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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 679/90

of 21 March 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 20 March 1990;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas Council Regulation (EEC) No 486/85⁽⁶⁾, as last amended by Regulation (EEC) No 3530/89⁽⁷⁾, lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories; whereas the Council has not yet been able formally to adopt the Regulation intended to replace Regulation (EEC) No 486/85; whereas, in order to avoid discontinuity in the arrangements applying, the application of the arrangements laid down in Regulation (EEC) No 486/85 should be contained as a precaution and without prejudice to the definitive arrangements to be adopted subsequently by the Council;

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 22 March 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.

⁽⁶⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁷⁾ OJ No L 347, 28. 11. 1989, p. 3.

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

Done at Brussels, 21 March 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 21 March 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	37,12	133,62 ⁽¹⁾ ⁽²⁾
0712 90 19	37,12	133,62 ⁽¹⁾ ⁽²⁾
1001 10 10	46,15	186,62 ⁽¹⁾ ⁽²⁾
1001 10 90	46,15	186,62 ⁽¹⁾ ⁽²⁾
1001 90 91	38,10	141,57
1001 90 99	38,10	141,57
1002 00 00	62,78	132,66 ⁽³⁾
1003 00 10	54,03	118,98
1003 00 90	54,03	118,98
1004 00 10	45,43	124,06
1004 00 90	45,43	124,06
1005 10 90	37,12	133,62 ⁽¹⁾ ⁽²⁾
1005 90 00	37,12	133,62 ⁽¹⁾ ⁽²⁾
1007 00 90	54,03	141,13 ⁽⁴⁾
1008 10 00	54,03	31,01
1008 20 00	54,03	95,92 ⁽⁴⁾
1008 30 00	54,03	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	54,03	0,00
1101 00 00	67,51	212,37
1102 10 00	102,06	199,89
1103 11 10	86,26	303,99
1103 11 90	71,65	228,10

⁽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 680/90

of 21 March 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 20 March 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 22 March 1990.

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

Done at Brussels, 21 March 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 21 March 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 3	1st period 4	2nd period 5	3rd period 6
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	5,87
1003 00 90	0	0	0	5,87
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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	10,45	10,45
1107 10 99	0	0	0	7,81	7,81
1107 20 00	0	0	0	9,10	9,10

COMMISSION REGULATION (EEC) No 681/90**of 21 March 1990****fixing additional amounts for in the eggs sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No

4155/87⁽⁹⁾ and (EEC) No 2164/72⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69⁽¹²⁾, as last amended by Regulation (CEE) No 4155/87, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 22 March 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 March 1990 fixing additional amounts for products in the eggs sector

<i>(ECU/100 kg)</i>		
CN code	Origin of imports ⁽¹⁾	Additional amount
0407 00 30	03	50,00
0408 19 11	01	100,00
0408 19 19	01	100,00
0408 91 10	02	100,00

⁽¹⁾ Origin :

- 01 Israel, Canada, Czechoslovakia, Hungary and the German Democratic Republic (with the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems).
 - 02 Czechoslovakia and the Soviet Union.
 - 03 German Democratic Republic (with the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems).
-

COMMISSION REGULATION (EEC) No 682/90
of 21 March 1990
fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by the Regulation (EEC) No 1235/89 ⁽²⁾, and in particular Article 8 ⁽⁴⁾ thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries ⁽³⁾, as last amended by Regulation (EEC) No 3116/89 ⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68 ⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87 ⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69 ⁽⁷⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70 ⁽⁸⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72 ⁽⁹⁾, as amended by Regulation (EEC) No 3987/87 ⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 22 March 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 March 1990 fixing additional amounts for poultry-meat products

(ECU/100 kg)		
CN code	Origin of imports (1)	Additional amount
0207 39 23	02	30,00
0207 39 31	01	5,00
0207 41 51	02	30,00
0207 42 10	01	5,00

(1) Origin :

01 Yugoslavia

02 United States of America.

COMMISSION REGULATION (EEC) No 683/90

of 21 March 1990

amending Commission Regulation (EEC) No 3919/89 laying down detailed rules for the application in the pigmeat sector of Council Regulation (EEC) No 3899/89 reducing for 1990 the levies on certain agricultural products originating in developing countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3899/89 of 18 December 1989 reducing for 1990 the levies on certain agricultural products originating in developing countries⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 3899/89 introduced arrangements for reducing import levies on certain products in the pigmeat, eggs and poultry and cereals sectors; whereas Commission Regulation (EEC) No 3919/89⁽²⁾ has laid down detailed rules for the application of that Regulation as regards products in the pigmeat sector with a view to administering the fixed amounts concerned; whereas those detailed rules are supplementary to Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as amended by Regulation (EEC) No 1903/89⁽⁴⁾;

Whereas it is necessary to amend Commission Regulation (EEC) No 3919/89 in view of the practical experience acquired since the implementation of the special arrangements provided for by Regulation (EEC) No 3899/89; whereas it is therefore concerning the conditions for licence applications, the allocation of quantities by the Commission as well as the amount of the security;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3919/89 is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

All imports into the Community in the framework of Regulation (EEC) No 3899/89 of products covered by order Nos 51.0010, 51.0040, 51.0060, 51.0070 and 51.0080 provided in the Annex to the said Regulation

shall be subject to the presentation of an import licence.'

2. Article 3 (b) is replaced by the following:

'(b) The licence application may only comprise one of the order No 51.0010, 51.0040, 51.0060, 51.0070 or 51.0080 provided for in the Annex to Regulation (EEC) No 3899/89. The application may comprise different products covered by different CN codes and originating in one developing country. In such cases, all the CN codes are indicated in section 16 and their designation in section 15.

However, every applicant may lodge not more than two applications for import licences for products covered by a single order number, if these products originate in two developing countries. The two applications, one each for a single country of origin, should be submitted to the competent authority of a Member State. They shall be considered, as regards the maximum envisaged in the third subparagraph as well as the application of the rule contained in Article 4 (2), as a single application.

A licence application must relate at least to one tonne and to a maximum of 25 % of the quantity available for the order number concerned with the exception of the order Nos 51.0060 and 51.0080, for which the maximum shall be 50 %, and for the quarter in respect of which a licence application is lodged.'

3. In Article 4 (5) the third and fourth subparagraphs are deleted.

4. In Article 6, the figure '15' is replaced by '30'.

5. In Article 7, the second paragraph is replaced by the following:

'However, notwithstanding Article 8 (4) of that Regulation, the quantity imported in the framework of Regulation (EEC) No 3899/89 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of licences.'

Article 2

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

It shall apply from 1 April 1990.

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 125.

⁽²⁾ OJ No L 375, 23. 12. 1989, p. 43.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 184, 30. 6. 1989, p. 22.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 684/90

of 21 March 1990

amending Commission Regulation (EEC) No 3920/89 laying down detailed rules for the application in the poultrymeat sector of Council Regulation (EEC) No 3899/89 reducing for 1990 the levies on certain agricultural products originating in developing countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3899/89 of 18 December 1989 reducing for 1990 the levies on certain agricultural products originating in developing countries⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 3899/89 introduced arrangements for reducing import levies on certain products in the pigmeat, eggs and poultry and cereals sectors: whereas Commission Regulation (EEC) No 3919/89⁽²⁾ has laid down detailed rules for the application of that Regulation as regards products in the poultrymeat sector with a view to administering the fixed concerned; whereas those detailed rules are supplementary to Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as amended by Regulation (EEC) No 1903/89⁽⁴⁾;

Whereas it is necessary to amend Commission Regulation (EEC) No 3920/89 in view of the practical experience acquired since the implementation of the special arrangements provided for by Regulation (EEC) No 3899/89; whereas it is therefore necessary to amend Regulation (EEC) No 3920/89 in particular concerning the staggering of the fixed amounts, the conditions for licence applications, the allocation of quantities by the Commission as well as the amount of the security;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3920/89 is amended as follows:

1. Article 1 is replaced by the following:

'Article 1'

All imports into the Community in the framework of Regulation (EEC) No 3899/89 of products covered by

order Nos 51.0020 or 51.0030 provided for in the Annex to the said Regulation shall be subject to the presentation of an import licence.'

2. Article 2 is replaced by the following:

'Article 2'

The fixed amounts shall be staggered from 1 April 1990 as follows:

- for products coming under order No 51.0020:
 - 15 % in the period 1 April to 30 June 1990,
 - 35 % in the period 1 July to 30 September 1990,
 - 35 % in the period 1 October to 31 December 1990,
- for products coming under order number 51.0030:
 - 10 % in the period 1 April to 30 June 1990,
 - 40 % in the period 1 July to 30 September 1990,
 - 40 % in the period 1 October to 31 December 1990,

3. Article 3 (b) is replaced by the following:

- '(b) The licence application may only comprise order No 51.0020 or 51.0030 provided for in the Annex to Regulation (EEC) No 3899/89. The application may comprise different products covered by different CN codes and originating in one developing country. In such cases, all the CN codes are indicated in section 16 and their designation in section 15.

However, every applicant may lodge not more than two applications for import licences for products covered by a single order number, if these products originate in two developing countries. The two applications, one each for a single country of origin, should be submitted to the competent authority of a Member State. They shall be considered, as regards the maximum envisaged in the third subparagraph as well as the application of the rule contained in Article 4 (2), as a single application.

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 125.

⁽²⁾ OJ No L 375, 23. 12. 1989, p. 45.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 184, 30. 6. 1989, p. 22.

A licence application must relate at least to one tonne and to a maximum of 50 % of the quantity available for the order number concerned and for the quarter in respect of which a licence application is lodged.'

4. In Article 4 (5) the third and fourth subparagraphs are deleted.
5. In Article 6, the figure '15' is replaced by '30'.
6. In Article 7, the second subparagraph is replaced by the following:

'However, notwithstanding Article 8 (4) of that Regulation, the quantity imported in the framework of Regulation (EEC) No 3899/89 may not exceed that indicated in sections 17 and 18 of import licences. The figure O shall be entered to that effect in section 19 of licences.'

Article 2

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

It shall apply from 1 April 1990.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 685/90**of 21 March 1990****amending Commission Regulation (EEC) No 2062/80 on the conditions and procedure for granting or withdrawing recognition of producers' organizations and associations thereof in the fishing industry**

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

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, as last amended by Regulation (EEC) No 2886/89 ⁽²⁾,

Having regard to Council Regulation (EEC) No 105/76 of 19 January 1976 on the recognition of producers' organizations in the fishing industry ⁽³⁾, as amended by Commission Regulation (EEC) No 3940/87 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 105/76 provides that a producers' organization must show that it is sufficiently active economically in order to obtain recognition;

Whereas experience has shown that it is necessary to adjust the minimum annual output of certain fishery products which is required of a producers' organization if it is to be recognized;

Whereas Commission Regulation (EEC) No 2062/80 ⁽¹⁾ should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

In point 4 of Article 2 (1), the words 'frozen sardines' are replaced by the words: 'products listed in Annex II to Regulation (EEC) No 3789/81'.

Article 2

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 21 March 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 282, 2. 10. 1989, p. 1.

⁽³⁾ OJ No L 20, 28. 1. 1976, p. 39.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 6.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 82.

COMMISSION REGULATION (EEC) No 686/90

of 21 March 1990

determining the maximum amount of the compensation for tuna supplied to the canning industry for the period 1 October to 12 November 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as amended by Regulation (EEC) No 2886/89⁽²⁾, and in particular Article 17 (6) thereof,

Having regard to Council Regulation (EEC) No 1196/76 of 17 May 1976 laying down general rules for the granting of compensation to producers of tuna for the canning industry⁽³⁾, and in particular Article 7 thereof,

Whereas the rules regarding the granting of compensation were modified with effect from 13 November 1988 by Council Regulation (EEC) No 3468/88⁽⁴⁾; that this date divides into two periods the last quarter of the 1988 campaign, for which the conditions for the triggering of and, where applicable, granting of compensation must still be analysed;

Whereas, during the period 1 October to 12 November 1988, compensation for tuna supplied to the canning industry was administrated by the abovementioned rules in Regulations (EEC) No 3796/81 and (EEC) No 1196/76 and the maximum amount of this compensation should therefore be determined according to these rules, notwithstanding the fact that these rules have been modified since then;

Whereas compensation is to be granted, if necessary, to Community producers of tuna in respect of tuna for the canning industry; whereas this measure was to compensate Community producers for any disadvantages that may arise under the import arrangements; whereas by virtue of those arrangements a fall in the import prices for tuna could directly threaten the income level of Community producers of this product;

Whereas compensation is granted for the tuna supplied to the canning industry during the three-month period for which prices were recorded, where simultaneously the quarterly average price on the Community market and the free-at-frontier price are less than 90 % of the Community producer price and this fall in prices is

caused by the level of prices on the world market in tuna and not by an abnormal increase in the quantities produced;

Whereas, under the arrangements, an analysis should be made of the situation on the Community market in order to determine the maximum amount of the compensation for the period 1 October to 12 November 1988; whereas this analysis has shown that for certain species and presentations of the product considered, during the periods concerned, both the quarterly average market price and the free-at-frontier prices referred to in Article 3 of Regulation (EEC) No 1196/76 were less than 90 % of the Community producer price in force, as fixed by Council Regulation (EEC) No 3765/87 of 14 December 1987 fixing the Community producer price for tuna intended for the canning industry for the 1988 fishing year⁽⁵⁾;

Whereas the information available to the Commission does not suggest that the level of prices on the Community market is caused by an abnormal increase in the quantities of Community production during the period concerned;

Whereas therefore compensation should be granted to Community tuna producers, in accordance with Commission Regulation (EEC) No 2469/86 of 31 July 1986 laying down detailed rules for the granting of compensation to producers of tuna for the canning industry⁽⁶⁾, for the period 1 October to 12 November 1988 and the maximum amount of compensation should be fixed for this period for each of the products concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

The compensation referred to in Article 17 of Regulation (EEC) No 3796/81 as in effect until 12 November 1988, shall apply for the period 1 October to 12 November of the 1988 fishing year for the products and within the limits of the maximum amounts determined as follows:

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 282, 2. 10. 1989, p. 1.

⁽³⁾ OJ No L 133, 22. 5. 1976, p. 1.

⁽⁴⁾ OJ No L 305, 10. 11. 1988, p. 1.

⁽⁵⁾ OJ No L 355, 17. 12. 1987, p. 6.

⁽⁶⁾ OJ No L 211, 1. 8. 1986, p. 19.

*(ECU/tonne)**Article 2*

Product	Maximum amount of compensation
Yellowfin tuna, whole, weighing not more than 10 kg each	293

This Regulation shall enter into force on the third 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, 21 March 1990.

For the Commission

Manuel MARÍN

Vice-President

COMMISSION REGULATION (EEC) No 687/90

of 21 March 1990

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 13 November to 31 December 1988

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 2886/89⁽²⁾, and in particular Article 17 a (10) thereof,

Whereas the provisions of Regulation (EEC) No 3796/81 governing the compensation were amended with effect from 13 November 1988 by Council Regulation (EEC) No 3468/88⁽³⁾; whereas that date divides into two periods the last calendar quarter of 1988;

Whereas the compensation is granted, under certain conditions, to Community tuna producer's organizations in respect of quantities of tuna delivered to the canning industry, during period for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price are both lower than 93 % of the Community producer price;

Whereas under these arrangements the situation on the Community market should be examined in order to determine the maximum amount of the compensation, in accordance with the first and second indents of Article 17 a (3) of Regulation (EEC) No 3796/81, for the period 13 November to 31 December 1988; whereas this examination has shown that for some species and presentations of the product in question, during the period concerned, both the average quarterly market price and the free-at-frontier price referred to in Article 17 a of Regulation (EEC) No 3796/81 were lower than 93 % of the Community producer price in force as determined by Council Regulation (EEC) No 3765/87 of 14 December 1987 fixing the Community producer price for tuna intended for the canning industry for the 1988 fishing year⁽⁴⁾;

Whereas the quantities eligible for compensation, within the meaning of Article 17 a (2) of Regulation (EEC) No 3796/81, may not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article;

Whereas in the case of albacore weighing more than 10 kilograms none of those limits is exceeded and consequently there is no need to determine the maximum quantities in respect of which the allowance may be granted;

Whereas in the case of albacore weighing not more than 10 kilograms, on the other hand, the quantities sold and delivered during the period concerned within the meaning of Article 17 a (2) of Regulation (EEC) No 3796/81 were greater than those sold and delivered during the same period of the preceding three fishing years as referred to in the second indent of paragraph 4 of that Article; whereas they should therefore be limited to the average of the quantities sold and delivered during the same period of the fishing years 1985, 1986 and 1987 and the quantities granted to each producers' organization should be determined in accordance with Article 17 a (6) of Regulation (EEC) No 3796/81;

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

HAS ADOPTED THIS REGULATION:

Article 1

The compensation referred to in Article 17 a of Regulation (EEC) No 3796/81 shall be granted in respect of products delivered to the canning industry during the period 13 November to 31 December 1988, under the conditions laid down below:

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 282, 2. 10. 1989, p. 1.

⁽³⁾ OJ No L 305, 10. 11. 1988, p. 1.

⁽⁴⁾ OJ No L 355, 17. 12. 1987, p. 6.

Products	Maximum amount of allowance within the meaning of the first and second indents of Article 17 a (3) of Regulation (EEC) No 3796/81 (ECU/tonne)
Albacore tuna, whole, weighing more than 10 kg	6
Albacore tuna, whole, weighing not more than 10 kg	130

Article 2

In the case of albacore tuna weighing not more than 10 kilograms the quantities that may be eligible for the allowance are hereby limited to 2 472 tonnes.

These quantities shall be allocated among the producers' organizations concerned in accordance with the Annex hereto.

Article 3

This Regulation shall enter into force on the third 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, 21 March 1990.

For the Commission

Manuel MARÍN

Vice-President

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ANNEX

Allocating among the producers' organizations of the quantities of albacore tuna weighing not more than 10 kilograms that may be eligible for compensation and calculation of the maximum amount thereof in accordance with Article 17 a (6) of Regulation (EEC) No 3796/81

Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % Article 17 a (6), first indent	95 % Article 17 a (6), second indent	90 % Article 17 a (6), third indent	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	1 336	134	268	1 738
Organización de Productores de Túnidos Congelados (OPTUC)	596	—	—	596
Organisation de Producteurs de thon congelé (ORTHONGEL)	138	—	—	138
Total quantities (tonnes)	2 070	134	268	2 472

COMMISSION REGULATION (EEC) No 688/90
of 21 March 1990
correcting Regulation (EEC) No 670/90 fixing the export refunds on poultrymeat

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 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EEC) No 670/90⁽³⁾;

Whereas a check has shown that the Annex thereto does not correspond to the measures submitted for an opinion

to the management committee; whereas the Regulation in question should be corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EEC) No 670/90, 'ECU 20/100 kg' opposite Product code 0207 10 55 000 for destination 07 is hereby replaced by 'ECU 30/100 kg'.

Article 2

This Regulation shall enter into force on 22 March 1990.

It shall apply with effect from 20 March 1990.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 11. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 73, 20. 3. 1990, p. 23.

COMMISSION REGULATION (EEC) No 689/90**of 21 March 1990****fixing the maximum export refund for white sugar for the 46th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 999/89**

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, as last amended by Regulation (EEC) No 653/90 ⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 999/89, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 46th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 46th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 27,473 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 March 1990.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 107, 19. 4. 1989, p. 6.

⁽⁴⁾ OJ No L 71, 17. 3. 1990, p. 15.

COMMISSION REGULATION (EEC) No 690/90
of 21 March 1990
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1898/89 ⁽³⁾, as last amended by Regulation (EEC) No 621/90 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1898/89 to

the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,97 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 March 1990.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 67, 15. 3. 1990, p. 35.

COMMISSION REGULATION (EEC) No 691/90
of 21 March 1990
altering the export refunds on white sugar and raw sugar exported in the natural state

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 613/90 ⁽³⁾, as amended by Regulation (EEC) No 660/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 613/90 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 613/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 March 1990.

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

Done at Brussels, 21 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 67, 15. 3. 1990, p. 5.

⁽⁴⁾ OJ No L 71, 17. 3. 1990, p. 28.

ANNEX

to the Commission Regulation of 21 March 1990 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	22,87 ⁽¹⁾	
1701 11 90 910	22,88 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	22,87 ⁽¹⁾	
1701 12 90 910	22,88 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2486
1701 99 10 100	24,86	
1701 99 10 910	24,88	
1701 99 10 950	24,88	
1701 99 90 100		0,2486

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 March 1990

amending for the second time Council Directive 82/894/EEC on the notification of animal diseases within the Community and temporarily amending the frequency of notification for bovine spongiform encephalopathy

(90/134/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

In Annex I to Directive 82/894/EEC, 'bovine spongiform encephalopathy' is hereby added.

Having regard to Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community⁽¹⁾, as last amended by Decision 89/162/EEC⁽²⁾, and in particular Article 5 (2) thereof,

Article 2

Notwithstanding Article 3 (1) of Directive 82/894/EEC, all outbreaks of bovine spongiform encephalopathy shall be notified until 30 June 1992 in accordance with Article 4 of Directive 82/894/EEC.

Whereas there have been a number of outbreaks of bovine spongiform encephalopathy within the Community;

Article 3

Whereas this disease can be considered a serious new disease which could threaten Community livestock;

This Decision shall take effect on 1 April 1990.

Whereas bovine spongiform encephalopathy must be added to the list of diseases which are notifiable under Directive 82/894/EEC;

Article 4

This Decision is addressed to the Member States.

Whereas, in view of the characteristics of this disease, provision should temporarily be made for weekly notification of outbreaks containing information required in relation to a secondary outbreak;

Done at Brussels, 6 March 1990.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 378, 31. 12. 1982, p. 58.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 48.

COMMISSION DECISION

of 7 March 1990

relating to the plans of certain third countries concerning examination of residues of fresh meat for substances other than those having a hormonal action

(90/135/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/CEE of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 89/227/EEC⁽²⁾, and in particular Article 3 thereof,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues⁽³⁾, and in particular Article 7 thereof,

Whereas, the Commission adopted Decision 89/15/EEC⁽⁴⁾, as last amended by the Decision 90/8/EEC⁽⁵⁾, taking account, in particular, of the plans specifying the guarantees offered by certain third countries in respect of the monitoring of residues of substances having a hormonal action appearing in Groups A I and II of Annex I to Directive 86/469/EEC;

Whereas the authorities of the third countries in the Annex have transmitted the plans specifying the guarantees offered in respect of the monitoring of residues in fresh meat for the substances appearing in Group A III and Group B of Annex I to Directive 86/469/EEC;

Whereas the import of fresh meat from these third countries should be allowed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In view of the plans submitted by the third countries listed in the Annex to this Decision, in respect of examination of residues for the substances set out in Group A III and Group B of the Annex I to Directive 86/469/EEC, the Member States shall continue to authorize imports of fresh meat from those countries, if necessary under the conditions laid down in the Annex to this Decision.

Article 2

Article 1 of Commission Decision 89/15/EEC is hereby repealed.

Article 3

This Decision shall be reviewed and any necessary amendments made before 31 May 1990.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 93, 6. 4. 1989, p. 25.

⁽³⁾ OJ No L 275, 26. 9. 1986, p. 36.

⁽⁴⁾ OJ No L 8, 11. 1. 1989, p. 11.

⁽⁵⁾ OJ No L 7, 10. 1. 1990, p. 8.

ANNEX

Third country	
Argentina	New Zealand
Australia	Norway
Austria	Paraguay
Botswana	Poland
Brazil	Romania
Bulgaria	South Africa
Canada	Swaziland
Chile	Sweden
Czechoslovakia	Switzerland
Finland	United States of America
Greenland	Uruguay
Hungary	Yugoslavia
Malta	Zimbabwe
Namibia	German Democratic Republic

COMMISSION DECISION

of 12 March 1990

approving the draft measures for implementation in the United Kingdom of Article 3b of Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

(Only the English text is authentic)

(90/136/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 ⁽¹⁾, as last amended by Regulation (EEC) No 3880/89 ⁽²⁾, and in particular the second subparagraph of Article 3b (1) thereof,

Whereas the abovementioned provisions stipulate that the Member States are to notify the draft national measures which they contemplate adopting for the implementation of the said Article 3b and that these must first be approved by the Commission;

Whereas the draft measures notified by the United Kingdom on 12 February 1990, as amended by telefax No 18 of 23 February 1990 and telefax No 38 of 28 February 1990 should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The draft national provisions for implementation in the United Kingdom of Article 3b of Regulation (EEC) No 857/84, which provide on the one hand for the assignment of an additional reference quantity;

- to producers as referred to in Article 3 of Regulation (EEC) No 857/84 and, in Northern Ireland, to producers whose production has been affected by exceptional events,
- to family holdings where milk production constitutes a principal activity, on condition that such assignment does not result in 200 000 litres being overrun,
- to producers in the most outlying less-favoured areas among those defined in accordance with Article 3 (3) and (4) of Council Directive 75/268/EEC ⁽³⁾, as last amended by Regulation (EEC) No 797/85 ⁽⁴⁾,

and, on the other hand, for the assignment of a special reference quantity to producers newly installed, are hereby approved.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 12 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 3.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 93, 30. 3. 1985, p. 1.

COMMISSION DECISION**of 13 March 1990**

approving the draft measures for implementation in Belgium of Article 3b of Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

(Only the French and Dutch texts are authentic)

(90/137/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 ⁽¹⁾, as last amended by Regulation (EEC) No 3880/89 ⁽²⁾, and in particular the second subparagraph of Article 3b (1) thereof,

Whereas the abovementioned provisions stipulate that Member States are to notify the Commission of their draft national measures for the implementation of the said Article 3b and that these must first be approved by Commission;

Whereas the draft measures notified in Belgium on 28 February 1990 should be approved,

Article 1

The draft national measures for implementation in Belgium of Article 3b of Regulation (EEC) No 857/84, which provide for assignment of additional or special reference quantities to the producers of a Member State as a whole in accordance with the third indent of paragraph 1 of that Article, are hereby approved.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 13 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 3.

COMMISSION DECISION

of 16 March 1990

accepting an undertaking given in connection with the anti-dumping proceeding concerning imports of certain diesel engines originating in Finland and Sweden, and terminating the investigation

(90/138/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

Having regard to the proposal from the Commission, presented after consultation within the Advisory Committee as provided for under the above Regulation (EEC) No 2423/88,

Whereas :

A. Procedure

(1) In February 1987 the Commission received a complaint lodged by Euromot (European Committee of Internal Combustion Engine Manufacturers' Association) on behalf of Community producers representing the majority of Community production of the diesel engines concerned. The complaint contained evidence of dumping and of material injury which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced by a notice in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of certain diesel engines falling within CN codes ex 8408 10 70, ex 8408 10 80, ex 8408 10 90, ex 8408 90 71, ex 8408 90 75 and ex 8408 90 99, originating in Finland and Sweden and subsequently commenced an investigation.

(2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties directly

concerned the opportunity to make known their views in writing and to request a hearing.

- (3) The majority of the known producers and exporters made their views known in writing. They have requested and have been granted hearings.
- (4) No submissions were made on behalf of Community purchasers of the product in question.
- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

EEC producers

Krupp MaK Maschinenbau GmbH, Germany,
MAN — B&W Diesel AG, Germany,
Motoren-Werke Mannheim AG, Germany,
Stork-Werkspoor Diesel BV, Netherlands,
Fincantieri, Divisione Grande Motori, Italy,
S.E.M.T. Pielstick, France,
CCM Sulzer, France,
Ruston Diesels Ltd, UK,
Mirreles Blackstone Diesels Ltd, UK,
W.H. Allen Diesels Ltd, UK,
Compañía de Motores Deutz MWM SA, Spain,
Empresa Nacional Bazán, Spain.

Producers in third countries

OY Wärtsilä AB, Helsinki, Finland,
Wärtsilä Diesel AB, Trollhättan, Sweden,
hereinafter known as 'the exporters'.

The Commission requested and received detailed written submissions from all the complainant Community producers and the exporters concerned, and verified the information therein to the extent considered necessary.

Because of the complicated technical nature of the product concerned, the extensions of time-limits requested by both the exporters and the complainants — which were granted — and the large number of companies that had to be investigated, the time-limit for completion of the investigation exceeded a 12 month period.

- (6) The investigation of dumping covered the period from 1 January 1987 to 31 August 1988.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 251, 27. 9. 1988, p. 3.

B. Products

- (7) The products concerned by the proceeding are certain diesel engines, used as marine main and auxiliary engines as well as stationary engines for the generation of electricity, of a power exceeding 500 kW with revolutions per minute below 1 200 (medium-speed engines).

Each engine is custom-built to the specific requirements of the customers and includes additional equipment which differs considerably for each order. However, every engine is manufactured to certain specific standards and the components used in the production universally are basically the same. For comparison purposes both Community producers as well as exporters' engines had therefore to be brought back to a so-called 'basic engine'. (Completed engine less additional equipment).

These 'basic engines' that were used for comparison purposes are like products for the following reasons :

they are either alike in all respects or have closely resembling characteristics and performances. Irrespective of whether the engine is used as marine main, auxiliary or stationary they are all interchangeable, and all contain the same basic components. All engines consist of the same technology and even though there are differences in size and output, they all serve the same purpose.

C. Normal Value

- (8) As the exporters had no domestic sales to unrelated customers (all engines were produced for internal use in their own shipyard in the investigation period) normal value had to be constructed for every basic engine.

The constructed normal values was determined for every basic engine exported by adding cost of production and a reasonable margin of profit. Cost of production was computed on the basis of all costs, both fixed and variable, in the country or origin, of materials and manufacture, plus a reasonable amount for selling, administrative and other general expenses.

Given that there were no domestic sales in the ordinary course of trade on the domestic market nor any other producers of the like product in the same business sector in the country of origin, the profit margin to be added to the cost of production had to be determined on another reasonable basis in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88. The Commission therefore based its calculation on the weighted average profit margin realized by the exporters on their profitable export sales to third countries.

D. Export price

- (9) The export price for every basic engine in every export order to independent customers was determined on the basis of the prices actually paid or payable.

E. Comparison

- (10) In comparing normal value and export price the Commission took account, where appropriate, of differences in conditions and terms of sale and made the necessary adjustments.

All comparisons were made at the 'ex-works' level and on a transaction-by-transaction basis.

F. Margins

- (11) The above preliminary examination of the facts shows the existence of dumping in respect of the Finnish and Swedish exporters, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

Varying margins of dumping were established depending on the type of engines concerned and the importing Member State. The individual margins fluctuated considerably, the weighted average dumping margins for all exports to the Community were established at 11,3 % and 19,6 % for Finland and Sweden respectively.

G. Injury

- (12) The volume of imports of diesel engines from Finland and Sweden in the period 1984-87 has increased considerably. Calculated on the basis of number of engines (units) there has been an increase of (...) ⁽¹⁾ whereas the increase on the basis of output (kW) has been (...) in the same period.
- (13) The corresponding market share of the exporters (Finland and Sweden) in the EEC market for medium-speed engines based on total Community consumption increased during the period 1984-87 from (...) to (...) (units) and from (...) to (...) (kW) respectively.

⁽¹⁾ With regard to injury caused to the Community industry the Commission has received confidential information from the firms involved, which, if published, even in a summarized form, would be likely to have a significantly adverse effect upon these firms.

- (14) The Commission established price undercutting by comparing the exporters' prices and those of the Community manufacturers, for every transaction carried out by the exporters from Finland and Sweden during the investigation period.

For this exercise it was first necessary to identify the products which were sold by the Community producers. Subsequently the corresponding ones of the Finnish and Swedish exporters had to be chosen. This was done on the basis of size and output of the various engines as supplied by the exporters. The calculations were made by comparing the average sales prices of every EEC producer to those of the exporters for every type of basic engine. The analysis indicates that the prices at which the dumped products were sold in the Community undercut the prices of Community producers to a varying degree, the weighted average margin of price undercutting being significant and exceeding the dumping margins found.

- (15) There has been an overall decrease in sales of Community producers of (...) on the basis of engines (units) and of (...) on the basis of output (kW) during the period 1984-87.
- (16) Community producers market share during the period 1984-87 decreased from (...) to (...) (units) and from (...) to (...) (kW) respectively.
- (17) With regard to the profit and loss situation of the EC diesel engine producers, it has been established that they suffered heavy financial losses during the period 1984-88.
- (18) The Commission has considered whether injury has been caused by other factors such as a decline in demand and low-priced imports from other sources.

For this purpose the Commission took into account that in the wake of the shipbuilding crisis the market for marine diesel engines had witnessed a considerable decline leading to sustained worldwide competition and a decline in sales and prices. Faced with a shrinking market for several years the Community industry implemented stiff restructuring measures which are still proceeding and have led to a certain improvement in capacity utilization. Although the industry is still making considerable losses the streamlining efforts have started to show some positive effects and a reduction of losses seems to be under way. The process was however significantly jeopardized by the increasing presence of low-priced dumped imports from Sweden and Finland.

- (19) For the purpose of determination of injury, exports from Finland and Sweden have been cumulated because the engines under consideration were

of the same type and the exporters concerned belong to the same holding company, The Finnish and Swedish EEC market shares increased considerably to the detriment of the Community industry; no other serious third-country competitors producing medium-speed diesel engines were found to be selling in the Community during the investigation period. The exporters in Finland and Sweden account for practically all of the total imports of medium-speed engines from non-EEC countries, the market share of other third-country competitors being negligible.

- (20) The increased level of dumped imports and in particular their low prices that undercut the already loss-making prices of Community producers contributed significantly to the sharp decrease of sales of Community producers and their considerable loss of market share. The necessity to align their prices also caused heavy additional financial losses to Community producers. The Commission therefore considers that given the already difficult situation of the Community industry, the dumped imports of medium-speed diesel engines from Finland and Sweden taken in isolation are causing material injury to the Community industry.

H. Community interest

- (21) In assessing whether it is in the interest of the Community to take measures against dumped imports, the Commission considers that because of the heavy losses suffered by the Community producers the continued existence of this industry is at risk. The production of diesel engines is of social, technological and economic importance for the Community. The European diesel engine industry is an important employer both directly and indirectly through a large number of suppliers of semi-finished and finished products. The number of employees in this segment amounts to (...), with a turnover of (...) ecu. The disappearance of this industry would involve considerable social costs for the Community.

The production of diesel engines is also an important factor to the technological development of the diesel industry in general. This technology is continually advancing and progressing. Further plant closures and reductions of diesel engine production would undoubtedly lead to a loss of the technology and know-how involved.

The European importers and users of the products concerned did not make their views known nor raise objections with regard to defensive actions

against imports of diesel engines from Finland and Sweden during this anti-dumping proceeding.

In conclusion it is therefore considered that the interests of the Community call for intervention.

I. Undertaking

- (22) Following the completion of the preliminary investigation the exporters concerned offered an undertaking concerning export of diesel engines.

The Commission regards this undertaking as acceptable, considering that the effect of this undertaking will be to increase the prices of the products concerned to an extent sufficient to eliminate the margin of dumping found for these exporters. It appears that correct operation of the undertaking can be effectively monitored.

In these circumstances, the undertaking offered is considered acceptable and the investigation, therefore, terminated without imposition of anti-dumping duties.

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by OY Wärtsilä AB, Helsinki, Finland (acting on behalf of Wärtsilä Diesel AB, Trollhättan, Sweden as well) in connection with the anti-dumping proceeding concerning imports of diesel engines falling under CN codes ex 8408 10 70, ex 8408 10 80, ex 8408 10 90, ex 8408 90 71, ex 8408 90 75, ex 8408 90 99, originating in Sweden and Finland is hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated.

Done at Brussels, 16 March 1990.

For the Commission

Frans ANDRIESEN

Vice-President