taken at the time of loading in the port of export and at the time of unloading in the port of destination.

The security firm monitoring unloading may not be the same as that monitoring loading and must operate independently from it. Security firms shall be designated by the tenderers before tenders are lodged and in agreement with the intervention agency, the latter acting in agreement with the Commission.

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

Article 11

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

- (a) maintenance of the tender and removal of the goods as regards the security provided for in point (b) for the second subparagraph of Article 5;
- (b) actual delivery of the lots awarded up to the supply stage without any significant change in quality compared with that applying at the time of removal from the intervention store as regards the security provided for in Article 8.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 364, 14. 12. 1989, p. 54.

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

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

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

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

Article 12

In Part I of the Annex of Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 125 and footnote are added :

'125. Commission Regulation (EEC) No 694/92 of 19 March 1992 laying down detailed rules applicable to the free supply of food products to the population of Albania as provided for in Council Regulation (EEC) No 3860/91 ⁽¹²⁵⁾.

⁽¹²⁵⁾ OJ No L 74, 20. 3. 1992, p. 39.'

Article 13

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

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

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

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

Article 14

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

Article 15

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

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 695/92

of 19 March 1992

amending Regulation (EEC) No 859/89 laying down detailed rules for the application of intervention measures in the beef and veal sector

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 6 (8) thereof,

Whereas Commission Regulation (EEC) No 859/89 of 29 March 1989 having down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 3560/91 ⁽⁴⁾, lays down detailed rules on buying-in in particular;

Whereas, in view of experience gained in recent invitations to tender, the security provided for in Article 10 of the abovementioned Regulation should be increased and provision should be made for it to be lodged exclusively in the form of a cash deposit as provided for in Article 13 of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities of agricultural products ⁽⁵⁾, amended by Regulation (EEC) No 3745/89 ⁽⁶⁾;

Whereas, in order to put a stop as quickly as possible to speculative tenders, provision should be made for this Regulation to enter into force on the day of its publication so that it applies from the second invitation to tender in March;

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

Article 10 of Regulation (EEC) No 859/89 is hereby amended as follows:

1. In paragraph 1, the figure '15' is replaced by '30'.
2. The following paragraph is added:
'3. Notwithstanding Article 8 (1) and Article 11 of Regulation (EEC) No 2220/85, securities shall be lodged only in the form of a cash deposit as defined in Article 13 of that Regulation.'

Article 2

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

It shall apply from the second invitation to tender in March 1992.

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

Done at Brussels, 19 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 336, 7. 12. 1991, p. 28.

⁽⁵⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁶⁾ OJ No L 364, 14. 12. 1989, p. 54.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 March 1992

setting up a Committee of Experts on the Transit of Electricity between Grids

(92/167/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ad hoc composition to consider any request for conciliation,

Having regard to the Treaty establishing the European Economic Community,

HAS DECIDED AS FOLLOWS:

Whereas, in the context of the completion of the internal energy market, the Commission has the objective of facilitating energy transfers by promoting the transit of electricity between grids within the meaning of Article 2 of Council Directive 90/547/EEC of 29 October 1990 on the transit of electricity through transmission grids⁽¹⁾;

Article 1

The Committee of Experts on Transit of Electricity between Grids, hereinafter referred to as 'the Committee', is hereby set up under the auspices of the Commission.

Whereas, to this end, it is desirable for the Commission to be advised by a committee of experts on matters relating to the smooth functioning of transit and related economic, technical, legal and social factors;

Article 2

Responsibilities

The tasks of the Committee shall be:

- to advise the Commission, at the latter's request,
- to propose conciliation compromises, at the request of the negotiating parties, in the event of specific requests for transit.

Whereas the entities responsible for the grids should be represented on that committee; whereas provision should also be made for the participation of particularly qualified persons capable of providing specific knowledge in the field of electricity transit;

Article 3

Provision of advice

As part of its role of providing advice, the Committee:

(a) shall examine more specifically:

- the technical, financial and legal conditions of transit, taking into account economic and social factors,

Whereas it would be appropriate for the committee of experts also to act as the conciliation body provided for in Article 3 (4) of Directive 90/547/EEC;

Whereas, for the sake of the efficiency of the conciliation procedure, the committee of experts should meet in an

⁽¹⁾ OJ No L 313, 13. 11. 1990, p. 30.

- measures to promote the development of electricity transfers and the improvement of infrastructures,
- the possibilities of cooperation with entities in non-member countries;

(b) shall assist the Commission in connection with :

- the drafting of an annual report on the implementation of Directive 90/547/EEC,
- the revision of the Annex to Directive 90/547/EEC.

Article 4

Composition

1. The Committee shall comprise 17 members, namely :
 - 12 representatives of the high-voltage grids operating in the Community (one representative per Member State),
 - three independent experts whose professional experience and competence in the field of electricity transit in the Community are widely recognized,
 - one representative of Eurelectric,
 - one Commission representative.
2. The members of the Committee shall be appointed by the Commission. The 12 representatives of the grids and the Eurelectric representative shall be appointed after consultation of the circles concerned from a list containing at least two proposals for each post.

Article 5

Publication

The list of members shall be published by the Commission in the *Official Journal of the European Communities*.

Article 6

Term of office

1. The term of office of members of the Committee shall be four years.
2. Their term of office shall not be renewable.
3. By way of derogation from paragraphs 1 and 2, the term of office of half of the members appointed on the setting-up of the Committee shall be two years and shall be renewable for a further four-year period.
4. On expiry of their term of office, the members of the Committee shall remain in office until they are replaced.
5. Where the term of office of a member ends before the expiry of the four-year period, as a result of his resignation or death or for any other reasons, he shall be replaced for the remainder of his term of office in accordance with Article 4 (2).

nation or death or for any other reasons, he shall be replaced for the remainder of his term of office in accordance with Article 4 (2).

6. The Commission may bring to an end the term of office of a member after consulting the circles concerned referred to in Article 4 (2) and to replace him in accordance with that provision.

7. The office of member of the Committee shall be unpaid.

Article 7

Operation

1. The Committee shall be chaired by the Commission representative.
2. Representatives of the Commission departments concerned shall attend meetings of the Committee as observers.
3. Secretariat services for the Committee shall be provided by the Commission departments.
4. The chairman may invite any person with particular competence in respect of an item included on the agenda to take part in the deliberations as an expert. Experts shall take part in the deliberations only for the item for which they have been invited to attend.
5. The Committee shall adopt its own rules of procedure.
6. The Committee shall meet at least once a year.

Article 8

Conciliation

1. Only the parties to a dispute relating to a specific request for transit may refer a matter to the Committee.
2. The Committee shall meet in an *ad hoc* composition to consider any request for conciliation.
3. The Committee in its conciliation composition shall comprise the chairman and six members :
 - the Eurelectric representative,
 - two experts chosen by and from among the three experts who are members of the Committee,
 - three representatives of the grids not involved in the negotiations relating to the specific request for transit on which conciliation has been requested, chosen by and from among the twelve representatives of the grids which are members of the Committee.

The chairman shall not vote.

4. Any conciliation request must be acted upon.

5. The Committee in its conciliation composition shall designate a rapporteur from among its members.

6. The representatives of the grids involved in the negotiations on a specific request for transit on which conciliation by the Committee has been requested shall be invited to present their points of view.

7. After discussion by the Committee in its conciliation composition, the rapporteur shall formulate a conciliation compromise on which there is likely to be a consensus among the five other members of the Committee. In the event of disagreement, the rapporteur shall formulate a conciliation compromise on which there is likely to be agreement among a majority of the five other members. In that event, the opinions of the minority members shall be put on record.

8. The chairman shall submit the conciliation compromise to the parties, accompanied by any minority opinions, within three months of the date on which the request for conciliation by the Committee was submitted.

9. The outcome of the conciliation procedure shall not have binding force.

10. Representatives of the Member States concerned by a request for transit may take part in the conciliation procedure as observers.

Article 9

Confidentiality

Members of the Committee and, where appropriate, the experts referred to in Article 7 (4), shall be required not to disclose information brought to their knowledge through the work of the Committee, where the Commission informs them that the opinion requested or the question raised relates to a confidential matter.

Article 10

Effect

This Decision shall take effect on 4 March 1992.

Done at Brussels, 4 March 1992.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 4 March 1992

authorizing Greece to restrict the marketing of seed of certain varieties of an agricultural plant species**(Only the Greek text is authentic)**

(92/168/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽¹⁾, as last amended by Directive 90/654/EEC⁽²⁾, and in particular Article 15 (2) and (3) thereof,

Having regard to the application lodged by the Hellenic Republic,

Whereas, pursuant to Article 15 (1) of Directive 70/457/EEC, Member States shall ensure that, after the expiry of a period ending on 31 December of the second year following that in which a variety was accepted, seed and propagating material of varieties accepted after 1 July 1972 in one or more Member States in accordance with the provisions of the Directive are subject to no marketing restrictions relating to the variety;

Whereas, however, Article 15 (2) of Directive 70/457/EEC provides that, in the cases set out in Article 15 (3), a Member State may be authorized, upon application, to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the application of Greece relates to early varieties of soya bean; whereas the application was made before 31 December 1989 and is based on Article 15 (3) (c), second alternative, of Directive 70/457/EEC, namely that it is well known that such varieties are not at present suitable for cultivation in Greece;

Whereas it appears that the ground set out at Article 15 (3) (c), second alternative, of Directive 70/457/EEC, namely that it is well known that early varieties of soya bean are not at present suitable for cultivation in Greece, has been established;

Whereas, however, the system for the grant of authorizations pursuant to Article 15 (2) of the said Directive must be revised, with a view to the completion of the internal market; whereas this revision will affect all derogations granted hitherto, with effect from 31 December 1992 at the latest;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Hellenic Republic is hereby authorized to prohibit the marketing in its territory of seed of the following varieties listed in the 1989 common catalogue of varieties of agricultural plant species:

Oil and fibre plants*Glycine max (L.) Merr.* (soya bean),
Ambassador,
Dorado,
Leman.*Article 2*

The authorization given in Article 1 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 3

The Hellenic Republic shall notify the Commission and the other Member States of the date from which it make use of the authorization under Article 1 and the detailed methods to be followed.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 4 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 48.

COMMISSION DECISION

of 9 March 1992

suspending the examination procedure concerning illicit commercial practices within the meaning of Council Regulation (EEC) No 2641/84 consisting of the imposition in Japan of a port charge or fee used for the creation of a Harbour Management Fund

(92/169/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2641/84 of 17 September 1984 on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices⁽¹⁾,

After consultation within the Advisory Committee in accordance with the abovementioned Regulation,

Whereas :

A. COMPLAINANT

- (1) On 7 January 1991, the Commission received a complaint from the European Community Shipowners' Associations (ECSA, hereafter referred to as 'the complainant') on behalf of shipping lines representing about 90 % of all Community liner shipping companies transporting goods to and from Japan.

B. SUBJECT OF THE COMPLAINT

- (2) The complaint alleged that in November 1989 a port charge or fee was introduced by the Japan Harbour Transportation Association (hereafter 'JHTA') on all cargoes moving through Japanese ports for the creation of a so-called 'Harbour Management Fund'. The alleged purpose of this Fund was to ensure a stable and regular supply of dock labour and to update and modernize the Japanese import distribution system. According to the complaint, the Japan Foreign Steamship Association (hereafter 'JFSA'), representing all non-Japanese shipping lines, had originally refused payment. However, as it was allegedly pointed out that refusal to sign an 'agreement' accepting the charge would create a substantial risk that the vessels of the refusing shipping lines would suffer serious difficulties when being loaded or unloaded in Japanese ports, in the end all shipping lines, including those from the Community, signed up to an 'agreement' covering the period from 1 October 1989 to 31 March 1990. Allegedly this 'agreement'

was subsequently renewed for the period from 1 April 1990 to 31 March 1991.

- (3) The complaint submitted that the charge for the Harbour Management Fund constituted an illicit commercial practice within the meaning of Article 2 of Council Regulation (EEC) No 2641/84. Arguments presented were that in practice Community shipping lines were forced to make contributions to the Fund, that they had no real influence over the use of the money collected, that the purpose for which the money was actually used (i.e. the construction of inland distribution centres) represented no benefit to Community shipping lines, and that the charges were discriminatory in the sense that the charge for cabotage trade (reserved to Japanese shipping lines) was only one fourth approximately of the charge for imports and exports.
- (4) According to the complaint, this illicit commercial practice should be attributed to Japan, because the Harbour Management Fund had been authorized and guided by the Japanese Ministry of Transport (MOT), and because JHTA itself operated under the guidance of MOT and had obtained through MOT's approval its powerful position as intermediary between dock labour trade unions and shipping lines, a position which easily lent itself to abuse if not properly supervised.
- (5) The complaint further alleged that this illicit commercial practice caused injury to Community shipping lines in the order of US\$ 4,5 million per year. The uncertainty which the creation of the Fund introduced in trading relations would also pose a threat of injury to EEC — Japan trade in general.
- (6) The complaint concluded by urging the Community to take appropriate action to secure the early elimination of the Harbour Management Fund.

C. EXAMINATION PROCEDURE

- (7) As the complaint contained sufficient evidence to justify initiating an examination procedure, and as initiating such a procedure was considered to be in the interest of the Community, the Commission, after consultation within the Advisory Committee in accordance with Article 6 of Council Regulation (EEC) No 2641/84, announced the initiation of an

⁽¹⁾ OJ No L 252, 20. 9. 1984, p. 1.

examination procedure under the said Regulation into the matter of the Japanese Harbour Management Fund in a notice published in the *Official Journal of the European Communities*⁽¹⁾.

- (8) The Commission officially notified the complainant, the Japanese Government and parties directly concerned in Japan of the initiation of the examination procedure. It also gave the parties concerned the opportunity to make their views known in writing and request a hearing. No request for a hearing was received. No written submissions were made at this time.
- (9) The Commission commenced the examination at Community level by sending questionnaires to Community shipowners known to be concerned. All addresses replied in a satisfactory manner. The information provided by the most important companies was verified on the spot.
- (10) Simultaneously, the Commission commenced the examination on the Japanese side by requesting the information it deemed necessary from the Japanese Government and interested parties in Japan. This information was received only at a very late stage in the procedure, but the Commission nevertheless decided to take it into account.
- (11) In accordance with Article 6 (9) of Regulation (EEC) No 2641/84, the Commission reported the findings of its examination to the Advisory Committee established under the said Regulation at the end of the seven months examination period. A non-confidential version of these findings was transmitted to the Japanese Government and the complainant.
- (12) As the Japanese Government indicated that it was willing to cooperate with the Commission to quickly resolve the problem of the Harbour Management Fund, the Commission, after consultation within the Advisory Committee, decided to extend the examination procedure to permit the necessary consultations with the Japanese Government. A notice of this extension was published in the *Official Journal of the European Communities*⁽²⁾.
- (13) During the consultations with the Japanese Government, the Commission received formal assurances that the Harbour Management Fund will

be discontinued after 31 March 1992, that it will not continue in a different guise, and that the views of foreign shipping lines regarding the utilization reintroduced of the money collected and not yet disbursed will be adequately reflected. This was later confirmed in writing. The Commission considers that these assurances are satisfactory and should, when duly implemented, result in the removal of the injury to Community shipping lines within the meaning of Article 1 (a) of Council Regulation (EEC) No 2641/84.

- (14) Under the circumstances described above, the Commission considers that it is in the interest of the Community and of an effective application of Council Regulation (EEC) No 2641/84 to suspend the examination procedure. This suspension will be reviewed by the Commission when sufficient time has elapsed after the discontinuation of the Harbour Management Fund so as to give a reasonable guarantee that the scheme will not be reintroduced in a different form.
- (15) The Commission has informed the complainant and the Japanese Government of its conclusions and the principal underlying facts and considerations,

HAS DECIDED AS FOLLOWS:

Sole Article

The examination procedure concerning illicit commercial practices within the meaning of Council Regulation (EEC) No 2641/84 consisting of the imposition in Japan of a port charge or fee used for the creation of the Harbour Management Fund is herewith suspended until further notice.

Done at Brussels, 9 March 1992.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No C 40, 16. 2. 1991, p. 18.

⁽²⁾ OJ No C 287, 5. 11. 1991, p. 5.