

# Official Journal

## of the European Communities

ISSN 0378-6978

L 27

Volume 33

31 January 1990

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

# COMMISSION REGULATION (EEC) No 240/90

of 30 January 1990

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1915/89<sup>(5)</sup> 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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 29 January 1990;

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 1915/89 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 31 January 1990.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX

to the Commission Regulation of 30 January 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code    | Levies   |                                      |
|------------|----------|--------------------------------------|
|            | Portugal | Third country                        |
| 0709 90 60 | 32,80    | 134,22 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 32,80    | 134,22 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 40,11    | 176,66 <sup>(1)</sup> <sup>(3)</sup> |
| 1001 10 90 | 40,11    | 176,66 <sup>(1)</sup> <sup>(3)</sup> |
| 1001 90 91 | 33,59    | 138,84                               |
| 1001 90 99 | 33,59    | 138,84                               |
| 1002 00 00 | 58,71    | 126,66 <sup>(4)</sup>                |
| 1003 00 10 | 49,88    | 116,52                               |
| 1003 00 90 | 49,88    | 116,52                               |
| 1004 00 10 | 41,28    | 120,95                               |
| 1004 00 90 | 41,28    | 120,95                               |
| 1005 10 90 | 32,80    | 134,22 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 32,80    | 134,22 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 49,88    | 139,97 <sup>(4)</sup>                |
| 1008 10 00 | 49,88    | 24,91                                |
| 1008 20 00 | 49,88    | 82,58 <sup>(4)</sup>                 |
| 1008 30 00 | 49,88    | 0,00 <sup>(2)</sup>                  |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 49,88    | 0,00                                 |
| 1101 00 00 | 60,91    | 208,26                               |
| 1102 10 00 | 96,07    | 191,99                               |
| 1103 11 10 | 76,80    | 288,45                               |
| 1103 11 90 | 64,84    | 223,98                               |

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

<sup>(2)</sup> In accordance with Regulation (EEC) No 486/85 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

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

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

## COMMISSION REGULATION (EEC) No 241/90

of 30 January 1990

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 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89<sup>(5)</sup> 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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 29 January 1990;

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*

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 Portugal shall be zero.

2. 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 31 January 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 4.

## ANNEX

to the Commission Regulation of 30 January 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

| CN code    | (ECU/tonne)  |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|
|            | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 |
| 0709 90 60 | 0            | 0               | 0               | 0               |
| 0712 90 19 | 0            | 0               | 0               | 0               |
| 1001 10 10 | 0            | 0               | 0               | 0               |
| 1001 10 90 | 0            | 0               | 0               | 0               |
| 1001 90 91 | 0            | 0               | 0               | 0               |
| 1001 90 99 | 0            | 0               | 0               | 0               |
| 1002 00 00 | 0            | 0               | 0               | 0               |
| 1003 00 10 | 0            | 0               | 0               | 0               |
| 1003 00 90 | 0            | 0               | 0               | 0               |
| 1004 00 10 | 0            | 0               | 0               | 0               |
| 1004 00 90 | 0            | 0               | 0               | 0               |
| 1005 10 90 | 0            | 0               | 0               | 0               |
| 1005 90 00 | 0            | 0               | 0               | 0               |
| 1007 00 90 | 0            | 0               | 0               | 0               |
| 1008 10 00 | 0            | 0               | 0               | 0               |
| 1008 20 00 | 0            | 0               | 0               | 0               |
| 1008 30 00 | 0            | 0               | 0               | 0               |
| 1008 90 90 | 0            | 0               | 0               | 0               |
| 1101 00 00 | 0            | 0               | 0               | 0               |

## B. Malt

| CN code    | (ECU/tonne)  |                 |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
|            | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 |
| 1107 10 11 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 91 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 99 | 0            | 0               | 0               | 0               | 0               |
| 1107 20 00 | 0            | 0               | 0               | 0               | 0               |

## COMMISSION REGULATION (EEC) No 242/90

of 30 January 1990

on the sale, under the procedure laid down in Regulation (EEC) No 3143/85, of butter held by certain intervention agencies and intended for direct consumption in the form of concentrated butter

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EEC) No 3879/89<sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas Article 2a of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter<sup>(3)</sup>, as last amended by Regulation (EEC) No 2690/89<sup>(4)</sup>, introduces the option of selling intervention butter in two stages, firstly by tendering and secondly at prices fixed at a standard rate in advance;

Whereas Commission Regulation (EEC) No 3473/89<sup>(5)</sup> concerning the sale of 2 800 tonnes of intervention butter did not reach its desired goal; whereas it is therefore necessary to repeal the said Regulation and to put back on sale the quantities still held by the relevant agencies;

Whereas in view of the current butter stock situation it is possible to offer butter for sale in accordance with the conditions laid down in the Annexes to this Regulation;

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

HAS ADOPTED THIS REGULATION:

## Article 1

1. The following quantities of intervention butter intended for direct consumption in the form of concentrated butter shall be put up for sale in two stages pursuant to Article 2a of Regulation (EEC) No 3143/85:

- 1 400 tonnes held by the Irish intervention agency and taken into storage before 1 June 1987,
- 1 400 tonnes held by the United Kingdom intervention agency and taken into storage before 1 July 1987.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 378, 27. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 299, 12. 11. 1985, p. 9.

<sup>(4)</sup> OJ No L 261, 7. 9. 1989, p. 6.

<sup>(5)</sup> OJ No L 337, 21. 11. 1989, p. 16.

2. The intervention agencies referred to in paragraph 1 shall sell first the butter which has been stored the longest.

3. The sales shall be conducted in accordance with the provisions of Regulation (EEC) No 3143/85 and this Regulation.

4. The minimum prices referred to in Article 2a (3) of Regulation (EEC) No 3143/85 are given in Annex I hereto.

5. Only those tenders which reach the intervention agencies concerned not later than 12 noon on 6 February 1990 and those applications for purchase submitted from the fifth working day following the above deadline shall be taken into consideration.

6. Particulars relating to the quantities and the places where the products are stored may be obtained from the addresses given in Annex II.

## Article 2

1. Tenders, which shall be in writing, shall be submitted either by registered post or delivered by hand to the intervention agency against acknowledgement of receipt, or by any written means of telecommunication.

2. Tenders shall state:

- (a) the name and address of the tenderer;
- (b) the price offered per 100 kilograms of butter having the fat content required, exclusive of internal taxes, ex coldstore, expressed in the currency of the Member State on whose territory the butter is stored;
- (c) the quantity of butter applied for, stating its fat content;
- (d) the establishment where the total quantity of butter is to be concentrated and packed in accordance with Articles 4 and 5 of Regulation (EEC) No 3143/85 and, where appropriate, the establishment where the total quantity of concentrated butter is to be packed for marketing. However, with the agreement of the competent agency, the total quantity of concentrated butter may be packed for marketing in an establishment other than that indicated in the tender;
- (e) where appropriate, the Member State on whose territory the butter is to be processed into concentrated butter and tracers are to be added.

3. A tender shall not be valid unless:

- (a) it is accompanied by a written undertaking to use in accordance with Regulation (EEC) No 3143/85 the quantity of butter stipulated in the tender for processing into concentrated butter;

- (b) it relates only to butter having the same fat content ;
  - (c) it relates to a quantity of at least one tonne. However, if the butter has to be allocated proportionally and the quantity obtained by the tenderer is less than one tonne, the quantity obtained shall constitute the minimum quantity for tender ;
  - (d) proof is furnished that, before expiry of the period set for the submission of tenders, the tenderer has lodged the tendering security referred to in Article 3 (1).
4. No tender may be withdrawn after the closing date specified in Article 1 (5).

#### Article 3

1. For the purposes of this Regulation, maintenance of the tender after the closing date for the submission of tenders, payment of the price and lodging of the destination security referred to in Article 2a (5) of Regulation (EEC) No 3143/85 shall constitute primary requirements compliance with which shall be ensured by the lodging of a tendering security of ECU 150 per tonne.

2. Tendering securities shall be lodged in the Member State in which the tender is submitted.

However, if the tender states, in accordance with Article 2 (2), that the manufacture of the concentrated butter and the addition of tracers provided for in Article 5 (2) of Regulation (EEC) No 3143/85 are effected in a Member State other than the Member State in which the offer has been lodged, the tendering security may be lodged with the competent authority designated by the Member State where the processing will take place and which shall issue to the tenderer the proof referred to in Article 2 (3) (d).

#### Article 4

1. Tenders shall be rejected if the price offered is lower than the minimum price fixed for the tendering procedure.
2. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

#### Article 5

1. Each tenderer shall be notified by the intervention agency of the result of his participation in the tendering procedure within the time limit referred to in the fourth subparagraph of Article 2a (3) of Regulation (EEC) No 3143/85.

2. Where the tenderer has been declared successful such notification shall indicate :

- (a) the quantity of butter sold ;
- (b) the sum of the destination security ;
- (c) the final date for processing into concentrated butter of the quantity of butter contained in the tender and for its packing.

#### Article 6

1. The successful tenderer shall, before the removal of the butter and within the time limit of 15 days specified in Article 2a (6) of Regulation (EEC) No 3143/85, pay the

intervention agency an amount corresponding to his tender for each quantity which he intends to remove from store.

2. Except in cases of *force majeure*, if the successful tenderer has not made the payment within the specified period the tendering security referred to in Article 3 shall be forfeited and the sale shall be cancelled in respect of the remaining quantities.

#### Article 7

1. When the amount referred to in Article 6 (1) has been paid and the destination security has been lodged, the intervention agency shall issue a removal warrant indicating :

- (a) the quantity in respect of which the conditions referred to above have been satisfied and the tender, identified by a serial number, to which it relates ;
- (b) the coldstore where it is stored ;
- (c) the final date for removing the butter ;
- (d) the final date for processing and packing.

2. If the payment referred to in Article 6 (1) has been made without removal of the butter having been effected within the period referred to above, the successful tenderer shall bear the cost and risk of storing the butter with effect from the day following that referred to in paragraph 1 (c). Removal may be effected by instalments.

3. The butter shall be handed over by the intervention agency in packages bearing, in clear and legible print, the statement referred to in Article 3 (2) of Regulation (EEC) No 3143/85.

The butter shall remain in its original packaging until the start of the processing operations in accordance with Article 4 of that Regulation.

#### Article 8

1. The applications to purchase referred to in Article 1 (5) shall be, *mutatis mutandis*, submitted and admissible under the conditions laid down in Article 2 (1), (2) (a), (c), (d) and (3) (a), (b) and (c).

2. The contract shall be concluded under the conditions referred to in Article 2 (4) of Regulation (EEC) No 3143/85.

#### Article 9

The destination security referred to in Article 3 (1) shall be ECU 200 per 100 kilograms.

#### Article 10

Regulation (EEC) No 3473/89 is hereby repealed.

#### Article 11

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, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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*ANNEX I*

| Member State   | Product (%) | Quantity (tonnes) | Minimum price expressed in ECU per 100 kg |
|----------------|-------------|-------------------|-------------------------------------------|
| Ireland        | Butter ≥ 80 | 1 400             | 150                                       |
| United Kingdom | Butter ≥ 80 | 1 400             | 150                                       |

*ANNEX II*

Addresses of the intervention agencies

- Department of Agriculture and Food, Dairying (Trade) Division,  
Agriculture House,  
Kildare Street,  
IRL-Dublin 2;  
tel. (35 31) 78 90 11;  
telex 93607 agri-ei,  
telefax 616263;
  - Internal Market Division,  
Intervention Board for Agricultural Produce,  
Fountain House,  
2 Queens Walk,  
UK-Reading, Berks RG1 7QW;  
tel. (44) 734-58 36 26,  
telex 848302.
-

## COMMISSION REGULATION (EEC) No 243/90

of 30 January 1990

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 1793/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies <sup>(3)</sup>, as amended by Regulation (EEC) No 1809/87 <sup>(4)</sup>, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of boned intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question and it is appropriate therefore to offer this meat for sale in accordance with Commission Regulations (EEC) No 2539/84 and (EEC) No 2824/85 <sup>(5)</sup>;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector <sup>(6)</sup>, as last amended by Regulation (EEC) No 3182/88 <sup>(7)</sup>;

Whereas in order to ensure that beef sold is exported the lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 <sup>(8)</sup>, as last amended by Regulation (EEC) No 139/90 <sup>(9)</sup>; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 1793/89 <sup>(10)</sup> should be repealed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Part of the stocks of boned intervention beef held by the Irish intervention agency and bought in before 1 September 1989 shall be sold.

This meat shall be for export.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81 <sup>(11)</sup> shall not apply to this sale.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agency concerned no later than 12 noon on 6 February 1990.

4. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the address given in Annex II.

*Article 2*

The products specified in Article 1 must be exported within six months of the date of conclusion of the contract of sale.

*Article 3*

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 600 per 100 kilograms.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 238, 6. 9. 1984, p. 13.

<sup>(4)</sup> OJ No L 170, 30. 6. 1987, p. 23.

<sup>(5)</sup> OJ No L 268, 10. 10. 1985, p. 14.

<sup>(6)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(7)</sup> OJ No L 283, 18. 10. 1988, p. 13.

<sup>(8)</sup> OJ No L 55, 1. 3. 1988, p. 1.

<sup>(9)</sup> OJ No L 16, 20. 1. 1990, p. 12.

<sup>(10)</sup> OJ No L 176, 23. 6. 1989, p. 21.

<sup>(11)</sup> OJ No L 99, 10. 4. 1981, p. 38.

*Article 4*

Regulation (EEC) No 569/88 is hereby amended as follows:

In Part I of the Annex, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 55 and footnote are added:

'55. Commission Regulation (EEC) No 243/90 of 30 January 1990, on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by

certain intervention agencies and intended for export <sup>(55)</sup>.

<sup>(55)</sup> OJ No L 27, 31. 1. 1990, p. 8.'

*Article 5*

Regulation (EEC) No 1793/89 is hereby repealed.

*Article 6*

This Regulation shall enter into force on 31 January 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission:*

Ray MAC SHARRY

*Member of the Commission*

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

Precio mínimo expresado en ecus por tonelada <sup>(1)</sup> — Mindestpreise in ECU/Tonne <sup>(1)</sup> — Mindestpreise, ausgedrückt in ECU/Tonne <sup>(1)</sup> — Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο <sup>(1)</sup> — Minimum prices expressed in ECU per tonne <sup>(1)</sup> — Prix minimaux exprimés en écus par tonne <sup>(1)</sup> — Prezzi minimi espressi in ecu per tonnellata <sup>(1)</sup> — Minimumprijzen uitgedrukt in ecu per ton <sup>(1)</sup> — Preço mínimo expresso em ecus por tonelada <sup>(1)</sup>

IRELAND

|              |       |
|--------------|-------|
| — Fillet     | 7 000 |
| — Striploin  | 4 000 |
| — Insides    | 3 000 |
| — Outsides   | 3 000 |
| — Knuckles   | 3 000 |
| — Rumps      | 3 000 |
| — Cube-rolls | 4 000 |

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

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção

IRELAND: — Department of Agriculture and Food  
Agriculture House  
Kildare Street  
Dublin 2  
Tel. (01) 78 90 11, ext. 22 78  
Telex 4280 and 5118

<sup>(1)</sup> Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

<sup>(1)</sup> Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

<sup>(1)</sup> Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

<sup>(1)</sup> Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

<sup>(1)</sup> These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

<sup>(1)</sup> Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

<sup>(1)</sup> Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

<sup>(1)</sup> Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

<sup>(1)</sup> Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17° do Regulamento (CEE) n° 2173/79.

## COMMISSION REGULATION (EEC) No 244/90

of 30 January 1990

on the transport and sale of fodder grain held by the French intervention agency for disposal to recognized drought-stricken stockfarmers established in certain regions of France

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 3247/81 of 9 November 1981 on the financing by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, of certain intervention measures, particularly those involving the buying-in, storage and sale of agricultural products by intervention agencies<sup>(3)</sup>, as last amended by Regulation (EEC) No 3757/89<sup>(4)</sup>, and in particular Article 5 (1) thereof,

Whereas Article 3 of Council Regulation (EEC) No 2738/75 of 29 October 1975 laying down general rules for intervention on the market in cereals<sup>(5)</sup> provides that cereals held by the intervention agency are to be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82<sup>(6)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(7)</sup>, lays down the procedure and the conditions for the disposal of cereals held by intervention agencies;

Whereas, as a result of the drought during the summer months of 1989, certain regions of France are suffering from a severe shortage of fodder and fodder grain; whereas this situation is a threat to stockfarmers, who, being unable to obtain fodder at a reasonable price, may be forced to sell their livestock prematurely; whereas appropriate action should be taken in order to avoid such negative consequences;

Whereas France has large intervention stocks, part of which are stored in the affected regions and part in other regions; whereas France has notified the reasons necessitating the transport to the affected regions of quantities of fodder grain taken over by its intervention agency;

whereas these reasons justify the approval of such transport at the lowest cost;

Whereas stockfarming has been particularly affected by the drought; whereas the use of the cereals should therefore be limited to drought-stricken stockfarmers established in those regions; whereas all necessary measures must be taken by the Member State to monitor such use and in particular the effect on the final consumer of the benefits conferred by this measure;

Whereas a security must be put up to guarantee the performance of the operation;

Whereas the provision of fodder grain is insufficient to resolve the existing difficulties facing stockfarmers; whereas, in view of the special circumstances, deferred payment for cereals purchased should be permitted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The transport by the French intervention agency within French territory of 400 000 tonnes of fodder grain held by it in storage is hereby approved in accordance with Article 5 (1) of Regulation (EEC) No 3247/81.

2. The French intervention agency shall select the storage premises of departure and destination in such a way as to minimize transport costs. A list of such premises shall be notified forthwith to the Commission.

3. The costs of transporting the product in question shall be determined by the French intervention agency by an invitation to tender. The costs shall comprise:

- (a) transport (not including loading) from the place of storage of departure to the place of storage of destination (not including unloading);
- (b) the costs of insuring goods at the buying-in price applicable on the last day on which tenders may be submitted, plus 5 %.

4. The intervention to tender may involve one or more lots.

5. The French intervention agency shall lay down the terms and conditions governing the invitation to tender in accordance with this Article.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 327, 14. 11. 1981, p. 1.

<sup>(4)</sup> OJ No L 365, 15. 12. 1989, p. 11.

<sup>(5)</sup> OJ No L 281, 1. 11. 1975, p. 49.

<sup>(6)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(7)</sup> OJ No L 223, 11. 8. 1987, p. 5.

6. The contract shall be awarded to the tenderer offering the best terms. However, if tenders are not in line with the prices and costs normally charged, no contract shall be awarded.

7. The French intervention agency shall keep the Commission informed of progress in the invitation to tender and shall notify it immediately of the outcome.

#### Article 2

1. The French intervention agency may, under the conditions laid down in Regulation (EEC) No 1836/82, issue a standing invitation to tender for the resale, on the market of the affected regions listed in the Annex hereto, of 400 000 tonnes of fodder grain held by it with a view to disposal to drought-stricken stockfarmers.

2. Without prejudice to the provisions of Regulation (EEC) No 1836/82, the following special rules shall apply to this invitation to tender:

- the tender selected must be at least in line with the intervention price referred to in Article 7 of Regulation (EEC) No 2727/75, applicable on the last day on which tenders may be submitted,
- the use of the cereals shall be restricted to recognized drought-stricken stockfarmers established in the *départements* listed in the Annex hereto,
- the final date for the disposal of the cereals shall be 30 April 1990,
- a security of ECU 15 per tonne shall be furnished by the successful tenderer to guarantee the performance of the operation. It shall be released once evidence is provided that the cereals have been disposed of to drought-stricken stockfarmers in the *départements* listed in the Annex hereto by 30 April 1990 at the latest.

Where the successful tenderer is not the final consumer, evidence that the financial benefits have indeed been passed on to the latter must also be furnished.

Such evidence must be provided by 31 July 1990 at the latest.

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

Done at Brussels, 30 January 1990.

#### Article 3

1. France shall inform the Commission, prior to issuing the invitation to tender provided for in Article 2, of the arrangements it has made, without prejudice to the provisions of Commission Regulation (EEC) No 569/88 <sup>(1)</sup>, with a view to verifying the use to which the goods have been put and shall forward to it a copy of the special specifications for the invitation to tender.

2. The French intervention agency shall keep separate accounts for this operation.

3. Successful tenderers must be prepared to undergo all the checks which the competent French body may wish to carry out in order to ensure that the goods have been used for the purpose for which they are intended and in particular that the effect of the financial benefits of the operation has been passed on to the final consumer.

#### Article 4

1. By way of derogation from the first paragraph of Article 16 of Regulation (EEC) No 1836/82, the successful tenderer shall pay by 30 June 1990 for the cereals removed.

2. However, in the case of cereals not removed within one month from the date of dispatch of the statement referred to in Article 15 of Regulation (EEC) No 1836/82, all risks and storage costs shall be borne by the successful tenderer.

#### Article 5

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

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 55, 1. 3. 1988, p. 1.

## ANNEX

List of the *départements* for which the cereals are intended

|                         |                  |                      |
|-------------------------|------------------|----------------------|
| Ain                     | Haute-Garonne    | Nièvre               |
| Allier                  | Gers             | Nord                 |
| Alpes-de-Haute-Provence | Gironde          | Orne                 |
| Hautes-Alpes            | Hérault          | Pas-de-Calais        |
| Ardèche                 | Ille-et-Vilaine  | Puy-de-Dôme          |
| Ariège                  | Indre            | Pyrénées-Atlantiques |
| Aude                    | Indre-et-Loire   | Hautes-Pyrénées      |
| Aveyron                 | Isère            | Rhône                |
| Calvados                | Jura             | Saône-et-Loire       |
| Cantal                  | Landes           | Sarthe               |
| Charente                | Loir-et-Cher     | Haute-Savoie         |
| Charente-Maritime       | Loire            | Seine-Maritime       |
| Cher                    | Haute-Loire      | Deux-Sèvres          |
| Corrèze                 | Loire-Atlantique | Somme                |
| Côte-d'Or               | Loiret           | Tarn                 |
| Côtes-du-Nord           | Lot              | Tarn-et-Garonne      |
| Creuse                  | Lot-et-Garonne   | Vendée               |
| Dordogne                | Lozère           | Vienne               |
| Drôme                   | Maine-et-Loire   | Haute-Vienne         |
| Eure                    | Manche           | Vosges               |
| Eure-et-Loir            | Haute-Marne      | Yonne                |
| Finistère               | Mayenne          |                      |
| Gard                    | Morbihan         |                      |

## COMMISSION REGULATION (EEC) No 245/90

of 30 January 1990

amending Regulation (EEC) No 3944/89 laying down detailed rules for applying the supplementary trade mechanism to fresh fruit and vegetables

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

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

Having regard to Council Regulation (EEC) No 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 3944/89 <sup>(2)</sup> laid down detailed rules for applying the supplementary trade mechanism, termed 'STM' below, to fresh fruit and vegetables; whereas that Regulation lists in the Annex the Spanish authorities delegated to issue the exit document under Article 5 of Regulation (EEC) No 3210/89; whereas, since a number of errors were made in transmission, the Annex to Regulation (EEC) No 3944/89 should be corrected;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 3944/89 is hereby replaced by the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 312, 27. 10. 1989, p. 6.

<sup>(2)</sup> OJ No L 379, 28. 12. 1989, p. 20.

## ANNEX

## ANNEX

## I. Agencies authorized to issue exit documents during periods II and III where Article 4 applies

| CENTROS DEL SOIVRE                        |                                         |
|-------------------------------------------|-----------------------------------------|
| Algeciras                                 | 46700                                   |
| Muelle del Navío                          | Tel. 96/286 45 83                       |
| Tel. 956/65 66 21, 65 48 06               | Gijón                                   |
| Alicante                                  | Libertad 10                             |
| Orense 4                                  | 33206                                   |
| 03003                                     | Tel. 985/35 43 43                       |
| Tel. 22 71 39                             | Granada                                 |
| Almería                                   | Mercagranada                            |
| General Ramayo 9                          | Tel. 958/26 43 33                       |
| 04004                                     | Granada                                 |
| Tel. 951/23 79 11, 23 36 07               | Recogidas 12                            |
| Badajoz                                   | 18002                                   |
| Ronda del Pilar 4                         | Tel. 958/26 14 52                       |
| 06002                                     | Huelva                                  |
| Tel. 924/23 31 46                         | Hernán Cortés 1                         |
| Barcelona                                 | 21001                                   |
| Torreón Estación Marítima Internacional 1 | Tel. 955/24 81 85, 25 99 26             |
| 08004                                     | Irún                                    |
| Tel. 93/301 66 40, 301 61 38, 317 09 99   | Estaciones de Camiones                  |
| Bilbao                                    | Tel. 943/62 57 83                       |
| Mazarrero 31                              | Irún                                    |
| 48009                                     | Iparralde — Edificio Kostorbe — 20300 — |
| Tel. 94/423 54 21, 423 53 91              | Tel. 943/62 02 66                       |
| Burgos                                    | Irún                                    |
| Aduana de Burgos C.N. 1                   | Laboratorio                             |
| Tel. 94/21 97 52                          | Tel. 943/63 01 71                       |
| Cádiz                                     | Laboratorio Soivre Madrid               |
| Plaza 3 carabelas 5                       | Edificio Gefidoks c/ Alcarria           |
| 1104                                      | Coslada (Madrid)                        |
| Tel. 956/22 11 61, 22 11 52               | Tel. 91/205 57 24, 672 76 20            |
| Canfranc                                  | La Coruña                               |
| Fernando el Católico 9                    | San Andrés 143                          |
| Tel. 974/37 33 95                         | 15003                                   |
| Cartagena                                 | Tel. 981/22 54 34, 22 69 18             |
| Alfonso XIII, 3                           | La Junquera                             |
| 30201                                     | Tel. 972/54 06 45                       |
| Tel. 968/50 17 48, 50 53 78               | Málaga                                  |
| Cartagena                                 | Estación Marítima del Puerto 1          |
| Muelle                                    | Tel. 952/21 34 27                       |
| Tel. 966/50 53 78                         | Motril                                  |
| Castellón                                 | Estaciones de Camiones                  |
| Huerto de Has 1                           | Tel. 958/60 50 58                       |
| 12002                                     | Murcia                                  |
| Tel. 964/22 39 86, 22 38 12               | Puerta Nueva 16                         |
| Castellón                                 | 30001                                   |
| Muelle                                    | Tel. 968/24 44 12, 24 44 16             |
| Tel. 964/21 54 38, 21 20 10               | Noaín                                   |
| Gandía                                    | Edificio de la Aduana                   |
| Estación de Camiones                      | Tel. 948/31 84 62                       |
| Tel. 96/289 03 26                         | Palamós                                 |
| Gandía                                    | Fito                                    |
| FF. CC. (Ferrocarri)                      | Tel. 972/52 25 26                       |
| Tel. 96/286 58 69                         | Palma de Mallorca                       |
| Gandía                                    | Muelle Viejo 19                         |
| Germanías 38                              | 07000                                   |
|                                           | Tel. 971/72 31 67                       |

Port-Bou  
Tel. 972/39 03 33

Salamanca — Ciudad Rodrigo  
Administración de Hacienda  
Carretera de Béjar  
37800  
Tel. 923/46 23 62, 46 02 05

Santander  
Antonio López 24  
39009  
Tel. 942/22 87 82

Sevilla  
República Argentina 14  
41011  
Tel. 954/27 35 43, 27 67 97

Tarragona  
Rambla Nueva 3  
43003  
Tel. 977/23 24 32

Valencia  
Muelle  
Tel. 96/323 08 29

Valencia  
Pintor Sorolla 3  
46002  
Tel. 96/351 98 01

Vigo  
Estación Marítima Muelle  
Trasatlánticos-Puerto  
Tel. 986/22 26 61, 22 26 62

Vilamilla  
Edificio Sedfisa  
17469  
Tel. 972/54 06 44, 52 54 11, 52 54 19

Zaragoza  
Bretón 9  
50005  
Tel. 976/35 06 30

## II. Agencies authorized to issue exit documents during period III where Article 5 applies

1. Dirección General de Comercio Exterior  
Pº. de la Castellana, 162 Plantas 4ª, 5ª y 6ª  
Secretaría de Estado de Comercio  
Ministerio de Economía y Hacienda  
Tel. 91/259 15 72  
Telefax 91/457 07 38

2. Direcciones territoriales y provinciales de economía y comercio :

Alicante  
Rambla Méndez Núñez, 4 (03071)  
Tel. 965/20 11 47, 21 41 78  
Telefax 965/20 31 66

Almería  
c/ Hermanos Machado, s/n (04071)  
Tel. 951/24 38 88, 24 34 76  
Telefax 951/25 85 48

Barcelona  
Avda. Diagonal, 631 (08071)  
Tel. 93/339 75 00, 339 50 00  
Telefax 93/4 11 19 96

Bilbao  
Pº. Federico Moyúa, 3-1 edif. Hda.  
Tel. 94/415 53 00, 415 53 05  
Telefax 94/4 16 52 97

Castellón  
c/ Trinidad, 14 (12071)  
Tel. 964/21 58 08, 24 17 33  
Telefax 964/20 60 56

Málaga  
Avda. de la Aurora, 467 (29071)  
Tel. 952/33 42 58, 33 42 62  
Telefax 952/34 63 89

Murcia  
Pº. Alfonso X, 6 (30071)  
Tel. 968/23 94 58, 23 93 62  
Telefax 968/23 46 53

Oviedo  
Pza. de España s/n (33071)  
Tel. 985/24 20 42, 24 20 28  
Telefax 985/27 24 10

Palma de Mallorca  
c/ Ciudad de Querétaro, edif. múltiple  
Tel. 971/46 50 12, 46 62 61, 46 53 62  
Telefax 971/46 69 35

San Sebastián  
c/ Guetaria, 2 triplicado (20071)  
Tel. 943/41 12 03, 42 07 99, 42 37 12  
Telefax 943/42 68 36

Santander  
c/ Rodríguez, 5 (39071)  
Tel. 942/22 06 01  
Telefax 942/31 04 64 (manual)

Sevilla  
Pza. de España-Puerta Navarra (41071)  
Tel. 954/23 35 84, 23 52 57, 23 34 23  
Telefax 954/23 21 38

Valencia  
c/ Pascual y Genís, 1 (46071)  
Tel. 96/351 90 47, 351 99 60, 351 30 70  
Telefax 96/351 18 24

Valladolid  
c/ Jesús Rivero Meneses, 2 (47071)  
Tel. 983/33 75 48, 33 93 21  
Telefax 983/34 37 67

Vigo  
Pza. de Compostela, 29 (36071)  
Tel. 986/43 34 00, 43 40 83  
Telefax 986/43 20 48

Zaragoza  
c/ Coso, 42 (50071)  
Tel. 976/22 61 61, 22 22 70  
Telefax 976/21 63 67

## COMMISSION REGULATION (EEC) No 246/90

of 30 January 1990

amending Regulation (EEC) No 3946/89 fixing certain additional detailed rules for the application of the supplementary trade mechanism to fruit and vegetables as regards artichokes, carrots, strawberries, lettuce, melons, table grapes and tomatoes and bringing broad-leaf endives under these rules

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables <sup>(1)</sup>, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89 <sup>(2)</sup> established the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas these products include artichokes, carrots, strawberries, lettuce, melons, table grapes, tomatoes and broad-leaf endives;

Whereas Commission Regulation (EEC) No 3944/89 <sup>(3)</sup>, as amended by Regulation (EEC) No 245/90 <sup>(4)</sup>, laid down detailed rules for applying the supplementary trade mechanism, termed 'STM' below, to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 3946/89 <sup>(5)</sup> determined that the month of January 1990 should for the abovementioned products be a period I as defined in Article 2 of Regulation (EEC) No 3210/89; whereas Commission Regulation (EEC) No 3945/89 <sup>(6)</sup>, determined that for broad-leaf endives the month of January 1990 should be a period II; whereas the outlook for Spanish consignments to the rest of the Community, Portugal excepted, and the market situation indicate that the period I should be determined for all the abovementioned

tioned products for the month of February 1990; whereas they should all therefore be brought under the same rules and Regulation (EEC) No 3946/89 amended accordingly;

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

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EEC) No 3946/89 is hereby amended as follows:

1. Article 1 is replaced by the following:

## Article 1

For tomatoes of CN code 0702 00 10, cabbage lettuce of CN code 0705 11 90, lettuce other than cabbage of CN code 0705 19 00, carrots of CN code ex 0706 10 00, artichokes of CN code 0709 10 00, table grapes of CN code 0806 10 15, melons of CN code 0807 10 90, strawberries of CN code 0810 10 90 and broad-leaf endives of CN code ex 0705 29 00, periods as defined in Article 2 of Regulation (EEC) No 3210/89 are determined as indicated in the Annex hereto.

2. The Annex is replaced by the Annex to this Regulation.

## Article 2

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

It shall be applicable from 1 February 1990.

<sup>(1)</sup> OJ No L 312, 27. 10. 1989, p. 6.

<sup>(2)</sup> OJ No L 86, 31. 3. 1989, p. 35.

<sup>(3)</sup> OJ No L 379, 28. 12. 1989, p. 20.

<sup>(4)</sup> See page 14 of this Official Journal.

<sup>(5)</sup> OJ No L 379, 28. 12. 1989, p. 27.

<sup>(6)</sup> OJ No L 379, 28. 12. 1989, p. 25.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX

ANNEX

Periods as defined in Article 2 of Regulation (EEC) No 3210/89

1 to 28 February 1990

| Description of product             | CN code       | Period |
|------------------------------------|---------------|--------|
| Tomatoes                           | 0702 00 10    | I      |
| Cabbage lettuce                    | 0705 11 90    | I      |
| Lettuce other than cabbage lettuce | 0705 19 00    | I      |
| Carrots                            | ex 0706 10 00 | I      |
| Artichokes                         | 0709 10 00    | I      |
| Table grapes                       | 0806 10 15    | I      |
| Melons                             | 0807 10 90    | I      |
| Strawberries                       | 0810 10 90    | I      |
| Broad-leaf endives                 | ex 0705 29 00 | I'     |

## COMMISSION REGULATION (EEC) No 247/90

of 30 January 1990

## fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 3879/89 <sup>(2)</sup>, and in particular Article 14 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EEC) No 3884/89 <sup>(4)</sup>;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas these threshold prices were fixed for the 1989/90 milk year by Council Regulation (EEC) No 1114/89 <sup>(5)</sup>;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or

coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 <sup>(6)</sup>, as last amended by Regulation (EEC) No 107/90 <sup>(7)</sup>;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

Whereas Commission Regulation (EEC) No 1073/68 <sup>(8)</sup>, as amended by Regulation (EEC) No 222/88 <sup>(9)</sup>, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 378, 27. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 329, 24. 12. 1979, p. 1.

<sup>(4)</sup> OJ No L 378, 27. 12. 1989, p. 9.

<sup>(5)</sup> OJ No L 118, 29. 4. 1989, p. 37.

<sup>(6)</sup> OJ No L 196, 5. 7. 1982, p. 1.

<sup>(7)</sup> OJ No L 13, 17. 1. 1990, p. 13.

<sup>(8)</sup> OJ No L 180, 26. 7. 1968, p. 25.

<sup>(9)</sup> OJ No L 28, 1. 2. 1988, p. 1.

Whereas Commission Regulation (EEC) No 788/86<sup>(1)</sup>, as last amended by Regulation (EEC) No 2431/88<sup>(2)</sup>, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas

they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose<sup>(3)</sup>, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(4)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(5)</sup>,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.
2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

#### *Article 2*

This Regulation shall enter into force on 1 February 1990.

<sup>(1)</sup> OJ No L 74, 19. 3. 1986, p. 20.

<sup>(2)</sup> OJ No L 210, 3. 8. 1988, p. 6.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(5)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 30 January 1990 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

| CN code    | Note                             | Import levy       |
|------------|----------------------------------|-------------------|
| 0401 10 10 |                                  | 15,81             |
| 0401 10 90 |                                  | 14,60             |
| 0401 20 11 |                                  | 22,00             |
| 0401 20 19 |                                  | 20,79             |
| 0401 20 91 |                                  | 27,39             |
| 0401 20 99 |                                  | 26,18             |
| 0401 30 11 |                                  | 70,79             |
| 0401 30 19 |                                  | 69,58             |
| 0401 30 31 |                                  | 136,77            |
| 0401 30 39 |                                  | 135,56            |
| 0401 30 91 |                                  | 230,16            |
| 0401 30 99 |                                  | 228,95            |
| 0402 10 11 |                                  | 107,05            |
| 0402 10 19 |                                  | 99,80             |
| 0402 10 91 | ( <sup>1</sup> )                 | 0,9980/kg + 24,68 |
| 0402 10 99 | ( <sup>1</sup> )                 | 0,9980/kg + 17,43 |
| 0402 21 11 |                                  | 170,35            |
| 0402 21 17 |                                  | 163,10            |
| 0402 21 19 |                                  | 163,10            |
| 0402 21 91 |                                  | 210,00            |
| 0402 21 99 |                                  | 202,75            |
| 0402 29 11 | ( <sup>1</sup> )( <sup>3</sup> ) | 1,6310/kg + 24,68 |
| 0402 29 15 | ( <sup>1</sup> )                 | 1,6310/kg + 24,68 |
| 0402 29 19 | ( <sup>1</sup> )                 | 1,6310/kg + 17,43 |
| 0402 29 91 | ( <sup>1</sup> )                 | 2,0275/kg + 24,68 |
| 0402 29 99 | ( <sup>1</sup> )                 | 2,0275/kg + 17,43 |
| 0402 91 11 |                                  | 31,00             |
| 0402 91 19 |                                  | 31,00             |
| 0402 91 31 |                                  | 38,75             |
| 0402 91 39 |                                  | 38,75             |
| 0402 91 51 |                                  | 136,77            |
| 0402 91 59 |                                  | 135,56            |
| 0402 91 91 |                                  | 230,16            |
| 0402 91 99 |                                  | 228,95            |
| 0402 99 11 |                                  | 52,87             |
| 0402 99 19 |                                  | 52,87             |
| 0402 99 31 | ( <sup>1</sup> )                 | 1,3314/kg + 21,06 |
| 0402 99 39 | ( <sup>1</sup> )                 | 1,3314/kg + 19,85 |
| 0402 99 91 | ( <sup>1</sup> )                 | 2,2653/kg + 21,06 |
| 0402 99 99 | ( <sup>1</sup> )                 | 2,2653/kg + 19,85 |

(ECU/100 kg net weight, unless otherwise indicated)

| CN code    | Note                              | Import levy       |
|------------|-----------------------------------|-------------------|
| 0403 10 11 |                                   | 24,41             |
| 0403 10 13 |                                   | 29,80             |
| 0403 10 19 |                                   | 73,20             |
| 0403 10 31 | ( <sup>1</sup> )                  | 0,1837/kg + 23,47 |
| 0403 10 33 | ( <sup>1</sup> )                  | 0,2376/kg + 23,47 |
| 0403 10 39 | ( <sup>1</sup> )                  | 0,6716/kg + 23,47 |
| 0403 90 11 |                                   | 107,05            |
| 0403 90 13 |                                   | 170,35            |
| 0403 90 19 |                                   | 210,00            |
| 0403 90 31 | ( <sup>1</sup> )                  | 0,9980/kg + 24,68 |
| 0403 90 33 | ( <sup>1</sup> )                  | 1,6310/kg + 24,68 |
| 0403 90 39 | ( <sup>1</sup> )                  | 2,0275/kg + 24,68 |
| 0403 90 51 |                                   | 24,41             |
| 0403 90 53 |                                   | 29,80             |
| 0403 90 59 |                                   | 73,20             |
| 0403 90 61 | ( <sup>1</sup> )                  | 0,1837/kg + 23,47 |
| 0403 90 63 | ( <sup>1</sup> )                  | 0,2376/kg + 23,47 |
| 0403 90 69 | ( <sup>1</sup> )                  | 0,6716/kg + 23,47 |
| 0404 10 11 |                                   | 27,75             |
| 0404 10 19 | ( <sup>1</sup> )                  | 0,2775/kg + 17,43 |
| 0404 10 91 | ( <sup>2</sup> )                  | 0,2775/kg         |
| 0404 10 99 | ( <sup>2</sup> )                  | 0,2775/kg + 17,43 |
| 0404 90 11 |                                   | 107,05            |
| 0404 90 13 |                                   | 170,35            |
| 0404 90 19 |                                   | 210,00            |
| 0404 90 31 |                                   | 107,05            |
| 0404 90 33 |                                   | 170,35            |
| 0404 90 39 |                                   | 210,00            |
| 0404 90 51 | ( <sup>1</sup> )                  | 0,9980/kg + 24,68 |
| 0404 90 53 | ( <sup>1</sup> ) ( <sup>2</sup> ) | 1,6310/kg + 24,68 |
| 0404 90 59 | ( <sup>1</sup> )                  | 2,0275/kg + 24,68 |
| 0404 90 91 | ( <sup>1</sup> )                  | 0,9980/kg + 24,68 |
| 0404 90 93 | ( <sup>1</sup> ) ( <sup>2</sup> ) | 1,6310/kg + 24,68 |
| 0404 90 99 | ( <sup>1</sup> )                  | 2,0275/kg + 24,68 |
| 0405 00 10 |                                   | 237,10            |
| 0405 00 90 |                                   | 289,26            |
| 0406 10 10 |                                   | 230,51            |
| 0406 10 90 |                                   | 284,55            |
| 0406 20 10 | ( <sup>2</sup> )                  | 397,69            |
| 0406 20 90 |                                   | 397,69            |
| 0406 30 10 | ( <sup>2</sup> )                  | 181,69            |
| 0406 30 31 | ( <sup>2</sup> )                  | 174,21            |
| 0406 30 39 | ( <sup>2</sup> )                  | 181,69            |
| 0406 30 90 | ( <sup>2</sup> )                  | 278,41            |
| 0406 40 00 | ( <sup>2</sup> )                  | 158,11            |
| 0406 90 11 | ( <sup>2</sup> )                  | 221,65            |

*(ECU/100 kg net weight, unless otherwise indicated)*

| CN code    | Note             | Import levy |
|------------|------------------|-------------|
| 0406 90 13 | ( <sup>3</sup> ) | 234,53      |
| 0406 90 15 | ( <sup>3</sup> ) | 234,53      |
| 0406 90 17 | ( <sup>3</sup> ) | 234,53      |
| 0406 90 19 | ( <sup>3</sup> ) | 397,69      |
| 0406 90 21 | ( <sup>3</sup> ) | 221,65      |
| 0406 90 23 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 25 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 27 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 29 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 31 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 33 |                  | 187,83      |
| 0406 90 35 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 37 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 39 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 50 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 61 |                  | 397,69      |
| 0406 90 63 |                  | 397,69      |
| 0406 90 69 |                  | 397,69      |
| 0406 90 71 |                  | 230,51      |
| 0406 90 73 |                  | 187,83      |
| 0406 90 75 |                  | 187,83      |
| 0406 90 77 |                  | 187,83      |
| 0406 90 79 |                  | 187,83      |
| 0406 90 81 |                  | 187,83      |
| 0406 90 83 |                  | 187,83      |
| 0406 90 85 |                  | 187,83      |
| 0406 90 89 | ( <sup>3</sup> ) | 187,83      |
| 0406 90 91 |                  | 230,51      |
| 0406 90 93 |                  | 230,51      |
| 0406 90 97 |                  | 284,55      |
| 0406 90 99 |                  | 284,55      |
| 1702 10 10 |                  | 35,49       |
| 1702 10 90 |                  | 35,49       |
| 2106 90 51 |                  | 35,49       |
| 2309 10 15 |                  | 77,27       |
| 2309 10 19 |                  | 100,22      |
| 2309 10 39 |                  | 94,36       |
| 2309 10 59 |                  | 78,91       |
| 2309 10 70 |                  | 100,22      |
| 2309 90 35 |                  | 77,27       |
| 2309 90 39 |                  | 100,22      |
| 2309 90 49 |                  | 94,36       |
| 2309 90 59 |                  | 78,91       |
| 2309 90 70 |                  | 100,22      |

- 
- (<sup>1</sup>) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
  - (b) the other amount indicated.
- (<sup>2</sup>) The levy on 100 kg of product falling within this subheading is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
  - (b) the other amount indicated.
- (<sup>3</sup>) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
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**COMMISSION REGULATION (EEC) No 248/90**  
**of 30 January 1990**  
**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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 238/90 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 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,

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 31 January 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 187, 1. 7. 1989, p. 13.

<sup>(4)</sup> OJ No L 26, 30. 1. 1990, p. 25.

## ANNEX

to the Commission Regulation of 30 January 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 29,44 <sup>(1)</sup> |
| 1701 11 90 | 29,44 <sup>(1)</sup> |
| 1701 12 10 | 29,44 <sup>(1)</sup> |
| 1701 12 90 | 29,44 <sup>(1)</sup> |
| 1701 91 00 | 32,68                |
| 1701 99 10 | 32,68                |
| 1701 99 90 | 32,68 <sup>(2)</sup> |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

<sup>(2)</sup> 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.

**COMMISSION REGULATION (EEC) No 249/90****of 30 January 1990****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 4008/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 192/90 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4008/89 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 4008/89, are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 January 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 382, 30. 12. 1989, p. 13.

<sup>(4)</sup> OJ No L 21, 26. 1. 1990, p. 56.

## ANNEX

to the Commission Regulation of 30 January 1990 altering the basic amount of the import  
levies on syrups and certain other products in the sugar sector

(ECU)

| CN code    | Basic amount per percentage point<br>of sucrose content and per 100 kg net<br>of the product in question | Amount of levy per 100 kg of dry matter |
|------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1702 20 10 | 0,3268                                                                                                   | —                                       |
| 1702 20 90 | 0,3268                                                                                                   | —                                       |
| 1702 30 10 | —                                                                                                        | 46,44                                   |
| 1702 40 10 | —                                                                                                        | 46,44                                   |
| 1702 60 10 | —                                                                                                        | 46,44                                   |
| 1702 60 90 | 0,3268                                                                                                   | —                                       |
| 1702 90 30 | —                                                                                                        | 46,44                                   |
| 1702 90 60 | 0,3268                                                                                                   | —                                       |
| 1702 90 71 | 0,3268                                                                                                   | —                                       |
| 1702 90 90 | 0,3268                                                                                                   | —                                       |
| 2106 90 30 | —                                                                                                        | 46,44                                   |
| 2106 90 59 | 0,3268                                                                                                   | —                                       |

**COMMISSION REGULATION (EEC) No 250/90**  
**of 30 January 1990**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 2902/89<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil<sup>(3)</sup>, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72<sup>(4)</sup>, as last amended by Regulation (EEC) No 2962/77<sup>(5)</sup>;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(6)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(7)</sup>,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

<sup>(2)</sup> OJ No L 280, 29. 9. 1989, p. 2.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 78, 31. 3. 1972, p. 1.

<sup>(5)</sup> OJ No L 348, 30. 12. 1977, p. 53.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> OJ No L 153, 13. 6. 1987, p. 1.

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**ANNEX**

to the Commission Regulation of 30 January 1990 fixing the export refunds on olive oil

| <i>(ECU/100 kg)</i> |                      |
|---------------------|----------------------|
| Product code        | Amount of refund (1) |
| 1509 10 90 100      | 63,50                |
| 1509 10 90 900      | 99,50                |
| 1509 90 00 100      | 71,15                |
| 1509 90 00 900      | 105,00               |
| 1510 00 90 100      | 15,91                |
| 1510 00 90 900      | 47,66                |

(1) For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

**NB:** The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

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## COMMISSION REGULATION (EEC) No 251/90

of 30 January 1990

fixing the maximum export refunds on olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 2902/89<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil<sup>(3)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3246/89<sup>(4)</sup>, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3246/89 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refunds for olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 January 1990.

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 280, 29. 9. 1989, p. 2.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 314, 28. 10. 1989, p. 48.

*ANNEX*

to the Commission Regulation of 30 January 1990 fixing the maximum export refunds on olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

| <i>(ECU/100 kg)</i> |                  |
|---------------------|------------------|
| Product code        | Amount of refund |
| 1509 10 90 100      | 65,00            |
| 1509 10 90 900      | 104,50           |
| 1509 90 00 100      | 74,02            |
| 1509 90 00 900      | 110,09           |
| 1510 00 90 100      | 17,41            |
| 1510 00 90 900      | 52,66            |

*NB:* The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

**COMMISSION REGULATION (EEC) No 252/90****of 30 January 1990****amending Regulation (EEC) No 2377/80 on special detailed rules for the application of the system of import and export licences in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 15 (2) thereof,

Whereas Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 3182/88 <sup>(4)</sup>, lays down detailed rules for the import quota of certain high-quality beef from the United States of America and Canada; whereas, in practice, it is appropriate to amend certain measures to improve the management in the light of sanitary arrangements; whereas this improvement could be obtained by a monthly allocation and by adapting the time limits provided for;

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

*Article 1*

Regulation (EEC) No 2377/80 is amended as follows:

1. In Article 4 (b) the text is completed as follows:  
'However, for import licences mentioned in Article 12: 42 days from their date of issue';
2. Article 15 (1) (d) is replaced by the following:  
'(d) Requests mentioned in Article 12 may only be lodged during the first five days of each month.'
3. Article 15 (5) (d) is replaced by the following:  
'(d) The 11th day of each month for licences mentioned in Article 12.'
4. In Article 15 (6) (d) the third phrase is replaced by the following:  
'if the total quantity of requests is less than the available quantity, the Commission shall determine the remaining amount to be added to the quantity available for the following month.'

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 30 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 13.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE

of 22 January 1990

amending Directive 79/373/EEC on the marketing of compound feedingstuffs

(90/44/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Directive 79/373/EEC <sup>(4)</sup>, as last amended by Directive 87/235/EEC <sup>(5)</sup>, lays down rules for the marketing of compound feedingstuffs within the Community;

Whereas under present Community legislation Member States may, in certain cases, waive the Community rules, particularly as regards labelling and the choice of ingredients;

Whereas, with a view to the completion of the internal market, all national derogations liable further to inhibit free movement of compound feedingstuffs or creating unequal conditions of competition should be eliminated;

Whereas the most appropriate method of eliminating all present disparities relating to labelling rules is to fix — at Community level — a list of declarations which, in each

case, must be given or may be given on a voluntary basis by the person responsible for labelling;

Whereas, as regards labelling, the purpose of Directive 79/373/EEC is to ensure that stock farmers are informed objectively and as accurately as possible as to the composition and use of feedingstuffs; whereas it is important to ensure that the accuracy of the declarations made can be officially verified, in accordance with the relevant provisions laid down in the Directive, at all stages of marketing of the feedingstuffs;

Whereas the declaration of the ingredients in feedingstuffs constitutes, in certain cases, an important item of information for stock farmers;

Whereas the quantitative determination of the ingredients in feedingstuffs for production animals raises at the present time, as regards verification, difficulties, mainly because of the nature of the products used, of the complexity of the mixtures made or the manufacturing methods adopted;

Whereas, accordingly, it is appropriate — at this stage — to prefer, at least for feedingstuffs for production animals, a flexible declaration arrangement confined to the indication of the feedingstuff ingredients without stating their quantity; whereas the possibility must also be retained of creating categories making it possible to group under a single name several ingredients; whereas, since categories of ingredients have already been established by Commission Directive 82/475/EEC <sup>(6)</sup> for compound feedingstuffs intended for pets, similar provisions should be adopted for the other feedingstuffs;

Whereas special provisions are needed for the labelling of feedingstuffs for pets to allow for the special character of this kind of feedingstuff;

<sup>(1)</sup> OJ No C 178, 7. 7. 1988, p. 4 and  
OJ No C 100, 21. 4. 1989, p. 10.

<sup>(2)</sup> OJ No C 12, 16. 1. 1989, p. 382.

<sup>(3)</sup> OJ No C 23, 20. 1. 1989, p. 10.

<sup>(4)</sup> OJ No L 86, 6. 4. 1979, p. 30.

<sup>(5)</sup> OJ No L 102, 14. 4. 1987, p. 54.

<sup>(6)</sup> OJ No L 213, 21. 7. 1982, p. 27.

Whereas manufacturers of compound feedingstuffs must be free to provide the stock farmer with information other than that specifically laid down in Directive 79/373/EEC, but provision of such additional information should be made subject to certain conditions or restrictions to ensure fair competition between manufacturers and to ensure that such information is objective;

Whereas Directive 79/373/EEC now enables Member States to require that compound feedingstuffs be manufactured on the basis of specified ingredients or be free of certain ingredients; whereas the obstacles resulting from such limitations must be eliminated by adopting, at Community level, a list of ingredients used for the manufacture of compound feedingstuffs and a list of ingredients use of which must be prohibited for health reasons;

Whereas the list of ingredients which can be used in feedingstuffs cannot be exhaustive owing to the great diversity of products and by-products which may be used, to the constant development of food technology and to the need not to restrict the choice of manufacturers; whereas it is sufficient to draw up an inventory of the main ingredients normally used in the manufacture of compound feedingstuffs;

Whereas that inventory must specify the common names to be used to designate the various ingredients and the descriptions with which they must comply in order to qualify for such names;

Whereas the description given of the various ingredients might prove insufficient on its own to distinguish products which are very close but sometimes different in quality; whereas provision should be made for such special cases for the additional possibility of laying down minimum compositional requirements;

Whereas the list of ingredients which may be used in the manufacture of compound feedingstuffs is not exhaustive; whereas the Member States are accordingly required to allow compound feedingstuffs marketed within the Community to contain ingredients other than those included on the abovementioned list provided that such products are of sound, genuine and merchantable quality and that they are designated by specific names preventing any confusion with ingredients qualifying for a name established at Community level;

Whereas the establishment of the list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs and the establishment of the list of ingredients use of which must be prohibited in the future are measures of a scientific nature; whereas, to facilitate the adoption of such measures, the procedure introducing close cooperation between the Member States

and the Commission within the Standing Committee for Feedingstuffs should be followed;

Whereas, in order to ensure compliance with the requirements concerning compound feedingstuffs, Member States must provide for appropriate inspections by sampling not only during marketing but also during the manufacture of feedingstuffs; whereas the latter method of inspection may in particular cover the manufacturers' written records,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

Directive 79/373/EEC is hereby amended as follows:

1. The following point is added to Article 1 (2):

'(g) the approximation of the laws of the Member States relating to the making up, by mass or by volume, of certain prepackaged products.'

2. The following point is added to Article 2:

'1. the minimum storage life of a compound feedingstuff: that the date until which, under proper storage conditions, that feedingstuff retains its specific properties.'

3. Article 5 is replaced by the following:

#### *Article 5*

1. Member States shall prescribe that compound feedingstuffs may not be marketed unless the particulars listed below, which shall be clearly visible, legible and indelible and for which the manufacturer, packer, importer, seller or distributor established within the Community shall be held responsible, are shown, in a space provided for that purpose, on the packaging, on the container or on a label attached thereto:

- (a) the description "complete feedingstuff", "complementary feedingstuff", "mineral feedingstuff", "molassed feedingstuff", "complete milk replacer feed" or "complementary milk replacer feed", as appropriate;
- (b) the species or category of animal for which the compound feedingstuff is intended;
- (c) directions for the proper use of the feedingstuff indicating the purpose for which the feedingstuff is intended;
- (d) for all compound feedingstuffs except those intended for pets other than dogs and cats: the ingredients to be declared in accordance with Article 5c;
- (e) where appropriate, the declarations of the analytical constituents in the cases provided for in Part A of the Annex;

- (f) as relevant to the case, the declarations provided for in Part B of the Annex in columns 1, 2 and 3;
- (g) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this paragraph;
- (h) the net quantity expressed in units of mass in the case of solid products, and in units of mass or volume in the case of liquid products;
- (i) the minimum storage life, to be indicated in accordance with Article 5d (1);
- (j) the batch number if the date of manufacture is not given.

2. Member States shall prescribe that compound feedingstuffs, when marketed in tankers or similar vehicles or in accordance with Article 4 (2), shall be accompanied by a document containing the particulars referred to in paragraph 1 of this Article. For small quantities of feedingstuffs intended for the final user, these particulars may be brought to the purchaser's attention by means of an appropriate notice at the point of sale.

3. Member States shall prescribe that, in conjunction with the particulars listed in paragraph 1, only the following additional particulars may be put in the space referred to in paragraph 1:

- (a) the identification mark or trade mark of the person responsible for the labelling particulars;
- (b) the name or business name and the address or registered place of business of the manufacturer, if this is not the person responsible for the labelling particulars;
- (c) where appropriate, the batch number;
- (d) the country of production or manufacture;
- (e) the price of the product;
- (f) the description or trade name of the product;
- (g) for compound feedingstuffs intended for pets other than dogs and cats: the ingredients to be declared in accordance with Article 5c;
- (h) where appropriate, particulars relating to the provisions of Article 14 (a);
- (i) an indication of the physical condition of the feedingstuff or the specific processing it has undergone;
- (j) where appropriate, the declarations of the analytical constituents in the cases provided for in Part A of the Annex;
- (k) the declarations provided for in Part B of the Annex in columns 1, 2 and 4;
- (l) the date of manufacture to be indicated in accordance with Article 5d (2).

4. Member States may, for feedingstuffs produced and marketed in their territories:

- (a) permit the particulars specified in paragraph 1 (b) to (f) and (h) to be shown only in an accompanying document;
- (b) prescribe an official code number enabling the manufacturer to be identified where the latter is not responsible for the labelling particulars.

5. Member States shall prescribe that:

- (a) in the case of compound feedingstuffs constituted from no more than three ingredients, the particulars referred to in paragraph 1 (b) and (c) shall not be required where the ingredients used appear clearly in the description;
- (b) in the case of whole grain mixes, the declarations referred to in paragraph 1 (e) and (f) shall not be required; they may, however, be provided;
- (c) the descriptions "complete feedingstuff" or "complementary feedingstuff" in respect of feedingstuffs intended for pets other than dogs or cats may be replaced by the description "compound feedingstuff". In this case, the declarations required or allowed under this Article shall be those laid down for complete feedingstuffs;
- (d) the minimum storage life, the net quantity and the batch reference number may be marked outside the space reserved for the labelling particulars referred to in paragraph 1; in this case, the relevant expressions shall be accompanied by an indication of where the information appears.

6. For compound feedingstuffs for pets, the descriptions:

- (a) in English "compound feedingstuff", "complementary feedingstuff", and "complete feedingstuff" may be replaced by the descriptions "compound pet food", "complementary pet food" and "complete pet food" respectively;
- (b) in Spanish "pienso" may be replaced by the description "alimento";
- (c) in Dutch "mengvoeder", "aanvullend diervoeder" and "volledig diervoeder" may be replaced by the descriptions "samengesteld voeder", "aanvullend samengesteld voeder" and "volledig samengesteld voeder" respectively.

4. Articles 5a and 5b are deleted.

5. The following Articles are inserted:

#### *Article 5c*

1. Where a declaration of the ingredients is provided, all the ingredients must be mentioned.

2. The listing of ingredients shall be subject to the following rules:

- (a) compound feedingstuffs intended for animals other than pets: listing of ingredients in descending order by weight;

- (b) compound feedingstuffs intended for pets : listing of ingredients either indicating the amount contained or naming them in descending order by weight.

3. The ingredients shall be described by their specific names ; however, categories grouping several ingredients will be established in accordance with Article 10 (a) ; in that case, the indication of the specific name of the ingredient may be replaced by the name of the category to which the ingredient belongs.

Use of one of these two forms of declaration shall exclude use of the other save where one of the ingredients used belongs to none of the categories which have been defined ; in that case the ingredient, designated by its specific name, shall be mentioned in order of importance by weight in relation to the categories.

4. Where no measure has been adopted under Article 10 (a), Member States may retain the ingredient categories they have determined and allow the indication of the ingredients to be replaced by that of the categories.

5. The labelling of compound feedingstuffs for pets may also draw particular attention to the presence or low content of one or more ingredients which are essential aspects of the characteristics of the feedingstuff. In such a case, the minimum or maximum content, expressed in terms of percentage by weight of the ingredient(s) incorporated, must be clearly indicated either opposite the declaration drawing special attention to the ingredient(s) or in the list of ingredients or by mentioning the ingredient(s) and the percentage(s) by weight concerned opposite the corresponding category of ingredients.

#### *Article 5d*

1. The minimum storage life shall be given by the following indications :

- "use before ..." followed by the date (day, month and year) in the case of microbiologically highly perishable feedingstuffs ;
- "best before ..." followed by the date (month and year) in the case of other feedingstuffs.

Where other Community provisions concerning compound feedingstuffs require indication of a minimum storage life, only the earliest date shall be indicated.

2. The date of manufacture shall be expressed as follows :

"manufactured .... (days, months, or year(s)) before the minimum storage life expiry date indicated".

Where Article 5 (5) (d) applies, the abovementioned entry shall be followed by an indication of where that storage life is indicated.

#### *Article 5e*

The person responsible for the labelling particulars of a compound feedingstuff may provide information in addition to that required under this Directive.

However, such information :

- may not be designed to indicate the presence or content of analytical constituents other than those the declaration of which is provided for in Article 5,
- must not mislead the user, in particular by attributing to the feedingstuff effects or properties that it does not possess or by suggesting that it possesses special characteristics when in fact all similar feedingstuffs possess such characteristics,
- must not claim that the feedingstuff will prevent, treat or cure a disease,
- must relate to objective or quantifiable factors which can be substantiated,
- must be clearly separated from all the particulars specified in Article 5.

6. Article 6 is replaced by the following :

#### *Article 6*

Member States shall prescribe that the general provisions contained in Part A of the Annex shall apply to the marketing of compound feedingstuffs.

7. Articles 7 and 8 are deleted.

8. Article 10 is replaced by the following Articles :

#### *Article 10*

In accordance with the procedure laid down in Article 13 and in the light of advances in scientific and technical knowledge :

- (a) categories grouping several ingredients shall be established not later than 22 January 1991 ;
- (b) a non-exclusive list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs intended for species other than pets shall be established ; for each of the products, the list shall establish a common name and description ; in addition, in certain cases, minimum composition of requirements may also be laid down if such measures are found to be necessary for the better identification of ingredients ;

- (c) a list shall be established of ingredients the use of which is prohibited in compound feedingstuffs for public or animal health reasons;
- (d) methods of calculating the energy value of compound feedingstuffs may be established;
- (e) amendments to the Annex and to the lists referred to in (b) and (c) above shall be adopted.

#### *Article 10a*

1. Member States shall prescribe that the ingredients included on the list referred to in Article 10 (b) may be declared as such only under the names specified therein and on condition that they correspond to the descriptions and comply with any possible minimum compositional requirements contained therein.

2. Without prejudice to the measures referred to in Article 10 (c), Member States shall also allow the marketing of ingredients other than those on the list referred to in Article 10 (b) provided that they are of sound, genuine and merchantable quality and are declared under other names which cannot mislead the purchaser.

9. Article 11 is replaced by the following:

#### *'Article 11*

For the purposes of marketing between the Member States, the particulars referred to in Article 5 shall be

given in at least one of the national or official languages of the country of destination.'

10. Article 12 is replaced by the following:

#### *'Article 12*

Member States shall make all necessary arrangements for official inspection during manufacture or marketing, at least by sampling, in order to ensure compliance with the requirements of this Directive.'

11. The Annex is replaced by the Annex attached to this Directive.

#### *Article 2*

Member States shall bring into force on 22 January 1992 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

#### *Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 22 January 1990.

*For the Council*

*The President*

M. O'KENNEDY

## ANNEX

## ANNEX

## PART A

## General provisions

1. The levels indicated or to be declared relate to the weight of the compound feedingstuff as such, unless otherwise stated.
2. The feedingstuff's moisture content must be stated if it exceeds :
  - 7 % in the case of milk replacer feeds and other compound feedingstuffs with a milk-product content exceeding 40 %,
  - 5 % in the case of mineral feedingstuffs containing no organic substances,
  - 10 % in the case of mineral feedingstuffs containing organic substances,
  - 14 % in the case of other compound feedingstuffs.

In the case of compound feedingstuffs with a moisture content not exceeding the limits stated in the paragraphs above, that content may also be declared.

3. The level of ash insoluble in hydrochloric acid shall not exceed 3,3 % of the dry matter in the case of compound feedingstuffs composed mainly of rice by-products and 2,2 % of the dry matter in other cases.

However, the 2,2 % level may be exceeded in the case of :

- compound feedingstuffs containing authorized mineral binding agents,
- mineral compound feedingstuffs,
- compound feedingstuffs containing more than 50 % of sugar beet chips or sugar beet pulp,
- compound feedingstuffs intended for farmed fish with a fish meal content of over 15 %,

provided that the level is declared as a percentage of the feedingstuff as such.

In the case of compound feedingstuffs with a level of ash insoluble in hydrochloric acid not exceeding the limits stated in the paragraphs above, that level may also be declared.

4. The iron level in milk replacer feeds for calves of a live weight less than or equal to 70 kilograms must be at least 30 milligrams per kilogram of the complete feedingstuff at a moisture content of 12 %.
5. Where, on official inspection pursuant to Article 12, the composition of a compound feedingstuff other than for pets is found to depart from the declared composition, the following minimum tolerances shall be permitted, subject to Article 3 :
  - 5.1. Where the content recorded is less than the declared content :
    - 5.1.1. Crude protein :
      - 2 units for declared contents of 20 % or more,
      - 10 % of the declared content for declared contents of less than 20 % but not less than 10 %,
      - 1 unit for declared contents of less than 10 %.
    - 5.1.2. Total sugar :
      - 2 units for declared contents of 20 % or more,
      - 10 % of the declared content for declared contents of less than 20 % but not less than 10 %,
      - 1 unit for declared contents of less than 10 %.
    - 5.1.3. Starch and total sugar plus starch :
      - 2,5 units for declared contents of 25 % or more,
      - 10 % of the declared content for declared contents of less than 25 % but not less than 10 %,
      - 1 unit for declared contents of less than 10 %.
    - 5.1.4. Crude oils and fats :
      - 1,5 units for declared contents of 15 % or more,
      - 10 % of the declared content for declared contents of less than 15 % but not less than 8 %,
      - 0,8 unit for declared contents of less than 8 %.

## 5.1.5. Sodium, potassium and magnesium :

- 1,5 units for declared contents of 15 % or more,
- 10 % of the declared content for declared contents of less than 15 % but not less than 7,5 %,
- 0,75 unit for declared contents of less than 7,5 % but not less than 5 %,
- 15 % of the declared content for declared contents of less than 5 % but not less than 0,7 %,
- 0,1 unit for declared contents of less than 0,7 %.

## 5.1.6. Total phosphorus and calcium :

- 1,2 units for declared contents of 16 % or more,
- 7,5 % of the declared content for declared contents of less than 16 % but not less than 12 %,
- 0,9 unit for declared contents of less than 12 % but not less than 6 %,
- 15 % of the declared content for declared contents of less than 6 % but not less than 1 %,
- 0,15 unit for declared contents of less than 1 %.

## 5.1.7. Methionine, lysine and threonine :

- 15 % of the declared content.

## 5.1.8. Cystine and tryptophan :

- 20 % of the declared content.

## 5.2. Where the content recorded is more than the declared content :

## 5.2.1. Moisture :

- 1 unit for declared contents of 10 % or more,
- 10 % of the declared content for declared contents of less than 10 % but not less than 5 %,
- 0,5 unit for declared contents of less than 5 %.

## 5.2.2. Crude ash :

- 1 unit for declared contents of 10 % or more,
- 10 % of the declared content for declared contents of less than 10 % but not less than 5 %,
- 0,5 unit for declared contents of less than 5 %.

## 5.2.3. Crude fibre :

- 1,8 units for declared contents of 12 % or more,
- 15 % of the declared content for declared contents of less than 12 % but not less than 6 %,
- 0,9 unit for declared contents of less than 6 %.

## 5.2.4. Ash insoluble in hydrochloric acid :

- 1 unit for declared contents of 10 % or more,
- 10 % of the declared content for declared contents of less than 10 % but not less than 4 %,
- 0,4 unit for declared contents of less than 4 %.

## 5.3. Where the variation noted is in the opposite direction to those referred to respectively in 5.1 and 5.2

- 5.3.1. — crude protein, crude oils and fats, total sugar, starch : tolerance twice that permitted for these substances in 5.1,
- total phosphorus, calcium, potassium, magnesium, sodium, crude ash, crude fibre : tolerance three times that permitted for those substances in 5.1 and 5.2.

## 6. Where, on official inspection pursuant to Article 12, the composition of a compound feedingstuff for pets is found to depart from the declared composition, the following minimum tolerances shall be permitted, subject to Article 3 :

## 6.1. Where the content recorded is less than the declared content :

## 6.1.1. Crude protein :

- 3,2 units for declared contents of 20 % or more,
- 16 % of the declared content for declared contents of less than 20 % but not less than 12,5 %,
- 2 units for declared contents of less than 12,5 %.

- 6.1.2. Crude oils and fats :
  - 2,5 units of the declared content.
- 6.2. Where the content recorded is more than the declared content :
  - 6.2.1. Moisture :
    - 3 units for declared contents of 40 % or more,
    - 7,5 % of the declared content for declared contents of less than 40 % but not less than 20 %,
    - 1,5 units for declared contents of less than 20 %.
  - 6.2.2. Crude ash :
    - 1,5 units of the declared content.
  - 6.2.3. Crude fibre :
    - 1 unit of the declared content.
- 6.3. Where the variation noted is in the opposite direction to those referred to respectively in 6.1 and 6.2 :
  - 6.3.1. Crude protein :
    - tolerance twice that permitted for that substance in 6.1.1.
  - 6.3.2. Crude oils and fats :
    - identical tolerance to that permitted for that substance in 6.1.2.
  - 6.3.3. Crude ash, crude fibre :
    - tolerance three times that permitted for those substances in 6.2.2 and 6.2.3.

## PART B

### Declaration of analytical constituents

| Feedingstuffs                          | Analytical constituents and levels | Species or category of animal                          |                                                                        |  |
|----------------------------------------|------------------------------------|--------------------------------------------------------|------------------------------------------------------------------------|--|
|                                        |                                    | Compulsory declarations according to Article 5 (1) (f) | Optional declarations according to Article 5 (3) (k)                   |  |
| (1)                                    | (2)                                | (3)                                                    | (4)                                                                    |  |
| Complete Feedingstuffs                 | — Crude protein                    | Animals except pets other than dogs or cats            | Pets other than dogs or cats                                           |  |
|                                        | — Crude oils and fats              |                                                        |                                                                        |  |
|                                        | — Crude fibre                      |                                                        |                                                                        |  |
|                                        | — Crude ash                        |                                                        |                                                                        |  |
|                                        | — Lysine                           | Pigs                                                   | Animals other than pigs                                                |  |
|                                        | — Methionine                       | Poultry                                                | Animals other than poultry                                             |  |
|                                        | — Cystine                          | .....                                                  | All animals                                                            |  |
|                                        | — Threonine                        | .....                                                  |                                                                        |  |
|                                        | — Tryptophan                       | .....                                                  |                                                                        |  |
|                                        | — Energy value                     | .....                                                  |                                                                        |  |
|                                        |                                    | .....                                                  | Poultry (calculated according to EEC method)                           |  |
|                                        |                                    | .....                                                  | Pigs and ruminants (calculated according to national official methods) |  |
|                                        | — Starch                           | .....                                                  | All animals                                                            |  |
|                                        | — Total sugar (as sucrose)         | .....                                                  |                                                                        |  |
|                                        | — Total sugar plus starch          | .....                                                  |                                                                        |  |
|                                        | — Calcium                          | .....                                                  |                                                                        |  |
|                                        | — Sodium                           | .....                                                  |                                                                        |  |
|                                        | — Phosphorus                       | .....                                                  |                                                                        |  |
|                                        | — Magnesium                        | .....                                                  |                                                                        |  |
|                                        | — Potassium                        | .....                                                  |                                                                        |  |
| Complementary feeding-stuffs — Mineral | — Crude protein                    | .....                                                  | All animals                                                            |  |
|                                        | — Crude fibre                      | .....                                                  |                                                                        |  |
|                                        | — Crude ash                        | .....                                                  |                                                                        |  |
|                                        | — Crude oils and fats              | .....                                                  |                                                                        |  |
|                                        | — Lysine                           | .....                                                  |                                                                        |  |
|                                        |                                    | .....                                                  |                                                                        |  |
|                                        | — Methionine                       | .....                                                  |                                                                        |  |
|                                        | — Cystine                          | .....                                                  |                                                                        |  |
|                                        | — Threonine                        | .....                                                  | All animals                                                            |  |
|                                        | — Tryptophan                       | .....                                                  |                                                                        |  |
|                                        | — Calcium                          | All animals                                            |                                                                        |  |
|                                        | — Phosphorus                       |                                                        |                                                                        |  |
|                                        | — Sodium                           |                                                        |                                                                        |  |
|                                        | — Magnesium                        |                                                        |                                                                        |  |
|                                        | — Potassium                        | Ruminants                                              | Animals other than ruminants                                           |  |
|                                        |                                    | .....                                                  | All animals                                                            |  |

| Feedingstuffs                           | Analytical constituents<br>and levels | Species or category of animal                                |                                                                         |
|-----------------------------------------|---------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------|
|                                         |                                       | Compulsory declarations<br>according to<br>Article 5 (1) (f) | Optional declarations<br>according to<br>Article 5 (3) (k)              |
| (1)                                     | (2)                                   | (3)                                                          | (4)                                                                     |
| Complementary feeding-stuffs — Molassed | — Crude protein                       | } All animals                                                |                                                                         |
|                                         | — Crude fibre                         |                                                              |                                                                         |
|                                         | — Total sugar (as sucrose)            |                                                              |                                                                         |
|                                         | — Crude ash                           |                                                              |                                                                         |
|                                         | — Crude oils and fats                 | .....                                                        | } All animals                                                           |
|                                         | — Calcium                             | .....                                                        |                                                                         |
|                                         | — Phosphorus                          | .....                                                        |                                                                         |
|                                         | — Sodium                              | .....                                                        |                                                                         |
|                                         | — Potassium                           | .....                                                        |                                                                         |
|                                         | — Magnesium ≥ 0,5 %<br>< 0,5 %        | Ruminants<br>.....                                           | Animals other than ruminants<br>All animals                             |
| Complementary feeding-stuffs — Other    | — Crude protein                       | Animals except pets other than dogs or cats                  | Pets other than dogs and cats                                           |
|                                         | — Crude oils and fats                 |                                                              |                                                                         |
|                                         | — Crude fibre                         |                                                              |                                                                         |
|                                         | — Crude ash                           |                                                              |                                                                         |
|                                         | — Calcium ≥ 5 %                       | Animals other than pets<br>.....                             | Pets                                                                    |
|                                         | < 5 %                                 |                                                              | All animals                                                             |
|                                         | — Phosphorus ≥ 2 %                    | Animals other than pets<br>.....                             | Pets                                                                    |
|                                         | < 2 %                                 |                                                              | All animals                                                             |
|                                         | — Magnesium ≥ 0,5 %                   | Ruminants<br>.....                                           | Animals other than ruminants                                            |
|                                         | < 0,5 %                               |                                                              |                                                                         |
|                                         | — Sodium                              | .....                                                        | } All animals                                                           |
|                                         | — Potassium                           | .....                                                        |                                                                         |
|                                         | — Energy value                        | .....                                                        |                                                                         |
|                                         |                                       | .....                                                        | Poultry (declaration according to EEC method)                           |
|                                         |                                       | .....                                                        | Pigs and ruminants (declaration according to national official methods) |
|                                         | — Lysine                              | Pigs                                                         | Animals other than pigs.                                                |
|                                         | — Methionine                          | Poultry                                                      | Animals other than poultry                                              |
|                                         | — Cystine                             | .....                                                        | } All animals                                                           |
|                                         | — Threonine                           | .....                                                        |                                                                         |
|                                         | — Tryptophan                          | .....                                                        |                                                                         |
|                                         | — Starch                              | .....                                                        |                                                                         |
|                                         | — Total sugar (as sucrose)            | .....                                                        |                                                                         |
|                                         | — Total sugar plus starch             | .....                                                        |                                                                         |

**Information concerning the date of entry into force of the Supplementary Protocols to the Agreements with European Free Trade Association (EFTA) countries**

- Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Finland concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect <sup>(1)</sup>.

As notification of the completion of the procedures necessary for the entry into force of the Protocol was given on 29 December 1989, the Protocol entered into force, in accordance with Article 4 thereof, on 1 January 1990.

- Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Norway concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect <sup>(2)</sup>.

As notification of the completion of the procedures necessary for the entry into force of the Protocol was given on 12 September 1989, the Protocol entered into force, in accordance with Article 4 thereof, on 1 January 1990.

- Supplementary Protocol to the Agreement between the European Economic Community and the Kingdom of Sweden concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect <sup>(3)</sup>.

As notification of the completion of the procedures necessary for the entry into force of the Protocol was given on 29 December 1989, the Protocol entered into force, in accordance with Article 4 thereof, on 1 January 1990.

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<sup>(1)</sup> OJ No L 295, 13. 10. 1989, p. 1.  
<sup>(2)</sup> OJ No L 295, 13. 10. 1989, p. 14.  
<sup>(3)</sup> OJ No L 295, 13. 10. 1989, p. 21.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 153/89 of 22 January 1990 re-establishing the preferential customs duty on imports of small-flowered roses originating in Morocco**

*(Official Journal of the European Communities No L 18 of 23 January 1990)*

In the title of the Regulation, on page 24 and on the contents page :

*for:* 'Regulation (EEC) No 153/89',

*read:* 'Regulation (EEC) No 153/90'.

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**Corrigendum to Commission Regulation (EEC) No 156/89 of 22 January 1990 introducing a countervailing charge on artichokes originating in Egypt**

*(Official Journal of the European Communities No L 18 of 23 January 1990)*

In the title of the Regulation, on page 31 and on the contents page :

*for:* 'Regulation (EEC) No 156/89',

*read:* 'Regulation (EEC) No 156/90'.

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**Corrigendum to Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished**

*(Official Journal of the European Communities No L 389 of 30 December 1989)*

**Annex :**

Page 18, column 5 of the third entry for whiting :

'35' is placed opposite 'Deutschland' ;

Page 22, column 5 of the first entry for mackerel, opposite 'France' and 'Nederland',

for: '1 075 (\*)<sup>(18)</sup>,'

read: '1 075 (\*)<sup>(38)</sup>,';

Page 35 :

Note <sup>(57)</sup> :

for: '... 1 January to 15 April,'

read: '... 1 January to 15 April 1990,';

Note <sup>(58)</sup> :

for: '... before 1 September,'

read: '... before 1 September 1990.'

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**Corrigendum to Commission Regulation (EEC) No 189/90 of 25 January 1990 fixing the amount of the subsidy on oil seeds**

*(Official Journal of the European Communities No L 21 of 26 January 1990)*

On page 52, in Annex III, '2. Final aids : (a) Seed harvested and processed in Italy (Lit)', in column five '3rd period' :

for: '59 772'

read: '58 772'.

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