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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 426/90

of 20 February 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⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1915/89⁽⁵⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for 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 19 February 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 21 February 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ 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, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 February 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	34,06	134,83 ⁽²⁾ ⁽³⁾
0712 90 19	34,06	134,83 ⁽²⁾ ⁽³⁾
1001 10 10	41,81	181,78 ⁽¹⁾ ⁽³⁾
1001 10 90	41,81	181,78 ⁽¹⁾ ⁽³⁾
1001 90 91	34,84	143,87
1001 90 99	34,84	143,87
1002 00 00	59,97	131,51 ⁽⁶⁾
1003 00 10	51,14	115,69
1003 00 90	51,14	115,69
1004 00 10	42,54	122,91
1004 00 90	42,54	122,91
1005 10 90	34,06	134,83 ⁽²⁾ ⁽³⁾
1005 90 00	34,06	134,83 ⁽²⁾ ⁽³⁾
1007 00 90	51,14	140,07 ⁽⁴⁾
1008 10 00	51,14	30,00
1008 20 00	51,14	84,04 ⁽⁴⁾
1008 30 00	51,14	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	51,14	0,00
1101 00 00	62,80	215,44
1102 10 00	97,98	198,14
1103 11 10	79,49	296,44
1103 11 90	66,72	231,57

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

⁽²⁾ In accordance with Regulation (EEC) No 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'.

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

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

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

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

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

COMMISSION REGULATION (EEC) No 427/90

of 20 February 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⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- for 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 19 February 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 21 February 1990.

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

Done at Brussels, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 20 February 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	3,95
1001 10 90	0	0	0	3,95
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	4,30
1003 00 90	0	0	0	4,30
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	3,61	3,61	3,61
1008 30 00	0	0	0	3,61
1008 90 90	0	0	0	3,61
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	7,65	7,65
1107 10 99	0	0	0	5,72	5,72
1107 20 00	0	0	0	6,67	6,67

COMMISSION REGULATION (EEC) No 428/90

of 20 February 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⁽¹⁾, as last amended by Regulation (EEC) No 3879/89⁽²⁾, 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⁽³⁾, as last amended by Regulation (EEC) No 2690/89⁽⁴⁾, 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 242/90⁽⁵⁾ 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 Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

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:

- 800 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.

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 27 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;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 299, 12. 11. 1985, p. 9.

⁽⁴⁾ OJ No L 261, 7. 9. 1989, p. 6.

⁽⁵⁾ OJ No L 27, 31. 1. 1990, p. 5.

- (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 242/90 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, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Member State	Product (%)	Quantity (tonnes)	Minimum price expressed in ECU per 100 kg
Ireland	Butter $\geq$ 80	800	130
United Kingdom	Butter $\geq$ 80	1 400	130

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 429/90

of 20 February 1990

on the granting by invitation to tender of an aid for concentrated butter
intended for direct consumption in the Community

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 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Article 7a (3) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1889/87 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 3143/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2690/89 ⁽⁶⁾, establishes a scheme for the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter; whereas that measure has helped to increase the disposal of intervention butter and to boost the consumption of concentrated butter;

Whereas having regard, on the one hand, to the promotional and commercial action undertaken, which has enabled part of the market in oils and fats to be conquered since the entry into force of the said Regulation and, on the other hand, to the current situation on the market in butter, the scheme provided for by Regulation (EEC) No 3143/85 should be continued and supplemented by providing for the possibility of granting aid for concentrated butter obtained from butter or cream originating from the market and intended for direct consumption in the Community;

Whereas, pursuant to Article 7a (2) (b) of Regulation (EEC) No 804/68, special measures may be taken with a view to increasing the possibility of disposing of butter which has not been the subject of purchase by intervention agencies nor of private storage aid and the possibility of disposing of cream; whereas provisions should therefore be laid down to ensure that the butter has not been the subject of the measures provided for in Title II of Regulation (EEC) No 804/68;

Whereas disposal measures may provide for the granting of an aid; whereas to ensure that such aid is established at

the level which is strictly necessary and to supervise effectively the quantities concerned, a standing invitation to tender procedure should be used, which will also ensure equal access for interested operators;

Whereas measures should be taken to ensure differentiation at all stages of marketing between concentrated butter disposed of under the terms of this Regulation and other types of butter; whereas, to that end, provisions should be adopted concerning the composition and description of concentrated butter; whereas, in order to ensure compliance with the aims of this Regulation, a time limit for the processing of the butter and the cream into concentrated butter and for packing should be fixed;

Whereas a sufficiently high butterfat content should be laid down;

Whereas a system of checks should be applied to ensure that the concentrated butter is not used for purposes other than those stipulated; whereas in view of the specific character of the operation, particularly in connection with the manufacture of the concentrated butter, provision should be made for the keeping of stock records by the parties concerned; whereas, however, such checks should end at the stage immediately preceding taking-over by the retail sector;

Whereas, as regards the monetary compensatory amounts fixed pursuant to Regulation (EEC) No 1677/85, account should be taken of the value of the butter or the concentrated butter; whereas, to that end, provision should be made for the application of a coefficient to the monetary compensatory amounts applicable to concentrated butter pursuant to the Commission Regulation fixing the monetary compensatory amounts;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An aid shall be granted for concentrated butter produced in an establishment approved in accordance with Article 9 and made from either cream or butter manufactured in the Community, provided that the butter has not been the subject of buying in by intervention agencies or of private storage aids. The concentrated butter, which shall meet the specifications set out in the Annex hereto, shall be intended for direct consumption in the Community.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 261, 7. 9. 1989, p. 6.

2. For the purposes of this Regulation, 'direct consumption' shall mean purchases by consumers for the purposes of final utilization, including those made by hotels, restaurants, hospitals, homes, boarding schools, prisons and all similar establishments for the preparation of food for direct consumption.

3. The aid shall be granted by the Member State on whose territory the cream or butter has been processed into concentrated butter in accordance with the formulae set out in the Annex hereto.

4. The aid shall be fixed in ecus in accordance with the standing invitation to tender procedure, which shall be administered by each of the intervention agencies.

Article 2

1. Notice of a standing invitation to tender shall be published in the *Official Journal of the European Communities* at least eight days before the first closing date for submission of tenders.

2. The intervention agency shall issue a notice of invitation to tender, indicating in particular the closing date and place for the submission of tenders.

Article 3

1. During the period of validity of the standing invitation to tender, the intervention agency shall issue individual invitations to tender.

2. The period for the submission of tenders in response to individual invitations shall expire at 12 noon each second and fourth Tuesday of the month except the fourth Tuesday of December. If Tuesday is a public holiday the period shall be extended to 12 noon on the following working day.

3. As regards the first individual invitation to tender, the period for the submission of tenders shall expire at 12 noon on 13 March 1990.

Article 4

1. A tender shall not be valid unless it is accompanied by a written undertaking to manufacture the quantity of concentrated butter stipulated in the tender. If the concentrated butter is manufactured from butter, the tenderer must also give a written undertaking that he will use butter which has not been the subject of buying in by intervention agencies or of private storage aid.

2. Tenders 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.

3. Tenders shall be submitted to the intervention agency on whose territory the concentrated butter is to be manufactured.

4. Tenders shall state:

- (a) the name and address of the tenderer;
- (b) the amount of aid proposed, expressed in ecus per 100 kilograms of concentrated butter;
- (c) the quantity of concentrated butter for which the aid is applied for;
- (d) the name and address of the establishment where the entire quantity of concentrated butter is to be manufactured, tracers added and packing carried out, in accordance with Articles 9 and 10 and, where appropriate, of the establishment where the entire quantity of concentrated butter is to be packed for marketing, in accordance with Article 10 (5). However, with the agreement of the competent agency, the entire quantity of concentrated butter may be packed for marketing in an establishment other than that indicated in the tender, in accordance with Article 10 (5).

5. A tender shall not be valid unless:

- (a) it is accompanied by the written undertakings referred to in paragraph 1;
- (b) it relates to a quantity of at least four tonnes of concentrated butter;
- (c) 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 5 (1).

6. No tender may be withdrawn after the closing date referred to in Article 3 (2) for the submission of tenders relating to the individual invitation to tender concerned.

Article 5

1. For the purposes of this Regulation, maintenance of the tender after the closing date for the submission of tenders and the lodging of an end-use security 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.

Tendering securities shall be released when the end-use security referred to in paragraph 3 is lodged.

3. Taking-over of the concentrated butter by the retail trade in the Community shall be a primary requirement compliance with which shall be ensured by the lodging of an end-use security the amount of which shall be set at the same time and in line with the aid per 100 kilograms.

Article 6

In the light of the tenders received in response to each individual invitation to tender and in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, a maximum amount of aid shall be fixed for the concentrated butter with a minimum fat content of 96 %.

Under the abovementioned procedure a decision may be taken to make no award in respect of an invitation to tender.

Article 7

1. Tenders shall be rejected if the aid proposed is more than the maximum amount fixed for the individual invitation to tender concerned.
2. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

Article 8

1. Each tenderer shall be notified without delay by the intervention agency of the result of his participation in an individual invitation to tender.
2. Where the tenderer has been declared successful, such notification shall indicate :
 - (a) the amount of the aid granted for the quantity of concentrated butter concerned and the tender, identified by a serial number, to which it relates ;
 - (b) the final date for packing the concentrated butter ;
 - (c) the amount of the end-use security.
3. Except in cases of *force majeure*, the aid shall be paid to the successful tenderer :
 - within 60 days from the date on which proof is furnished that the concentrated butter has been manufactured, had tracers added and been packed in accordance with Articles 9 and 10 and shall be paid in proportion to the quantities for which such proof is furnished.
 - and after the end-use security referred to in Article 5 (3) has been lodged.

The end-use security shall be released in respect of the quantities for which proof of taking-over by the retail trade is furnished within a maximum of 15 months from the deadline for the submission of tenders referred to in Article 3 (2).

However, 85 % of the end-use security shall be released if the proof concerned is furnished within six months of the 15-month time limit referred to in the second subparagraph.

Where a T 5 control copy must be used as proof of taking-over by the retail trade and has, owing to circumstances beyond the control of the interested party, not been returned to the customs office of departure or to the central return office within 12 months of the deadline for the submission of tenders referred to in Article 3 (2), that party may lodge with the competent authorities a reasoned application before the expiry of the 15-month time limit referred to in the second subparagraph for equivalence of treatment, together with supporting documents, which must include the transport document and a document proving that the butter has been taken over by the retail trade.

4. Where, for example because of uneven distribution, the content of each of the products listed in point 1 (c) of the Annex is found to be more than 5 % but less than

20 % below the minimum quantities prescribed, the aid shall be reduced by 1,5 % of its amount per percentage point below the prescribed minimum quantities.

5. Where the period referred to in Article 9 (1) is exceeded by less than a total of 60 days, the aid shall be reduced by ECU 4 per tonne per day. At the end of this period, the remaining amount of the aid shall be reduced by 15 %, and thereafter by 2 % for each extra day.

6. In cases of *force majeure* or where an administrative inquiry concerning entitlement to the aid has been initiated, payment shall not be made until entitlement to the aid has been acknowledged.

Article 9

1. Manufacture of the concentrated butter, the addition of tracers in accordance with the specifications laid down in the Annex and packing the concentrated butter, including the packing for marketing referred to in Article 4 (4) (d), must take place :
 - within 90 days of the closing date for the submission of tenders referred to in Article 3 (2),
 - in an establishment approved for that purpose by the Member State on whose territory the said establishment is located.
2. Approval may be granted to an establishment only if it :
 - (a) has the appropriate technical installations to process an average quantity of at least two tonnes of concentrated butter per month ;
 - (b) has premises on which any stocks of non-butter fat can be stored separately and identified as such ;
 - (c) undertakes to keep permanent records of the origin of the butter used, the date of manufacture of the butter, the quantity and composition of the concentrated butter obtained, the removal date of that product and the names and addresses of holders substantiated by reference to delivery notes and invoices ; and
 - (d) undertakes to forward its manufacturing programme for each consignment, in accordance with the arrangements decided on by the Member State concerned, to the body responsible for the checks referred to in Article 11.
3. If the establishment processes various products qualifying for aid or a price reduction, it must also undertake :
 - to keep the records referred to in paragraph 2 (c) as a separate entity,
 - to process successively the said products. However, on application by the party concerned, the Member States may agree to waive this obligation if the establishment has premises ensuring that the stocks of the products in question can be stored separately and identified as such.
4. Approval shall be given with a serial number by the Member State on whose territory the concentrated butter is manufactured and packed.

5. Approval shall be withdrawn in the event of failure to comply with the provisions of this Article; approval may also be withdrawn where the undertaking concerned is found not to have complied with any other obligation arising from this Regulation.

On application by the establishment concerned, approval shall be reinstated after a minimum period of six months and following a detailed inspection.

6. Paragraphs 2 and 5 notwithstanding, until 31 December 1990 Member States may treat as valid for the purposes of this Regulation, but not where cream is concerned, approvals previously given pursuant to Article 4 of Regulation (EEC) No 3143/85.

Article 10

1. During the manufacture of the concentrated butter, one of the tracers referred to in the Annex shall be incorporated, in accordance with the formula chosen, in such a way as to ensure its homogeneous distribution.

The competent agency shall ensure that the requirements as to the quality and characteristics, in particular the degree of purity, of the products to be incorporated into the concentrated butter have been complied with.

2. Nitrogen gas may be added to concentrated butter immediately before packing to cause foaming; the increase in volume resulting from this treatment may not exceed 10 % of the volume of the concentrated butter before treatment.

However, in the case of concentrated butter with a minimum butterfat content of 99,8 % before the addition of tracers and additives, the increase in volume resulting from this treatment may not exceed 20 % of the volume of the concentrated butter before treatment.

3. Concentrated butter to which tracers have been added in accordance with formula I set out in the Annex must be put up in sealed packs. Depending on the products incorporated in accordance with paragraphs 1 and 2 and subject to the national provisions governing the description of food products, the packs shall bear, in clear and legible print, of a single font, one or more of the following statements:

- «Mantequilla concentrada — Reglamento (CEE) n° 429/90» o «mantequilla concentrada para la cocina — Reglamento (CEE) n° 429/90» o «mantequilla concentrada para la cocina y la pastelería — Reglamento (CEE) n° 429/90»;
- Stege- og bagesmør — Forordning (EØF) nr. 429/90;
- „Butterfett — Verordnung (EWG) Nr. 429/90” oder „Butterschmalz — Verordnung (EWG) Nr. 429/90”;
- «Συμπυκνωμένο βούτυρο — Κανονισμός (ΕΟΚ) αριθ. 429/90» ή «Συμπυκνωμένο βούτυρο για μαγειρική — Κανονισμός (ΕΟΚ) αριθ. 429/90» ή «Συμπυκνωμένο βούτυρο για μαγειρική και ζαχαροπλαστική — Κανονισμός (ΕΟΚ) αριθ. 429/90 ή

«Μαγειρικό βούτυρο — Κανονισμός (ΕΟΚ) αριθ. 429/90»;

- ‘Butteroil — Regulation (EEC) No 429/90’ or ‘concentrated butter for cooking and baking — Regulation (EEC) No 429/90’;
- «Beurre concentré — Règlement (CEE) n° 429/90» ou «beurre concentré pour la cuisine — Règlement (CEE) n° 429/90» ou «beurre concentré pour la cuisine et la pâtisserie — Règlement (CEE) n° 429/90» ou «beurre cuisinier — Règlement (CEE) n° 429/90»;
- «Burro concentrato — Regolamento (CEE) n. 429/90»;
- „Bak- en braadboter — Verordening (EEG) nr. 429/90” of „boterconcentraat — Verordening (EEG) nr. 429/90”.

Concentrated butter to which tracers have been added in accordance with formula II set out in the Annex must be put in sealed packs bearing, in clear and legible print, of a single font, one or more of the following statements:

- Ghee obtenido de mantequilla — Reglamento (CEE) n° 429/90
- Ghee — Forordning (EØF) nr. 429/90
- Aus Butter gewonnenes Ghee — Verordnung (EWG) Nr. 429/90
- Βούτυρο ghee — Κανονισμός (ΕΟΚ) αριθ. 429/90
- Butter ghee — Regulation (EEC) No 429/90
- Ghee obtenu du beurre — Règlement (CEE) n° 429/90
- Ghee ottenuto da burro — Regolamento (CEE) n. 429/90
- Ghee — Verordening (EEG) nr. 429/90.

4. The packs referred to in paragraph 3 shall have a maximum net content of three kilograms.

5. The entire quantity of concentrated butter may be packed for marketing in an establishment other than that in which it was processed provided that packing takes place in an establishment approved for that purpose by the Member State on whose territory the two establishments are located.

Article 11

1. During the manufacture of the concentrated butter, the competent agency shall carry out on-the-spot checks on the basis of the establishment's manufacturing programme as referred to in Article 9 (2) (d) in such a way that each tender as described in Article 4 is checked at least once.

Such checks shall entail taking and analysing samples and shall relate in particular to the conditions of manufacture, to the quantity and composition of the product obtained and to the packs. They shall entail taking samples of concentrated butter from each consignment identified by the serial number of the tender.

These checks shall be accompanied periodically, depending on the quantities processed, by a thorough and random inspection of the records referred to in Article 9 (2) (c) and by verification of compliance with the conditions laid down for the approval of the establishment.

The cost of the checks shall fall to the establishment.

2. A 'consignment' means a quantity of concentrated butter produced in a single manufacturing unit and corresponding to all or part of a tender as described in Article 4 (3).

Article 12

1. Within the meaning of this Regulation, butter shall also be deemed to be taken over by the retail trade where purchases are made by the establishments referred to in Article 1 (2), by distributing establishments to which access is reserved to holders of a purchaser's card ('cash and carry') and by the purchasing departments of retail distribution undertakings.

2. Until such time as the concentrated butter is taken over by the retail trade, any person holding concentrated butter must keep stock records showing for each delivery the names and addresses of the purchasers of the concentrated butter and the quantities purchased in each case.

Where the holder of concentrated butter under this Regulation also holds concentrated butter subject to the provisions of Commission Regulation (EEC) No 570/88⁽¹⁾ and/or Regulation (EEC) No 3143/85, separate stock records shall be kept for the products held by virtue of each of the said Regulations.

3. In order to ensure that the provisions referred to in paragraph 2 are complied with, control operations shall be supplemented by thorough unannounced checking of the commercial documents and stock records of all holders of concentrated butter referred to in that paragraph.

Article 13

Member States shall notify the Commission at the beginning of each quarter of the retail selling prices for concentrated butter recorded during the preceding quarter.

Article 14

Where packed concentrated butter is dispatched to be taken over by the retail trade in another Member State, box 104 of the T 5 control copy shall carry the following entry:

- Mantequilla concentrada y envasada destinada al consumo inmediato en la Comunidad (para su aceptación por el comercio minorista)
- Emballeret koncentreret smør bestemt til direkte forbrug i Fællesskabet (til detailhandelen)

- Verpacktes Butterfett zum unmittelbaren Verbrauch in der Gemeinschaft (vom Einzelhandel zu übernehmen)
- Συμπυκνωμένο και συσκευασμένο βούτυρο που προορίζεται για άμεση κατανάλωση στην Κοινότητα (θα αναληφθεί από το λιανικό εμπόριο)
- Packed concentrated butter for direct consumption in the Community (to be taken over by the retail trade)
- Beurre concentré et emballé destiné à la consommation directe dans la Communauté (à prendre en charge par le commerce de détail)
- Burro concentrato ed imballato destinato al consumo diretto nella Comunità (da consegnare ai commercianti al minuto)
- Verpakt boterconcentraat bestemd voor rechtsstreekse consumptie in de Gemeenschap (over te nemen door de detailhandel).

and 'Regulation (EEC) No 429/90 shall be marked in box 107.

Article 15

The tendering security referred to in Article 5 (1), the maximum amount of the aid referred to in Article 6, the aid payable to the successful tenderer and the end-use security referred to in Article 5 (3) shall be converted into national currency using the agricultural exchange rate applicable on the closing date for the submission of tenders for the individual invitation to tender concerned.

Article 16

The monetary compensatory amounts applicable to packed concentrated butter shall be equal to the monetary compensatory amounts fixed pursuant to Regulation (EEC) No 1677/85 multiplied by the coefficient given in Part 5 of Annex I to the Commission regulation fixing the monetary compensatory amounts.

Article 17

The aid for concentrated butter provided for in Article 1 of this Regulation shall be regarded as intervention intended to stabilize the agricultural markets within the meaning of Article 3 (1) of Council Regulation (EEC) No 729/70⁽²⁾.

Article 18

Commission Regulation (EEC) No 2220/85⁽³⁾ shall apply except where this Regulation specifically provides otherwise.

Article 19

This Regulation shall enter into force on 1 March 1990.

⁽¹⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

SPECIFICATIONS FOR CONCENTRATED BUTTER FOR DIRECT CONSUMPTION

1. REQUIREMENTS REGARDING COMPOSITION

(per 100 kilograms of concentrated butter for direct consumption):

- (a) *Milk fat content*: minimum 96 kilograms;
- (b) *Non-fat constituents of milk*: maximum two kilograms;
- (c) *Tracers, depending on the formula chosen*:

Formula I:

- either 15 grams of stigmaterol ($C_{29}H_{48}O = \Delta$ 5,22-stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation,
- or 17 grams of stigmaterol ($C_{29}H_{48}O = \Delta$ 5,22-stigmastene-3-beta-ol), at least 85 % pure, calculated on the product ready for incorporation, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta$ 5,22-ergostene-3-beta-ol and not more than 6 % sitosterol ($C_{27}H_{50}O = \Delta$ 5-stigmastene-3-beta-ol),
- or 1,1 kilograms of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part.

Formula II:

- either 10 grams of ethyl ester of butyric acid and 15 grams of stigmaterol ($C_{29}H_{48}O = \Delta$ 5,22-stigmastene-3-beta-ol), at least 95 % pure, calculated on the product ready for incorporation,
 - or 10 grams of ethyl ester of butyric acid and 17 grams of stigmaterol ($C_{29}H_{48}O = \Delta$ 5,22-stigmastene-3-beta-ol), at least 85 % pure, calculated on the product ready for incorporation, containing not more than 7,5 % brassicasterol ($C_{28}H_{46}O = \Delta$ 5,22-ergostene-3-beta-ol and not more than 6 % sitosterol ($C_{27}H_{50}O = \Delta$ 5-stigmastene-3-beta-ol),
 - or 10 grams of ethyl ester of butyric acid and 1,1 kilograms of triglycerides of enanthic (n-heptanoic) acid, at least 95 % pure, calculated as triglycerides on the product ready for incorporation, with a maximum acid value of 0,3, a saponification number between 385 and 395, and a 95 % minimum content of enanthic acid in the esterified acid part;
- (d) *The following may be incorporated to the exclusion of all other additives*:
- non-fatty components of milk (maximum two kilograms) referred to in (b), and/or
 - sodium chloride: maximum 0,750 kilogram,
 - lecithin (E 322): maximum 0,500 kilogram.

2. QUALITY REQUIREMENTS

- *Free fatty acids*: maximum 0,35 % (expressed as oleic acid).
 - *Peroxide number*: maximum 0,5 (in milliequivalents of active oxygen per kilogram).
 - *Flavour*: fresh.
 - *Smell*: absence of extraneous odours.
 - *Neutralizing agents, antioxidants and preservatives*: absent.
-

COMMISSION REGULATION (EEC) No 430/90

of 20 February 1990

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 1

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽²⁾, as last amended by Regulation (EEC) No 1075/89⁽³⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 29 January 1990, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 1 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat⁽⁴⁾ the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 29 January 1990, the variable slaughter premium for

sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 12, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 29 January 1990, the level of the premium is fixed at ECU 49,764 per 100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 29 January 1990, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 29 January 1990.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 February 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	23,389	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	49,764	0
0204 21 00	49,764	0
0204 50 11		0
0204 22 10	34,835	
0204 22 30	54,740	
0204 22 50	64,693	
0204 22 90	64,693	
0204 23 00	90,570	
0204 30 00	37,323	
0204 41 00	37,323	
0204 42 10	26,126	
0204 42 30	41,055	
0204 42 50	48,520	
0204 42 90	48,520	
0204 43 00	67,928	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	64,693	
0210 90 19	90,570	
1602 90 71		
— unboned (bone-in)	64,693	
— boned or boneless	90,570	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 431/90

of 20 February 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 importation into the Union of Soviet Socialist Republics, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 2993/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, 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 ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging ⁽⁵⁾ has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of 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 in view of the special supply needs of the Russian population, part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85 in order to be imported into the Soviet Union;

Whereas, in view of certain special features of the sale and in particular for the purposes of control, a minimum quantity should be set per offer or purchase application;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

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 ⁽⁶⁾, as last amended by Regulation (EEC) No 252/90 ⁽⁷⁾;

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

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 243/90 ⁽⁹⁾; whereas the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Regulation (EEC) No 243/90 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. A sale shall be organized of approximately:

- 10 000 tonnes of hindquarters, and
- 10 000 tonnes of forequarters

held by the German intervention agency and bought in before 1 December 1989,

and 30 000 tonnes of boneless beef

held by the Irish intervention agency and bought in before 1 January 1990.

2. This meat must be imported into the Soviet Union.

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 27, 31. 1. 1990, p. 34.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 27, 31. 1. 1990, p. 8.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

4. An offer shall be valid only if it relates to:

— a minimum quantity of 5 000 tonnes in respect of bone-in beef. The offer shall relate to an equal weight of forequarters and hindquarters and shall contain a single price per 100 kilograms for the whole quantity specified in the offer,

— a minimum quantity of 3 500 tonnes in respect of boneless beef. The offer shall relate to a lot comprising all the cuts referred to in Annex I in the percentages stated therein and shall contain a single price per 100 kilograms of the lot made up in this fashion.

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

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 27 february 1990.

7. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex III.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

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

Done at Brussels, 20 February 1990.

Article 3

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

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be:

— ECU 160 per 100 kilograms of bone-in beef,

— ECU 400 per 100 kilograms of boneless beef.

Article 4

No export refund shall be granted on meat referred to under (b) in Annex I.

Article 5

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

'56. Commission Regulation (EEC) No 432/90 of 20 February 1990 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for import into the Soviet Union⁽⁵⁶⁾.

⁽⁵⁶⁾ OJ No L 45, 21. 2. 1990, p. 18.'

Article 6

Regulation (EEC) No 243/90 is hereby repealed.

Article 7

This Regulation shall enter into force on 21 february 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

*ANNEX I***Repartition of the lot meant in the second subparagraph of article 1 (4)**

<i>Cuts</i>	<i>Weight percentage</i>
a) Striploins	5,5 %
Insides	9,1
Outsides	8,6
Knuckles	5,4
Rumps	5,8
Cube-rolls	2,6
b) Briskets	5,2
Forequarters	30,2
Shins/shanks	6,7
Plates/Flanks	20,9
Total lot :	100,0

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

Categoría A: Canales de animales jóvenes sin castrar de menos de dos años,

Categoría C: Canales de animales machos castrados.

Kategori A: Slagtekroppe af unge ikke kastrerede handyr på under to år,

Kategori C: Slagtekroppe af kastrerede handyr.

Kategorie A: Schlachtkörper von jungen männlichen nichtkastrierten Tieren von weniger als 2 Jahren,

Kategorie C: Schlachtkörper von männlichen kastrierten Tieren.

Κατηγορία Α: Σφάγια νεαρών μη ευνουχισμένων αρρένων ζώων κάτω των δύο ετών,

Κατηγορία C: Σφάγια ευνουχισμένων αρρένων ζώων.

Category A: Carcasses of uncastrated young male animals of less than two years of age,

Category C: Carcasses of castrated male animals.

Catégorie A: Carcasses de jeunes animaux mâles non castrés de moins de 2 ans,

Catégorie C: Carcasses d'animaux mâles castrés.

Categoria A: Carcasse di giovani animali maschi non castrati di età inferiore a 2 anni,

Categoria C: Carcasse di animali maschi castrati.

Categorie A: Geslachte niet-gecastreerde jonge mannelijke dieren van minder dan 2 jaar oud,

Categorie C: Geslachte gecastreerde mannelijke dieren.

Categoria A: Carcaças de jovens animais machos não castrados de menos de dois anos,

Categoria C: Carcaças de animais machos castrados.

Precio mínimo expresado en ecus por 100 kg — Mindestpreiser i ECU/100 kg — Mindestpreise, ausgedrückt in ECU/100 kg — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά 100 kg — Minimum prices expressed in ecus per 100 kg — Prix minimaux exprimés en écus par 100 kg — Prezzi minimi espressi in ECU per 100 kg — Minimumprijzen uitgedrukt in ecu per 100 kg — Preço mínimo expresso em ecus por 100 kg

BUNDESREPUBLIK DEUTSCHLAND

— Vorderviertel, auf 8 Rippen geschnitten, stammend von:

Kategorie A, Klassen U und R / Kategorie C, Klassen O und R 180,00

— Hinterviertel auf 5 Rippen geschnitten, stammend von:

Kategorie A, Klassen U und R / Kategorie C, Klassen O und R 180,00

— Vorderviertel, auf 5 Rippen geschnitten, mit Dünung am Vorderviertel eingeschlossen, stammend von:

Kategorie A, Klassen U und R / Kategorie C, Klassen O und R 180,00

— Hinterviertel auf 8 Rippen geschnitten (Pistola), ohne Dünung stammend von:

Kategorie A, Klassen U und R / Kategorie C, Klassen O und R 180,00

IRELAND

— Boned cuts from Category C, classes U, R and O 185,00⁽¹⁾

⁽¹⁾ Precio mínimo por cada 100 kilogramos de producto de acuerdo con la distribución contemplada en el Anexo I.

⁽¹⁾ Minimumpris pr. 100 kg produkt efter fordelingen i bilag I.

⁽¹⁾ Mindestpreis je 100 kg des Erzeugnisses gemäß der in Anhang I angegebenen Zusammensetzung.

⁽¹⁾ Ελάχιστη τιμή ανά 100 χιλιόγραμμα προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα Ι.

⁽¹⁾ Minimum price per 100 kg of products made up according to the percentages referred to in Annex I.

⁽¹⁾ Prix minimum par 100 kg de produit selon la répartition visée à l'annexe I.

⁽¹⁾ Prezzo minimo per 100 kg di prodotto secondo la ripartizione indicata nell'allegato I.

⁽¹⁾ Minimumprijis per 100 kg produkt volgens de in bijlage I aangegeven verdeling.

⁽¹⁾ Preço mínimo por 100 kg de produto segundo a repartição indicada no anexo I.

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III
— ALLEGATO III — BIJLAGE III — ANEXO III*

**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**

BUNDESREPUBLIK Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
DEUTSCHLAND: Referat 313 — Adickesallee 40
D-6000 Frankfurt am Main 18
Telex 411 156 / 411 727 / 41 38 90
Tel. 0 69 / 15 64(0) 7 04 / 7 05, Telefax 069-I 564 776, Teletext 6 990 732

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

COMMISSION REGULATION (EEC) No 432/90
of 20 February 1990
amended Regulation (EEC) No 372/90 introducing a countervailing charge on
artichokes originating in Egypt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 372/90⁽³⁾ introduced a countervailing charge on artichokes originating in Egypt;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of artichokes originating in Egypt must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 372/90 '10,37' ECU is hereby replaced by 34,87 ECU'.

Article 2

This Regulation shall enter into force on 21 February 1990.

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

Done at Brussels, 20 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.
⁽³⁾ OJ No L 40, 14. 2. 1990, p. 10.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 December 1989

concerning the conclusion of the Protocol for the accession of Bolivia to the
General Agreement on Tariffs and Trade

(90/69/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Whereas Bolivia entered into negotiations with the European Economic Community and the other Contracting Parties to the General Agreement on Tariffs and Trade with a view to its accession to that Agreement;

Whereas the outcome of these negotiations is acceptable to the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol for the accession of Bolivia to the General Agreement on Tariffs and Trade is hereby approved on behalf of the European Economic Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels, 18 December 1989.

For the Council

The President

R. DUMAS

PROTOCOL

for the accession of Bolivia to the General Agreement on Tariffs and Trade

THE GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (hereinafter referred to as 'Contracting Parties' and 'the General Agreement', respectively),

THE EUROPEAN ECONOMIC COMMUNITY AND THE GOVERNMENT OF BOLIVIA (hereinafter referred to as 'Bolivia'),

HAVING REGARD to the results of the negotiations directed towards the accession of Bolivia to the General Agreement,

HAVE through their representatives AGREED as follows:

PART I

General

1. Bolivia shall, upon entry into force of this Protocol pursuant to paragraph 6, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply to contracting parties provisionally and subject to this Protocol:

- (a) Parts I, III and IV of the General Agreement; and
- (b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

The obligations incorporated in paragraph 1 of Article 1 by reference to Article III and those incorporated in paragraph 2 (b) of Article II by reference to Article VI of the General Agreement shall be considered as falling within Part II for the purpose of this paragraph.

- 2. (a) The provisions of the General Agreement to be applied to contracting parties by Bolivia shall, except as otherwise provided in this Protocol, be the provisions contained in the text annexed to the Final Act of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as rectified, amended or otherwise modified by such instruments as may have become effective on the day on which Bolivia becomes a contracting party.
- (b) In each case in which paragraph 6 of Article V, subparagraph 4 (d) of Article VII, and subparagraph 3 (c) of Article X of the General Agreement refer to that Agreement, the applicable date in respect of Bolivia shall be the date of this Protocol.

PART II

Schedule

- 3. The schedule in the Annex shall, upon the entry into force of this Protocol, become a schedule to the General Agreement relating to Bolivia.

- 4. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of the Agreement, the applicable date in respect of each product which is the subject of a concession provided for in the Schedule annexed to this Protocol shall be the date of this Protocol.

- (b) For the purpose of the reference in paragraph 2 (a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the Schedule annexed to this Protocol shall be the date of this Protocol.

PART III

Final Provisions

- 5. This Protocol shall be deposited with the Director-General to the Contracting Parties. It shall be open for signature by Bolivia until 31 January 1990. It shall also be open for signature by contracting parties and by the European Economic Community.

- 6. This Protocol shall enter into force on the 30th day following the day upon which it shall have been signed by Bolivia.

- 7. Bolivia, having become a Contracting Party to the General Agreement pursuant to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Director-General. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI or on the 30th day following the day of the deposit of the instrument of accession, whichever is the later. Accession to the General Agreement pursuant to this paragraph shall, for the purposes of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

8. Bolivia may withdraw its provisional application of the General Agreement prior to its accession thereto pursuant to paragraph 7 and such withdrawal shall take effect on the 60th day following the day on which written notice thereof is received by the Director-General.

9. The Director-General shall promptly furnish a certified copy of this Protocol and a notification of each signa-

ture thereto, pursuant to paragraph 5 to each contracting party, to the European Economic Community, to Bolivia and to each government which shall have acceded provisionally to the General Agreement.

10. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this third day of August one thousand nine hundred and eighty-nine, in a single copy, in the English, French and Spanish languages, except as otherwise specified with respect to the Schedule annexed hereto, each text being authentic.

ANNEX

Schedule LXXXIV — Bolivia

(The Schedule may be consulted in the GATT Secretariat in Geneva)

**Information concerning the signature of the Protocol for the accession of Bolivia to
the General Agreement on Tariffs and Trade**

The Protocol for the accession of Bolivia to the General Agreement on Tariffs and Trade was signed on 30 January 1990 on behalf of the European Economic Community by Mr Tran van Thinh, Head of the Commission's permanent delegation in Geneva, empowered for that purpose by the President of the Council.
