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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 1141/92
of 5 May 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 674/92⁽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 986/92⁽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 4 May 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 986/92 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 6 May 1992.

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

Done at Brussels, 5 May 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 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 105, 23. 4. 1992, p. 1.

ANNEX

to the Commission Regulation of 5 May 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy (°)
0709 90 60	141,67 ⁽²⁾ ⁽³⁾
0712 90 19	141,67 ⁽²⁾ ⁽³⁾
1001 10 10	167,34 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 10 90	167,34 ⁽¹⁾ ⁽³⁾ ⁽¹⁰⁾
1001 90 91	156,45
1001 90 99	156,45 ⁽¹¹⁾
1002 00 00	166,46 ⁽⁹⁾
1003 00 10	146,06
1003 00 90	146,06 ⁽¹¹⁾
1004 00 10	122,97
1004 00 90	122,97
1005 10 90	141,67 ⁽²⁾ ⁽³⁾
1005 90 00	141,67 ⁽²⁾ ⁽³⁾
1007 00 90	147,22 ⁽⁴⁾
1008 10 00	60,60 ⁽¹¹⁾
1008 20 00	117,21 ⁽⁴⁾
1008 30 00	60,93 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	60,93
1101 00 00	232,96 ⁽⁸⁾ ⁽¹¹⁾
1102 10 00	246,05 ⁽⁸⁾
1103 11 10	273,01 ⁽⁸⁾ ⁽¹⁰⁾
1103 11 90	249,92 ⁽⁸⁾

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

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

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

⁽⁴⁾ 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.

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

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

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

⁽⁹⁾ 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.

⁽¹⁰⁾ 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.

⁽¹¹⁾ 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 1142/92

of 5 May 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 674/92⁽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 4 May 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 6 May 1992.

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

Done at Brussels, 5 May 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 73, 19. 3. 1992, p. 7.⁽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 5 May 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 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt*(ECU/tonne)*

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1143/92**of 5 May 1992****amending Regulation (EEC) No 2213/76 on the sale of skimmed-milk powder
from public storage**

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organizations of the
market in milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 816/92 ⁽²⁾, and in particular Article 7 (5)
thereof,

Whereas Commission Regulation (EEC) No 2213/76 ⁽³⁾,
as last amended by Regulation (EEC) No 3153/91 ⁽⁴⁾,
limited the quantity of skimmed-milk powder put up for
sale by the Member States' intervention agencies to that
taken into storage before 1 August 1990;

Whereas, having regard to the market situation, that date
should be replaced by 1 September 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2213/76, '1 August
1990' is hereby replaced by '1 September 1990'.

Article 2

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, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 86, 1. 4. 1992, p. 83.

⁽³⁾ OJ No L 249, 11. 9. 1976, p. 6.

⁽⁴⁾ OJ No L 299, 30. 10. 1991, p. 35.

COMMISSION REGULATION (EEC) No 1144/92**of 5 May 1992****repealing Regulation (EEC) No 3522/91 opening a standing invitation to tender for the export of 150 000 tonnes of common wheat held at Ghent by the French intervention agency**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾,

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

Whereas Commission Regulation (EEC) No 3522/91 ⁽⁵⁾, as amended by Regulation (EEC) No 383/92 ⁽⁶⁾, provides for the opening of a standing invitation to tender for export; whereas it is convenient to cancel this invitation to tender;

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

Regulation (EEC) No 3522/91 is hereby repealed as from 6 May 1992.

Article 2

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, 5 May 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 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 334, 5. 12. 1991, p. 24.

⁽⁶⁾ OJ No L 43, 19. 2. 1992, p. 7.

COMMISSION REGULATION (EEC) No 1145/92

of 5 May 1992

**on the supply of refined rapeseed oil to the people of Moscow and St Petersburg
as urgent aid pursuant to Council Regulation (EEC) No 330/92**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 330/92 of 10 February 1992 on urgent action for the supply of agricultural products in particular to the people of Moscow and St Petersburg⁽¹⁾, and in particular Article 5 (2) thereof,

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

Whereas Regulation (EEC) No 330/92 provides for urgent action for the free supply of agricultural products to the people of Moscow and St Petersburg and possibly other towns and cities; whereas those cities have also requested to be supplied with refined rapeseed oil; whereas that request should be granted; whereas suppliers are to be selected by invitation to tender pursuant to Article 2 of that Regulation;

Whereas the conditions governing the submission of tenders for the award of supply contracts and the obligations of the successful tenderers should be determined;

Whereas, as regards the securities to be lodged by suppliers, Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁴⁾, as last amended by Regulation (EEC) No 3745/89⁽⁵⁾, should apply;

Whereas provision should be made for the necessary notifications to ensure the optimal monitoring of operations until take-over at destination;

Whereas, for the purposes of determining the supply costs and the securities to be lodged and in order to avoid market distortion of monetary origin, the representative market rates referred to in 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⁾, should be used;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Regulation (EEC) No 330/92, invitations to tender are hereby opened for the award of contracts for the supply of refined rapeseed oil in accordance with the conditions laid down herein.

The definition of the supplies in Annex I as regards the geographical breakdown of quantities shall be subject to amendment on the basis of the tenders submitted in response to individual invitations to tender.

2. In each case, supply shall cover:

- (a) the mobilization of refined rapeseed oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements;
- (b) compliance of the product to be supplied with the quality requirements and characteristics laid down in Annex II. The product must be packaged and marked in accordance with the instructions in that Annex;
- (c) transport to the destination laid down in Annex I at the expense of the successful tenderer by the date indicated therein. Supply shall include unloading the goods and placing them at the store entrance at destination.

Where the second subparagraph of Article 2 (2) applies, transport must be completed by the date indicated for such an eventuality.

⁽¹⁾ OJ No L 36, 13. 2. 1992, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁵⁾ OJ No L 364, 14. 12. 1989, p. 54.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁷⁾ OJ No L 310, 9. 11. 1990, p. 18.

Successful tenderers shall take out at their own expense the relevant insurance to cover the goods up to the delivery stage specified.

Article 2

1. Tenders shall be forwarded by written telecommunication to the intervention agency of the Member State in which the goods are packaged.

2. Tenders must be lodged in full by 12 noon (Brussels time) on 13 May 1992.

Where no award is made in accordance with Article 5 (1), tenders may be lodged by a second deadline expiring at 12 noon (Brussels time) on 27 May 1992.

Article 3

1. Tenders shall be valid only if they :

- (a) indicate the precise reference to this Regulation and a specific supply referred to in Annex I ;
- (b) indicate the name and address and in particular the telex/telefax number of the tenderer, who must be established in the Community ;
- (c) cover the entire lot (net weight) for the specific supply as defined in Annex I ;
- (d) quote an amount, expressed in ecus per tonne of goods, for the whole supply concerned. In addition, the amount shall be broken down to show separately the price offered for the manufacture and packaging of the goods, and for the transport costs (including insurance) to destination ;
- (e) indicate, for transport by sea, the port of loading in the Community ;
- (f) indicate, the exact address of the places of packaging and storage of the goods prior to dispatch ;
- (g) are accompanied by proof that the tenderer has lodged the tendering security of ECU 15 per tonne in the name of the intervention agency in accordance with Title III of Regulation (EEC) No 2220/85. This proof shall entail a document issued by the guarantor.

2. Tenders not submitted in accordance with this Article or containing conditions other than those laid down in this Regulation shall not be accepted.

3. Tenders may not be altered or withdrawn.

Article 4

The competent agencies referred to in Article 2 shall forward the following information separately for each

supply as defined in Annex I to the Commission by written telecommunication within 24 hours of the closing date set for the submission of tenders :

- (a) the number of tenders submitted by the deadline laid down in Article 2 and in accordance with Article 3 ;
- (b) separately and clearly for each tender :
 - the total price offered in ecus and the breakdown provided for in Article 3 (1) (d),
 - the places of packaging and storage prior to dispatch,
 - the business name of the tenderer, who must be established in the Community.

Article 5

1. On the basis of the tenders received :

- the supply contract shall be awarded to the tenderer(s) whose tender(s) is/are the lowest ; should the same price be quoted by more than one tender, award shall be made by drawing lots, or
- where applicable, no award shall be made, in particular where the tenders submitted quote prices in excess of those normally obtaining on the market.

2. Within five working days following the closing date for the submission of tenders, the Commission shall inform each Member State of the tenders which have been accepted and of the contracts which have not been awarded.

3. Within seven working days following the closing date for the submission of tenders, the agency referred to in Article 2 (1) shall inform all tenderers by written telecommunication of the outcome of their tenders. Where a contract is awarded, the successful tenderer shall be informed thereof immediately by written telecommunication by that agency.

Article 6

The tendering security provided for in Article 3 (1) (g) shall be released without delay :

- where the tender is not accepted or where no contract is awarded,
- to the successful tenderer when proof is provided of the lodging of the supply security provided for in Article 7.

Article 7

Within five working days of receipt of notification of award of the supply contract, the successful tenderer shall send the intervention agency referred to in Article 2 proof that a supply security amounting to 10 % of the price tendered in accordance with Title III of Regulation (EEC) No 2220/85 has been lodged in its name. Such proof shall entail a document issued by the guarantor.

Article 8

1. The successful tenderer shall present an application for payment of the supply to the intervention agency referred to in Article 2.

The application shall be accompanied by:

- the original of the take-over certificate drawn up in accordance with the specimen in Annex III and issued by the recipient or his representative,
- the certificates drawn up on completion of the checks carried out pursuant to Article 9.

Where none is issued by the recipient, a certificate shall be issued by the body designated by the Commission, in accordance with the specimen referred to above.

2. Payment shall be made for the supply of the quantity of goods (net weight) mentioned in the take-over certificate.

Article 9

1. The goods shall be inspected at the request of the body designated by the Member State in which the places of packaging and storage are located. The inspection shall cover the quality, packaging and marking of the goods supplied.

Following inspection, the body shall issue a certificate of conformity.

2. In addition, the successful tenderer shall submit to checks requested by the Commission and carried out by inspectors authorized by it or by the body indicated by it. For this purpose the successful tenderer shall forward all information requested which is relevant to the supply.

Article 10

1. For the purposes of releasing the supply security, the primary requirement within the meaning of Article 20 of

Regulation (EEC) No 2220/85 shall be execution of the supply in accordance with the conditions laid down.

The quantity delivered shall be considered satisfactory where the net weight recorded on take-over by the recipient is not more than 1 % less than the quantity laid down.

2. Proof of fulfilment of the obligations relating to the supply shall involve presenting the documents referred to in Article 8 to the agency concerned.

3. The supply security shall be released at once in cases of *force majeure*.

4. In the event of particular difficulties on take-over, the Commission shall take the appropriate measures.

Article 11

In cases of *force majeure*, the successful tenderer shall be freed from all or part of his obligations. In such cases, the competent agency responsible for payment shall take the necessary measures after consulting the Commission.

Article 12

The conversion rates to be used for payment of tenders and for the tendering and supply securities shall be the representative market rates referred to in Article 3a of Regulation (EEC) No 3152/85 applying on the closing date for the submission of tenders.

Article 13

1. Member States shall forward all information to the Commission concerning the execution of the supply, and in particular the results of the inspection referred to in Article 9 (1), actual delivery schedules and reports of any incidents occurring during delivery.

2. The Commission shall forward in good time to the competent agencies of the Member States all information necessary to facilitate the proper execution of supplies. In particular, the Commission delegation in Moscow shall forward the instructions necessary to facilitate execution of supplies and take-over.

Article 14

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

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

SUPPLIES PROVIDED FOR IN THIS REGULATION

	Delivery schedule
LOT A Supply of 2 000 tonnes of rapeseed oil to St Petersburg Recipient's representative : Mr Sergei Prokovsky, Chairman of Foodstuffs Committee of St Petersburg, Gertzena Str. 59, 190 000 St Petersburg	1st invitation to tender : 24. 6. 1992 2nd invitation to tender : 8. 7. 1992
LOT B Supply of 2 000 tonnes of rapeseed oil to St Petersburg Recipient's representative : as for Lot A	1st invitation to tender : 3. 7. 1992 2nd invitation to tender : 17. 7. 1992
LOT C Supply of 1 500 tonnes of rapeseed oil to St Petersburg Recipient's representative : as for Lot A	1st invitation to tender : 10. 7. 1992 2nd invitation to tender : 24. 7. 1992
LOT D Supply of 3 000 tonnes of rapeseed oil to Moscow Recipient's representative : Sergei Borison, Deputy Prime Minister of Moscow Government, Shatenty Pereulok 4, Moscow Tel. 290 06 65 or 200 22 65	as for Lot A
LOT E Supply of 3 000 tonnes of rapeseed oil to Moscow Recipient's representative : as for Lot D	as for Lot B
LOT F Supply of 3 000 tonnes of rapeseed oil to Moscow Recipient's representative : as for Lot D	as for Lot B
LOT G Supply of 3 000 tonnes of rapeseed oil to Moscow Recipient's representative : for Lot D	as for Lot C

*ANNEX II***1. Composition and quality requirements**

Refined rape seed oil (HColz)

The refined rapeseed oil must be of sound, fair and marketable quality and must meet the following criteria :

- water and impurity content : 0,2 % maximum,
- free fatty acids : 0,15 % maximum, expressed as oleic acid,
- erucic acid : not more than 5 % of total fatty acids present,
- brassicasterol : not more than 5 % of total sterol content,
- absence of soap,
- absence of foreign odours and flavours,
- peroxide number : less than 10 milliequivalents of active oxygen per kilogram of oil,
- authorized additives : 100 mg of butylated hydroxytoluene (BHT-E-321) per kilogram of oil.

2. Packaging

The vegetable oil must be put up in one-litre PET bottles suitable for foodstuffs and hermetically sealed.

The bottles must have stoppers which are fitted with non-reusable closing devices.

The one-litre bottles are to be packed in cartons containing 12 to 15 bottles.

If glue is used for making up or sealing the cartons, it must be water-resistant. If adhesive tape is used, it must not become unstuck in a damp atmosphere.

Complete packages must be capable of surviving the following vertical-shock tests :

first test : dropping flat on the base,

second test : dropping flat on the top,

third test : dropping flat on the longer side,

fourth test : dropping flat on the shorter side,

fifth test : dropping on an upper corner.

(One sample for each vertical-shock test.)

Height of drop : 1,20 metres.

3. Marking

The European flag (see Annexes I and II in Official Journal No C 114 of 29 April 1991, page 1).

ANNEX III

TAKE-OVER CERTIFICATE

I, the undersigned :

.....
(surname, name, business name)

acting for, for the account of
..... hereby certify that the goods described below,
delivered pursuant to Commission Regulation (EEC) No 1145/92 have been taken over :

— Date and place of take-over :
.....

— Type of goods :
.....

— Tonnage, (net) weight taken over :
.....

— Packaging :
.....
.....
.....
.....

Observations :
.....
.....
.....
.....
.....
.....

Signature :
Date :

COMMISSION REGULATION (EEC) No 1146/92

of 5 May 1992

amending Regulation (EEC) No 975/92 opening a standing invitation to tender for the supply to Lithuania of bread-making common wheat held by the German intervention agency

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 1836/82 ⁽³⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 30 April 1992 Germany notified the Commission that it wished to amend the Annex to Regulation (EEC) No 975/95 ⁽⁵⁾; whereas it is possible to accede to that request;

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

Annex I to Regulation (EEC) No 975/92 is replaced by the Annex hereto.

Article 2

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, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein / Hamburg	19 712
Niedersachsen / Bremen	20 288'

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 104, 22. 4. 1992, p. 20.

COMMISSION REGULATION (EEC) No 1147/92**of 5 May 1992****fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must 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 1512/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia⁽¹⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1518/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria⁽²⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Having regard to Council Regulation (EEC) No 1525/76 of 24 June 1976 concluding the Agreement in the form of an exchange of letters relating to Article 23 of the Cooperation Agreement and Article 16 of the Interim Agreement between the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco⁽³⁾, and in particular the second subparagraph of paragraph 3 of the exchange of letters,

Whereas the Agreement in the form of an exchange of letters annexed to Regulations (EEC) No 1512/76, (EEC)

No 1518/76 and (EEC) No 1525/76 provides that the variable component of the levy calculated in accordance with Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, is to be reduced by an amount fixed by the Commission each quarter; whereas this amount must be equal to 60 % of the average of the variable components of the levies in force during the three months preceding the month during which the amount is fixed;

Whereas the variable components applicable to the products falling within CN codes 2302 30 and 2302 40 during January, February and March 1992 have been taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in the second subparagraph of paragraph 3 of the exchange of letters forming the Agreement annexed to Regulations (EEC) No 1512/76, (EEC) No 1518/76 and (EEC) No 1525/76 to be deducted from the variable component applicable to bran and sharps originating in Tunisia, Algeria and Morocco respectively, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1992.

It shall apply with effect from 1 May 1992.

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 169, 28. 6. 1976, p. 19.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 37.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 53.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

ANNEX

to the Commission Regulation of 5 May 1992 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced

<i>(ECU/tonne)</i>	
CN code	Amount
2302 30 10	36,57
2302 30 90	78,38
2302 40 10	36,57
2302 40 90	78,38

COMMISSION REGULATION (EEC) No 1148/92**of 5 May 1992****fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Egypt must 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 1030/77
of 17 May 1977 concluding the Interim Agreement
between the European Economic Community and the
Arab Republic of Egypt⁽¹⁾, and in particular the second
subparagraph of paragraph 3 of the exchange of letters
relating to Article 13 of the Agreement,

Whereas the exchange of letters covered by Regulation
(EEC) No 1030/77 provides that the variable component
of the levy calculated in accordance with Article 2 of
Council Regulation (EEC) No 2744/75 of 29 October
1975 on the import and export system for products
processed from cereals and rice⁽²⁾, as last amended by
Regulation (EEC) No 1906/87⁽³⁾, is to be reduced by an
amount fixed by the Commission each quarter; whereas
this amount must be equal to 60 % of the average of the
levies in force during the three months preceding the
month during which the amount is fixed;

Whereas the variable components applicable during
January, February and March 1992 to the products falling
within CN codes 2302 10, 2302 20, 2302 30 and 2302 40
are to be taken into consideration,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts referred to in the second subparagraph of
paragraph 3 of the exchange of letters covered by Regula-
tion (EEC) No 1030/77 to be deducted from the variable
component applicable to bran and sharps originating in
Egypt shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1992.

It shall apply with effect from 1 May 1992.

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 126, 23. 5. 1977, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 49.

ANNEX

to the Commission Regulation of 5 May 1992 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced

<i>(ECU/tonne)</i>	
CN code	Amount
2302 10 10	36,57
2302 10 90	78,38
2302 20 10	36,57
2302 20 90	78,38
2302 30 10	36,57
2302 30 90	78,38
2302 40 10	36,57
2302 40 90	78,38

COMMISSION REGULATION (EEC) No 1149/92**of 5 May 1992****fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 11 thereof,

Having regard to Council Regulation (EEC) No 1250/77 of 17 May 1977 on imports of rice from the Arab Republic of Egypt ⁽³⁾, and in particular Article 1 thereof,

Whereas Regulation (EEC) No 1250/77 provides that the levy calculated in accordance with Article 11 of Regulation (EEC) No 1418/76 is to be reduced by an amount to be fixed by the Commission each quarter; whereas this amount must be equal to 25 % of the average of the levies applied during a reference period;

Whereas, pursuant to Commission Regulation (EEC) No 2942/73 of 30 October 1973 laying down detailed rules for the application of Regulation (EEC) No 2412/73 ⁽⁴⁾, as amended by Regulation (EEC) No 560/91 ⁽⁵⁾, the

reference period is to be the quarter preceding the month in which the amount is fixed;

Whereas the levies to be taken into consideration are therefore those applicable during January, February and March 1992,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC) No 1250/77 by which the levy on imports of rice originating in and coming from the Arab Republic of Egypt is to be reduced shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1992.

At the request of the party concerned, it shall apply from 1 May 1992.

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

Done at Brussels, 5 May 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 146, 14. 6. 1977, p. 9.

⁽⁴⁾ OJ No L 302, 31. 10. 1973, p. 1.

⁽⁵⁾ OJ No L 62, 8. 3. 1991, p. 26.

ANNEX

to the Commission Regulation of 5 May 1992 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

(ECU/tonne)

CN code	Amounts to be deducted
1006 10 21	78,88
1006 10 23	73,89
1006 10 25	73,89
1006 10 27	73,89
1006 10 92	78,88
1006 10 94	73,89
1006 10 96	73,89
1006 10 98	73,89
1006 20 11	98,60
1006 20 13	92,36
1006 20 15	92,36
1006 20 17	92,36
1006 20 92	98,50
1006 20 94	92,36
1006 20 96	92,36
1006 20 98	92,36
1006 30 21	125,90
1006 30 23	147,45
1006 30 25	147,45
1006 30 27	147,45
1006 30 42	125,90
1006 30 44	147,45
1006 30 46	147,45
1006 30 48	147,45
1006 30 61	134,08
1006 30 63	158,07
1006 30 65	158,07
1006 30 67	158,07
1006 30 92	134,08
1006 30 94	158,07
1006 30 96	158,07
1006 30 98	158,07
1006 40 00	34,26

COMMISSION REGULATION (EEC) No 1150/92**of 5 May 1992****fixing the amount by which the variable component of the levy applicable to
bran and sharps originating in Argentina must 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 1058/88
of 28 March 1988 on the import of bran, sharps and other
residues derived from the sifting, milling or other working
of cereals other than maize and rice and amending
Regulation (EEC) No 2658/87 on the tariff and statistical
nomenclature and on the Common Customs Tariff⁽¹⁾,
and in particular Article 2 (2) thereof,

Whereas Regulation (EEC) No 1058/88 provides that the
variable component of the levy, calculated in accordance
with Article 2 of Council Regulation (EEC) No 2744/75
of 29 October 1975 on the import and export system for
products processed from cereals and from rice⁽²⁾ as last
amended by Regulation (EEC) No 1906/87⁽³⁾, is to be
reduced by an amount equal to 40 % of the average of
the variable components of the levies applicable to the
product in question in the three months preceding the
months during which that amount is fixed; whereas that
reduction is applicable to products falling within CN
codes 2302 30 10, 2302 30 90, 2302 40 10 and 2302 40 90
for up to a maximum of 550 000 tonnes per year on the
import of the products in question originating in
Argentina and from any other third country which applies
to exports of those products a special tax of an amount
equal to that by which the variable amount of the levy is

reduced and which provides satisfactory proof of payment
of that tax;

Whereas Commission Regulation (EEC) No 1193/88⁽⁴⁾,
as amended by Regulation (EEC) No 84/89⁽⁵⁾, lays down
the detailed rules of application of the special
arrangements for imports of bran, sharps and other
residues, whether or not in the form of pellets, derived
from the sifting, milling or other working of cereals other
than maize and rice falling within CN codes 2302 30 and
2302 40,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC)
No 1058/88 by which the variable amount of the levy
applicable to imports of bran, sharps and other residues
originating in Argentina and in any other third country
meeting the conditions laid down in that Article must be
reduced shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 6 May 1992.

It shall apply with effect from 1 May 1992.

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 104, 23. 4. 1988, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁴⁾ OJ No L 111, 30. 4. 1988, p. 87.

⁽⁵⁾ OJ No L 13, 17. 1. 1989, p. 13.

ANNEX

to the Commission Regulation of 5 May 1992 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Argentina must be reduced

(ECU/tonne)	
CN code	Amount
2302 30 10	24,38
2302 30 90	52,25
2302 40 10	24,38
2302 40 90	52,25

COMMISSION REGULATION (EEC) No 1151/92

of 5 May 1992

fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 61/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 366/92 ⁽³⁾, as last amended by Regulation (EEC) No 1119/92 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) 366/92 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

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

Whereas these exchange rates being those recorded on 4 May 1992,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1992.

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 6, 11. 1. 1992, p. 19.

⁽³⁾ OJ No L 39, 15. 2. 1992, p. 28.

⁽⁴⁾ OJ No L 117, 1. 5. 1992, p. 90.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 5 May 1992 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽³⁾
1701 11 10	37,78 ⁽¹⁾
1701 11 90	37,78 ⁽¹⁾
1701 12 10	37,78 ⁽¹⁾
1701 12 90	37,78 ⁽¹⁾
1701 91 00	44,28
1701 99 10	44,28
1701 99 90	44,28 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import 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 1870/91 B to be levied in accordance with Article 101 (4) of the abovementioned Decision.

COMMISSION REGULATION (EEC) No 1152/92**of 5 May 1992****abolishing the corrective amount on the import of tomatoes into the
Community of Ten from Spain**

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 3709/89
of 4 December 1989 laying down general rules for imple-
menting the Act of Accession of Spain and Portugal as
regards the compensatory mechanism for imports of fruit
and vegetables from Spain ⁽¹⁾, and in particular Article 4
(2) thereof,

Whereas Article 152 of the Act of Accession introduces
from 1 January 1990 a compensatory mechanism for
imports into the Community as constituted on 31
December 1985, hereinafter called 'the Community of
Ten', of fruit and vegetables from Spain for which a
reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general
rules for applying the said compensatory mechanism and
Commission Regulation (EEC) No 3815/89 ⁽²⁾ lays down
detailed rules for applying the said compensatory
mechanism;

Whereas Commission Regulation (EEC) No 1069/92 ⁽³⁾
introduces a corrective amount on imports of tomatoes
into the Community of Ten from Spain;

Whereas Article 3 (4) of Regulation (EEC) No 3709/89
lays down the conditions under which a corrective
amount introduced pursuant to Article 3 (1) of the said
Regulation is to be abolished; adjusted; whereas the said
conditions require abolition of the corrective amount on
imports of tomatoes into the Community of Ten from
Spain,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1069/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 6 May 1992.

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 112, 30. 4. 1992, p. 34.

COMMISSION REGULATION (EEC) No 1153/92

of 5 May 1992

**abolishing the countervailing charge and re-establishing a preferential customs
duty on imports of tomatoes originating in Turkey**

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

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

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

Whereas Commission Regulation (EEC) No 996/92⁽³⁾
introduced a countervailing charge on tomatoes origina-
ting in Turkey and suspended the preferential customs
duty on imports of these products;

Whereas for this product originating in Turkey there were
no prices for six consecutive days; whereas the conditions
specified in Article 26 (1) of Regulation (EEC) No
1035/72 are therefore fulfilled and the countervailing

charge on imports of tomatoes originating in Turkey can
be abolished;

Whereas, in accordance with Article 2 of Council Regula-
tion (EEC) No 3671/81 of 15 December 1981 on imports
into the Community of certain agricultural products
originating in Turkey⁽⁴⁾, as amended by Regulation (EEC)
No 1555/84⁽⁵⁾, the preferential rate of customs duty
should be re-established at the same time as the counter-
vailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 996/92 is hereby repealed.

Article 2

This Regulation shall enter into force on 6 May 1992.

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

Done at Brussels, 5 May 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.
⁽³⁾ OJ No L 105, 23. 4. 1992, p. 20.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.
⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 1154/92**of 5 May 1992****altering the corrective amount applicable to the refund on cereals**

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 674/92⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 1091/92⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to Regulation (EEC) No 1091/92 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 May 1992.

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

Done at Brussels, 5 May 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 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 117, 1. 5. 1992, p. 16.

ANNEX

to the Commission Regulation of 5 May 1992 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)								
Product code	Destination (1)	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	— 50,00	— 50,00	— 50,00	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	03	0	— 30,00	— 30,00	— 30,00	— 30,00	—	—
	02	0	0	— 30,00	— 30,00	— 30,00	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	03	0	— 30,00	— 30,00	— 30,00	— 30,00	—	—
	02	0	0	— 30,00	— 30,00	— 30,00	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 130	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 150	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 170	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 180	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1102 10 00 700	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00
1103 11 10 400	01	0	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00
1103 11 10 900	01	0	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00	— 50,00
1103 11 90 200	01	0	— 35,00	— 35,00	— 35,00	— 35,00	— 35,00	— 35,00
1103 11 90 800	—	—	—	—	—	—	—	—

(1) For the following destinations :

- 01 all third countries,
- 02 other third countries,
- 03 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Lithuania, Estonia and Latvia.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/74, as last amended by Regulation (EEC) No 3049/89.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 31 March 1992

on the clearance of certain Member States' accounts in respect of expenditure incurred in 1984, 1985, 1986 and 1987 on agricultural products supplied as food aid

(Only the Spanish, Danish, German, Greek, English, French and Italian texts are authentic)

(92/235/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

consignee at the point of delivery provided for in Community rules can be financed;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽¹⁾, and in particular the second indent of Article 3 (2) thereof,

After consulting the European Agricultural Guidance and Guarantee Fund Committee,

Whereas the Member States have sent to the Commission the supporting statements required for clearance of the accounts pursuant to Article 7 of Commission Regulation (EEC) No 249/77⁽²⁾, as last amended by Regulation (EEC) No 681/86⁽³⁾;

Whereas, pursuant to Article 1 of Regulation (EEC) No 249/77, only the net quantities taken over by the

Whereas expenditure is financed on the basis of the relevant provisions of the mobilization regulations and calls for tender for each operation and of Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general rules of application for the execution of certain food-aid schemes in the form of cereals and rice⁽⁴⁾, as last amended by Regulation (EEC) No 3817/85⁽⁵⁾, and Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid⁽⁶⁾, as amended by Regulation (EEC) No 1886/83⁽⁷⁾;

Whereas some of the relevant expenditure does not comply with these provisions and must be disallowed; whereas the amounts concerned for the four years are for Belgium Bfrs 57 037 055, for Denmark Dkr 115 694,03, for Germany DM 100 259,87, for Greece Dr 34 328 107, for Spain Pta 19 395 599, for France FF 172 766 117,95, for Ireland £Irl 80 791,50 for Italy Lit 508 455 492, for Luxembourg Lfrs 19 659, for the Netherlands Hfl 486 561,29 and for the United Kingdom £ 141 391,15;

⁽¹⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽²⁾ OJ No L 34, 5. 2. 1977, p. 21.

⁽³⁾ OJ No L 62, 5. 3. 1986, p. 7.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 16.

⁽⁶⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁷⁾ OJ No L 187, 12. 7. 1983, p. 29.

Whereas the reservations entered at point 6 of the Annex to Commission Decision 84/593/EEC of 12 November 1984 on the clearance of the 1978 accounts ⁽¹⁾ submitted for Belgium in respect of food-aid expenditure on agricultural products can be withdrawn;

Whereas the reservations entered at points 6a and 6f of Annex I to Commission Decision 89/255/EEC on the clearance of the 1980 to 1983 accounts ⁽²⁾ submitted by Belgium in respect of food-aid expenditure on agricultural products can be withdrawn;

Whereas, as regards 1987, reservations must be entered in respect of the aid operations carried out by Belgium, in particular those carried out pursuant to Regulations (EEC) No 359/84, Lot B (400 tonnes of butteroil), (EEC) No 19/84, Lot I (50 tonnes of butteroil), (EEC) No 345/87, Lots N (232 tonnes of skimmed-milk powder) and S (270 tonnes of skimmed-milk powder), (EEC) No 1358/87, Lots AE (425 tonnes of skimmed-milk powder), AF (235 tonnes of skimmed-milk powder), AN (320 tonnes of skimmed-milk powder) and AO (720 tonnes of skimmed-milk powder) and (EEC) No 3292/85, Lot A (300 tonnes of butteroil);

Whereas verification shows that an additional amount of Bfrs 16 096 190 for 1987 qualifies for Community financing in the case of Belgium;

Whereas, as regards the amount to be paid definitively by Denmark, the difference of Dkr 14 812,50 between expenditure declared and charged to the Community budget in 1987 and the higher expenditure declared for the clearance of the accounts should be taken into consideration;

Whereas the reservations entered at point 6 of Annex I to Commission Decision 89/36/EEC on the clearance of the 1980 to 1983 accounts ⁽³⁾ submitted by Germany in respect of food-aid expenditure on agricultural products can be withdrawn;

Whereas the reservations entered at point 6 of Annex IV to Commission Decision 89/255/EEC on the clearance of the 1980, 1981, 1982 and 1983 accounts submitted by France in respect of food-aid expenditure on agricultural products can be withdrawn except for the reservation in respect of the aid operation carried out under Commission Regulation (EEC) No 2779/83 (5 748,516 tonnes of flour);

Whereas verification shows that an additional amount of FF 88 253,63 for 1986 qualifies for Community financing in the case of France;

Whereas an amount of FF 160 012 578,67 deducted from France in connection with this clearance involves refunds for Community food aid operations which are chargeable to the Guarantee Section of the EAGGF; whereas the same amount may be declared as expenditure to the Guarantee Section minus the refunds of a similar nature already declared; whereas this expenditure is subject to the clearance of accounts procedure of the EAGGF Guarantee Section;

Whereas, as regards 1987, a reservation must be entered in respect of the aid operation carried out by Italy pursuant to Commission Regulation (EEC) No 2277/85, Lot 4 (12 500 tonnes of common wheat flour);

Whereas, as regards the amount to be paid definitively by Italy, the total difference of Lit 100 576 632 between expenditure declared and charged to the Community budget during 1984 and 1985 and the higher expenditure declared for the clearance of the accounts should be taken into consideration;

Whereas the reservations entered at point 6 of Annex III to Commission Decision 89/255/EEC on the clearance of the 1980, 1981, 1982 and 1983 accounts submitted by the United Kingdom in respect of food aid expenditure on agricultural products can be withdrawn;

Whereas the Member States have been informed in detail of the corrections to their accounts and have had the opportunity to comment thereon;

Whereas this Decision is without prejudice to any financial consequences that may be drawn from investigations being carried out at the time of this Decision, from irregularities within the meaning of Article 8 of Council Regulation (EEC) No 729/70 ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁵⁾, or from judgments of the Court of Justice in cases now pending,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Member States concerning expenditure incurred in respect of food aid in the form of agricultural products in 1984, 1985, 1986 and 1987 are hereby cleared as shown in Annexes I to XI to this Decision.

⁽¹⁾ OJ No L 325, 12. 12. 1984, p. 5.

⁽²⁾ OJ No L 106, 18. 4. 1989, p. 37.

⁽³⁾ OJ No L 15, 19. 1. 1989, p. 28.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

Article 2

Claims disallowed and remaining chargeable to the Member States amount to the following :

Belgium	Bfrs	57 037 055
Denmark	Dkr	115 694,03
Germany	DM	100 259,87
Greece	Dr	34 328 107
Spain	Pta	19 395 599
France	FF	172 766 117,95
Ireland	£Irl	80 791,50
Italy	Lit	508 455 492
Luxembourg	Lfrs	19 659
Netherlands	HFl	486 561,29
UK	£	141 391,15

Article 3

Additional amounts recognized as qualifying for Community financing are the following :

Belgium	Bfrs	16 096 190
France	FF	88 253,63

Article 4

The amounts in respect of point 8 of Annexes I to XI must be credited to the Commission's accounts within one month of notification of this Decision.

Article 5

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom.

Done at Brussels, 31 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

**Clearance of the accounts of the paying departments and agencies in the Kingdom of Belgium
responsible for expenditure on food aid in the form of agricultural products**

	<i>in Bfrs</i>
1. Balance after 1983 accounts clearance	— 9 168 753
2. Advance payments made for food aid measures	
1984	1 746 000 000
1985	2 205 200 000
1986	1 465 800 000
1987	<u>1 080 700 000</u>
3. Total sum made available to cover the expenditure in these financial years	<u>6 488 531 247</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	1 696 442 019
1985	2 210 126 843
1986	1 287 903 407
1987	<u>1 080 778 689</u>
	<u>6 275 250 958</u>
5. Balance after accounts clearance for these financial years (3 — 4)	<u>213 280 289</u>
6. Sum transferred back to the Community budget in 1988	135 146 918
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	37 192 506
8. Sums not yet transferred to the Community budget (5 — 6 — 7)	<u>40 940 865</u>
9. Reservations	

Financial year 1987(a) *Regulation (EEC) No 359/84, Lot B — 400 tonnes of butteroil — Zambia*

Legal proceedings have been instituted against the successful tenderer on account of the claim for Bfrs 2 085 421 of the security which was released but which should have been forfeited on account of a missing quantity. The expenditure declared by the Member State for the clearance of accounts (without deduction of the amount of the security) is provisionally accepted pending the outcome of the case.

(b) *Regulation (EEC) No 19/84, Lot I — 50 tonnes of butteroil*

The successful tenderer has instituted legal proceedings against the claim for Bfrs 2 155 469 for a security which was released but which should have been forfeited on account of failure to produce supporting documents within the time limit. The expenditure claimed by the Member State for the clearance of the accounts (without deduction of the amount of the security) is provisionally accepted pending the outcome of the case.

(c) *Regulations (EEC) No 345/87, Lots N and S, and (EEC) No 1358/87, Lots AE, AF, AN and AO, replaced by Regulations (EEC) No 2966/87, Lots AF and AG, and (EEC) No 3182/87, Lots E, F, G and H*

A total of Bfrs 50 781 099 is provisionally deducted, i. e. until the Belgian authorities have completed their attempts to recover the amount from the successful tenderers who withdrew from the contract.

(d) *Regulation (EEC) No 3292/85, Lot A — 300 tonnes of butteroil*

The expenditure is provisionally accepted pending the outcome of the proceedings in progress entailing possible recovery by the Belgian authorities from a certain producer.

10. Reservations lifted

The following reservations entered in connection with the 1978, 1980, 1981, 1982 and 1983 clearance procedures concerning expenditure claimed by Belgium are lifted.

(a) *Financial year 1978*

Reservation under point 6 of the Annex to Decision 84/593/EEC (with positive adjustment of the expenditure claimed for the 1987 accounts clearance amounting to Bfrs 15 809 835).

(b) *Financial year 1980*

Reservation under point 6a of Annex I to Decision 89/255/EEC.

(c) *Financial year 1983*

Reservation under point 6f of Annex I to Decision 89/255/EEC.

ANNEX II

**Clearance of the accounts of the paying departments and agencies in the Kingdom of Denmark
responsible for expenditure on food aid in the form of agricultural products**

	<i>in Dkr</i>
1. Balance after 1983 accounts clearance	— 110 248,44
2. Advance payments made for food aid measures	
1984	31 858 000,00
1985	13 396 000,00
1986	34 570 000,00
1987	22 371 000,00
3. Total sum made available to cover the expenditure in these financial years	<u>102 084 751,56</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	31 668 364,18
1985	11 775 239,85
1986	30 135 837,77
1987	28 367 707,83
	<u>101 947 149,63</u>
5. Balance after accounts clearance for these financial years (3 – 4)	<u>137 601,93</u>
6. Sum transferred back to the Community budget in 1988	23 399,07
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	13 320,73
8. Sums not yet transferred to the Community budget (5 – 6 – 7)	<u>100 882,13 (*)</u>

(*) *N.B.*: Taking into consideration the difference (Dkr 14 812,50) between expenditure declared and charged to the Community budget during 1987 and the higher expenditure declared for the clearance of the accounts.

*ANNEX III***Clearance of the accounts of the paying departments and agencies in the Federal Republic of Germany responsible for expenditure on food aid in the form of agricultural products**

	<i>in DM</i>
1. Balance after 1983 accounts clearance	11 185 551,18
2. Advance payments made for food aid measures	
1984	439 600 000,00
1985	224 180 000,00
1986	273 400 000,00
1987	144 500 000,00
3. Total sum made available to cover the expenditure in these financial years	<u>1 092 865 551,18</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	436 268 415,26
1985	234 977 735,07
1986	265 859 322,80
1987	152 029 896,95
	<u>1 089 135 370,08</u>
5. Balance after accounts clearance for these financial years (3 – 4)	<u>3 730 181,10</u>
6. Sum transferred back to the Community budget in 1988	12 369,86
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	3 617 551,37
8. Sums not yet transferred to the Community budget (5 – 6 – 7)	<u>100 259,87</u>
9. Reservations lifted	

The reservations under point 6 of Annex I to Decision 89/36/EEC on the clearance of the accounts of the Federal Republic of Germany in respect of expenditure incurred in 1980 to 1983 on agricultural products supplied as food aid are lifted.

ANNEX IV

Clearance of the accounts of the paying departments and agencies in the Hellenic Republic responsible for expenditure on food aid in the form of agricultural products

	<i>in Dr</i>
1. Balance after 1983 accounts clearance	47 885 912
2. Advance payments made for food aid measures	
1984	0
1985	262 500 000
1986	120 000 000
1987	560 500 000
3. Total sum made available to cover the expenditure in these financial years	<u>990 885 912</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	0
1985	266 937 304
1986	63 552 697
1987	482 168 082
	<u>812 658 083</u>
5. Balance after accounts clearance for these financial years (3 - 4)	<u>178 227 829</u>
6. Sum transferred back to the Community budget in 1988	100 451 114
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	43 448 608
8. Sums not yet transferred to the Community budget (5 - 6 - 7)	<u>34 328 107</u>

ANNEX V

Clearance of the accounts of the paying departments and agencies in the Kingdom of Spain responsible for expenditure on food aid in the form of agricultural products

	<i>in Pta</i>
1. Balance after 1983 accounts clearance	—
2. Advance payments made for food aid measures	
1984	—
1985	—
1986	456 000 000
1987	559 900 000
3. Total sum made available to cover the expenditure in these financial years	<u>1 015 900 000</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	—
1985	—
1986	311 904 665
1987	683 888 760
	<u>995 793 425</u>
5. Balance after accounts clearance for these financial years (3 – 4)	<u>20 106 575</u>
6. Sum transferred back to the Community budget in 1988	710 976
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	—
8. Sums not yet transferred to the Community budget (5 – 6 – 7)	<u>19 395 599</u>

—

ANNEX VI

**Clearance of the accounts of the paying departments and agencies in the French Republic
responsible for expenditure on food aid in the form of agricultural products**

	<i>in FF</i>
1. Balance after 1983 accounts clearance	83 194 530,37
2. Advance payments made for food aid measures	
1984	1 113 300 000,00
1985	1 294 480 000,00
1986	458 700 000,00
1987	419 800 000,00
3. Total sum made available to cover the expenditure in these financial years	<u>3 369 474 530,37</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	1 176 076 733,13
1985	1 239 296 338,34
1986	339 816 238,64
1987	<u>175 307 537,31</u>
	<u>2 930 496 847,42</u>
5. Balance after accounts clearance for these financial years (3 - 4)	<u>438 977 682,95</u>
6. Sum transferred back to the Community budget in 1988	263 789 470,38
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	2 510 348,15
8. Sums not yet transferred to the Community budget (5 - 6 - 7)	<u>172 677 864,42</u>

9. Reservations lifted

The following reservations entered in connection with the clearance of accounts for 1980, 1981, 1982 and 1983 under point 6 of Annex IV to Commission Decision 89/255/EEC are lifted.

Financial year 1982

- (a) Reservation concerning aid measures involving butteroil from intervention stocks.
- (b) Reservation concerning the supply pursuant to Regulation (EEC) No 2186/82 of 10 000 tonnes of common wheat (minus the amount in question of DM 181 308,18 = FF 555 978,11).

Financial year 1983

- (c) Reservation concerning the supply of 175 tonnes of butteroil under Regulation (EEC) No 298/83, Lot V.
- (d) Reservation concerning the supply of 240 tonnes of butteroil under Regulation (EEC) No 1530/83, Lot C (minus an amount of FF 3 846 144).
- (e) Reservation concerning the supply of 345 tonnes of butteroil under Regulation (EEC) No 2433/83, Lot A.
- (f) Reservation concerning the supply of 1 000 tonnes of skimmed-milk powder under Regulation (EEC) No 2434/83, Lot A (minus an amount of FF 1 223 869,32).
- (g) Reservation concerning the supply of 20 000 tonnes of common wheat under Regulation (EEC) No 1630/82.
- (h) Reservation concerning the supply of 15 000 tonnes of maize under Regulation (EEC) No 1611/83.

ANNEX VII

Clearance of the accounts of the paying departments and agencies in Ireland responsible for expenditure on food aid in the form of agricultural products

	<i>in £Irl</i>
1. Balance after 1983 accounts clearance	3 468 120,33
2. Advance payments made for food aid measures	
1984	21 930 000
1985	14 544 000
1986	8 472 000
1987	8 878 500
3. Total sum made available to cover the expenditure in these financial years	<u>57 290 620,33</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	22 960 915,13
1985	15 381 333,55
1986	9 669 538,47
1987	8 853 402,42
	<u>56 865 195,57</u>
5. Balance after accounts clearance for these financial years (3 - 4)	<u>425 424,76</u>
6. Sum transferred back to the Community budget in 1988	344 633,26
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	0
8. Sums not yet transferred to the Community budget (5 - 6 - 7)	<u>80 791,50</u>

ANNEX VIII

Clearance of the accounts of the paying departments and agencies in the Italian Republic responsible for expenditure on food aid in the form of agricultural products

	<i>in Lit</i>
1. Balance after 1983 accounts clearance	3 217 062,806
2. Advance payments made for food aid measures	
1984	66 075 000 000
1985	51 673 000 000
1986	28 220 000 000
1987	38 938 000 000
3. Total sum made available to cover the expenditure in these financial years	<u>188 123 062 806</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	63 382 913 886
1985	48 669 320 715
1986	25 488 247 735
1987	15 186 757 900
	<u>152 727 240 236</u>
5. Balance after accounts clearance for these financial years (3 – 4)	<u>35 395 822 570</u>
6. Sum transferred back to the Community budget in 1988	34 613 211 511
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	374 722 199
8. Sums not yet transferred to the Community budget (5 – 6 – 7)	<u>407 878 860 (*)</u>
9. Reservations	

Financial year 1987

Regulation (EEC) No 2277/85, Lot 4 – 12 500 tonnes of common wheat – Egypt

A recovery procedure has been initiated with regard to the claim for FF 1 812 500 against the successful tenderer, who withdrew from the contract. The expenditure claimed by the Member State is provisionally accepted pending the outcome of the efforts to collect the outstanding amount.

(*) N.B.: Taking into consideration the total difference (Lit 100 576 632) between expenditure declared and charged to the Community budget during 1984 and 1985 and the higher expenditure declared for the clearance of the accounts.

ANNEX IX**Clearance of the accounts of the paying departments and agencies in the Grand Duchy of Luxembourg responsible for expenditure on food aid in the form of agricultural products**

	<i>in Lfrs</i>
1. Balance after 1983 accounts clearance	51 545
2. Advance payments made for food aid measures	
1984	44 060 000
1985	53 700 000
1986	46 100 000
1987	21 558 000
3. Total sum made available to cover the expenditure in these financial years	<u>165 469 545</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	44 098 321
1985	45 811 647
1986	53 904 757
1987	21 634 344
	<u>165 449 069</u>
5. Balance after accounts clearance for these financial years (3 - 4)	<u>20 476</u>
6. Sum transferred back to the Community budget in 1988	817
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	—
8. Sums not yet transferred to the Community budget (5 - 6 - 7)	<u>19 659</u>

ANNEX X

Clearance of the accounts of the paying departments and agencies in the Kingdom of the Netherlands responsible for expenditure on food aid in the form of agricultural products

	<i>in Hfl</i>
1. Balance after 1983 accounts clearance	— 686 097,04
2. Advance payments made for food aid measures	
1984	116 410 000,00
1985	81 310 000,00
1986	40 700 000,00
1987	28 500 000,00
3. Total sum made available to cover the expenditure in these financial years	<u>266 233 902,96</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	119 558 475,27
1985	76 430 748,25
1986	40 011 068,29
1987	29 693 286,76
	<u>265 693 578,57</u>
5. Balance after accounts clearance for these financial years (3 — 4)	<u>540 324,39</u>
6. Sum transferred back to the Community budget in 1988	64 659,19
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	10 896,09
8. Sums not yet transferred to the Community budget (5 — 6 — 7)	<u>486 561,29</u>

ANNEX XI

**Clearance of the accounts of the paying departments and agencies in the United Kingdom
responsible for expenditure on food aid in the form of agricultural products**

	<i>in £</i>
1. Balance after 1983 accounts clearance	1 383 712,57
2. Advance payments made for food aid measures	
1984	29 400 000,00
1985	15 829 000,00
1986	10 930 000,00
1987	4 500 000,00
3. Total sum made available to cover the expenditure in these financial years	<u>62 042 712,57</u>
4. Accepted expenditure effected in these financial years and charged to Chapter 92, 'Food Aid', of the EEC Budget	
1984	29 860 389,21
1985	16 440 570,56
1986	8 780 705,28
1987	6 679 874,60
	<u>61 761 539,65</u>
5. Balance after accounts clearance for these financial years (3 – 4)	<u>281 172,92</u>
6. Sum transferred back to the Community budget in 1988	33 885,54
7. Sum transferred to the Community budget in accordance with the Decision on the 1980 to 1983 accounts clearance	105 896,23
8. Sums not yet transferred to the Community budget (5 – 6 – 7)	<u>141 391,15</u>

9. Reservations lifted

The following reservations entered in connection with the 1980, 1981, 1982 and 1983 clearance procedures under point 6 of Annex III to Decision 89/255/EEC are lifted.

- (a) Reservation concerning the supply of 500 tonnes of skimmed-milk powder pursuant to Regulation (EEC) No 30/83, Lot H (deduction of £ 12 532,27)
- (b) Reservation concerning the supply of 50 tonnes of skimmed-milk powder pursuant to Regulation (EEC) No 516/83, Lot AA (deduction of £ 424,31).

COMMISSION OPINION**of 1 April 1992****concerning the plan to release radioactive effluents from the Covra NV radioactive waste processing and storage facility at Sloe (Netherlands), pursuant to Article 37 of the Euratom Treaty****(92/236/Euratom)**

On 16 September 1991, the Commission of the European Communities received from the Dutch Government, in accordance with Article 37 of the Euratom Treaty, the general data concerning the plan to release radioactive effluents resulting from the operation of the Covra NV radioactive waste processing and storage facility at Sloe.

On the basis of these data and after consulting the group of experts, the Commission has drawn up the following opinion :

1. the distance between the facility and the nearest point on the territory of another Member State, in this case Belgium, is 16 kilometres ;
2. under normal operating conditions, the discharges of liquid and gaseous effluents will produce an exposure of the population in other Member States that is not significant from the point of view of health ;
3. the solid radioactive wastes resulting from the processing of low and intermediate-level wastes are treated and stored on-site ;
4. in the event of unplanned discharges of radioactive effluents which may follow an accident of the magnitude considered in the general data, the doses likely to be received by the population in other Member States would not be significant from the point of view of health.

Consequently, the Commission considers that the implementation of the plan to release radioactive effluents from the Covra NV radioactive waste processing and storage facility at Sloe, both in normal operation and in the event of an accident of the magnitude considered in the general data, is not liable to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

COMMISSION DECISION

of 6 April 1992

imposing a fine pursuant to Article 19 of Council Regulation (EEC) No 4056/86

(IV/32.448 and IV/32.450) — Ukwai

(Only the English text is authentic)

(92/237/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport⁽¹⁾, and in particular Article 19 thereof,

After consultation with the Advisory Committee on restrictive practices and dominant positions in maritime transport,

Whereas :

I. THE FACTS

- (1) United Kingdom West Africa Lines Joint Service (Ukwai) is a liner conference whose secretariat is at the following address :

Room 193, India Buildings,
Water Street,
UK-Liverpool L2 ORR.

Ukwai groups together shipping lines which provide scheduled liner services between ports situated in the United Kingdom and Ireland on the one hand and West Africa on the other (from Nouadhibou to Mocamedes). In December 1988 (most recent data available to the Commission), the shipping lines in question were :

- Elder Dempster Ltd,
- Palm Line Ltd,
- The Guinea Gulf Line Ltd,
- State Shipping Corporation (Black Star Line),
- The Nigerian National Shipping Line Ltd,
- Compagnie maritime zaïroise,
- Société ivoirienne de transport maritime,
- Nigerian Green Lines Ltd,
- Cameroon Shipping Lines BA,

- Compagnie beninoise de navigation maritime,
- Providence Liner Shipping Inc.

- (2) In 1987, the Commission received a number of complaints under Article 10 of Regulation (EEC) No 4056/86 and which concerned shipping trades between Europe and West and Central Africa. The trades include those in the geographical area covered by the activities of Ukwai.

The identity of the complainants and the subject of their complaints are set out in the Commission Decision of 26 June referred to below.

- (3) Following a preliminary examination of the complaints, the Commission considered that if the alleged facts should prove to be true 'the conduct of Ukwai' could :

- be incompatible with Article 85 (3) of the EEC treaty and might consequently prompt the Commission to withdraw the block exemption provided for in Regulation (EEC) No 4056/86 in accordance with Article 7 (2) of that Regulation in respect of the liner conference in the sphere of activities in which the alleged facts had been established,
- constitute an infringement of the provisions of Article 86 of the Treaty.

In order to establish whether the facts were true, and to obtain additional information and any available evidence, the Commission considered it necessary that a simultaneous investigation should be made at the offices of three Euro-African shipping conferences, including Ukwai.

Because of the serious nature of the presumed infringements and the risk of any evidence disappearing, the Commission also considered that an investigation without prior notice should be carried out in accordance with Article 18 (3) of Regulation (EEC) No 4056/86.

- (4) On 26 June 1989 the Commission adopted a Decision under Article 18 (3) of Regulation (EEC) No 4056/86 requiring Ukwai to submit to an investigation to enable the Commission to establish whether :

⁽¹⁾ OJ No L 378, 31. 12. 1986, p. 4.

- Ukwat's conduct has resulted in the absence or elimination of actual or potential competition by closing the trade to competition and whether, in particular, Ukwat or its member lines have adopted agreements, decisions or concerted practices designed to share all the cargo carried on the shipping routes between Europe and Africa, in breach of Article 85 of the Treaty,
- the operation of outsiders is impeded in the trade falling within Ukwat's sphere of activity through the behaviour of third countries,
- Ukwat has committed an abuse of a dominant position within the meaning of Article 86 of the Treaty.

The text of the Decision refers in particular to the measures provided for by Article 19 (1) of Regulation (EEC) No 4056/86 if undertakings or associations of undertakings refuse to submit to an investigation ordered by decision issued pursuant to Article 18 (3).

On 28 June 1989, two officials of the Commission, accompanied by a representative of the Office of Fair Trading (OFT) proceeded to Ukwat's offices in order to carry out the investigation ordered by the Decision of 26 June.

They were received by Mr Birch, Chairman of Ukwat and showed him a certified copy of the aforementioned Commission Decision, along with authorizations to investigate, identifying them as the officials of the Commission authorized to carry out the inspection. In addition to this, Mr Birch was shown their staff cards and a paper identifying the appointed representative of the OFT. Mr Birch was also provided with an Annex to the Decision, explaining the rights and duties of Ukwat with respect thereto.

They explained the purpose of the visit, and the meaning and consequences of the documents presented to Mr Birch. They suggested that Mr Birch should read the Decision and Annex, and also stated that Mr Birch might wish to contact a solicitor. They stated that the Commission's representatives were willing to wait before commencing the inspection for a solicitor to be present, provided that the delay was reasonable, and that no documents were removed from Ukwat or destroyed in the meantime.

Mr Birch refused to read the Decision or the Annex and stated that he found it offensive that the Commission should arrive to undertake such an

operation without prior notice. Mr Birch furthermore stated that Ukwat has no legal personality, it being simply an office grouping the interests of certain companies. For this reason, the papers in the offices of Ukwat belonged to the members individually and collectively. Some of these members are based outside the Community. As a consequence of this, Mr Birch would not submit to the investigation.

The Commission officials explained in the presence of Ukwat's legal advisor the possible consequences of a refusal:

- the provision in the Decision for the possible imposition of fines in such circumstances,
- the fact that the UK Government would be requested to enforce the Decision pursuant to Article 18 (6) of Regulation (EEC) No 4056/86.

Nevertheless, Mr Birch restated his position and explained that Ukwat had no legal personality, owned no assets, employed no personnel and neither rented nor owned any premises in its name.

The Commission officials again explained the consequences of a refusal, but Mr Birch insisted that the inspection could not go ahead.

The Commission officials therefore noted the refusal to submit to the inspection. Mr Birch was invited to sign a statement indicating his reasons for the refusal; Mr Birch declined to do so.

The officials of the Commission then requested the national authorities, on the basis of Article 18 (6) of Regulation (EEC) No 4056/86 to lend the necessary assistance to enable them to carry out their investigation.

Having thus, on the afternoon of 28 June, obtained an order from the High Court in London, the Commission officials again presented themselves at 9.00 a.m. on 29 June at the offices of Ukwat, which then submitted to the investigation.

II. LEGAL APPRAISAL

- (5) Article 18 (1) of Regulation (EEC) No 4056/86 provides that in carrying out the duties assigned to it by the Regulation, the Commission may undertake all necessary investigations into undertakings or associations of undertakings. Paragraph 3 of that Article provides that undertakings and associations

of undertakings are to submit to investigations ordered by decision of the Commission.

Ukwal, whatever its precise legal status, is an association of undertakings within the meaning of Articles 18 and 19 of Regulation No 4056/86. It is therefore obliged to submit to any Commission decision adopted under Article 18 (3), and to allow access, under the conditions specified in that decision, to documents physically in its possession, including those entrusted to it by its members.

The fact that some of the members of Ukwal are not based in Member States of the European Community does not relieve Ukwal or the members in question from the obligation to comply with Community rules on competition in as much as their activities (or part of their activities) relate to maritime transport to or from Community ports.

- (6) Ukwal's denial of entry to the authorized Commission officials was a clear and flagrant breach of the obligation imposed by Article 18 (1) and (3).
- (7) The Commission reiterates that full notification of all rights, obligations, duties and liabilities were explained to the Ukwal representative and that Ukwal was therefore on notice of the potential risk involved in a failure to comply with the request for entry when such entry was denied.
- (8) In conclusion, the Commission considers that :
 - Ukwal was in breach of the obligation imposed by Article 18 (3) of Regulation (EEC) No 4056/86,
 - that this breach was committed intentionally after the conference's representatives, in the presence of their legal advisors, had been informed by the Commission's officials of their obligations and of the consequences of the refusal to comply.
- (9) Article 19 (1) (c) of Regulation (EEC) No 4056/86 provides that the Commission may, by decision, impose on undertakings fines of between ECU 100 and 5 000 where, intentionally or negligently, they refuse to submit to an investigation ordered by a decision issued in implementation of Article 18 (3).

The Commission considers the infringement, in the light of the facts set out in paragraphs 1 to 4 above, to be most serious in nature 'because as a consequence of Ukwal's refusal to submit to it the effectiveness of the investigation was very seriously jeopardized, since it could not be carried out on Ukwal's premises on the date envisaged by the

Commission in order to investigate simultaneously, on the premises of the different maritime conferences which were suspected to have participated collectively in a breach of the competition rules'. Ukwal, having been apprised of the relevant legal provisions, and of their application and effect, by the Commission officials who attended, and, having taken legal advice, refused to submit to the investigation as requested.

Accordingly, the Commission should impose the maximum fine permissible within the limit set by Article 19 of Regulation (EEC) No 4056/86,

HAS ADOPTED THIS DECISION :

Article 1

Ukwal has infringed Article 18 (3) of Regulation (EEC) No 4056/86 by refusing to submit to an investigation that was to be carried out under the powers conferred by and in accordance with Article 18 (1) of the said Regulation.

Article 2

A fine of ECU 5 000 is hereby imposed upon Ukwal, such fine to be paid in ecu within three months of the date of notification of this Decision. Payment is to be made to the account of the Commission of the European Communities, No 310-0933000-43, Banque Bruxelles-Lambert, agence européenne, rond point Schuman 5, B-1040 Bruxelles.

On expiry of that period interest shall accrue and be payable at the rate charged by the European Monetary Cooperation Fund on its ecu operations on the first working day of the month in which this Decision was adopted, plus 3,5 percentage points.

Article 3

This Decision is addressed to Ukwal, Room 193, India Buildings, Water Street, UK-Liverpool L2 ORR.

This Decision shall be enforceable pursuant to Article 192 of the EEC Treaty.

Done at Brussels, 6 April 1992.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION**of 13 April 1992****calling upon the Kingdom of the Netherlands to postpone the adoption of a draft Regulation in respect of the labelling of emulsified fats****(Only the Dutch text is authentic)****(92/238/EEC)**

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

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽¹⁾ as last amended by Commission Directive 91/72/EEC⁽²⁾, and in particular Articles 16 and 17 thereof,

Whereas, pursuant to the procedure laid down in Article 16 (2) of Directive 79/112/EEC, the Netherlands authorities notified the Commission of their intention to adopt a draft regulation relating to emulsified fats other than margarine and halvarine;

Whereas the draft Regulation authorizes the sale of emulsified fats other than margarine and halvarine if the fat content of these products is included in the labelling;

Whereas in accordance with Article 16 (2) of Directive 79/112/EEC, the Commission has consulted the other Member States within the Standing Committee on Foodstuffs;

Whereas it has been generally acknowledged that indication of fat content is very important as an item of information which enables the consumer to make a distinction between the various types of products on the market;

Whereas, however, for the Netherlands to apply such a measure unilaterally would be bound to hamper intra-Community trade considerably;

Whereas this has led the Commission to give a negative opinion in accordance with the second subparagraph of Article 16 (2) of Directive 79/112/EEC;

Whereas the most satisfactory solution to the problem raised by the Netherlands draft Regulation would be to draw up Community provisions;

Whereas, on the one hand, the Commission recently adopted a proposal for a Council Directive amending

Directive 79/112/EEC and introducing compulsory indication of the content of certain ingredients⁽³⁾;

Whereas, on the other hand, the Commission has adopted a proposal for a Council Regulation laying down marketing standards for certain milk and non-milk fats and fats composed of plant and animal products⁽⁴⁾;

Whereas any national initiative in this area should therefore be postponed for a suitable period;

Whereas the measures taken under this Decision are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of the Netherlands shall, for a period of 12 months from the notification of this Decision, postpone the adoption of its draft Regulation in respect of measures requiring the fat content of emulsified fats to be indicated on the labelling of such products.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 13 April 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.
⁽²⁾ OJ No L 42, 15. 2. 1991, p. 27.

⁽³⁾ COM (91) 536 final.
⁽⁴⁾ COM (91) 462 final.