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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 866/90

of 29 March 1990

on improving the processing and marketing conditions for agricultural products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

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

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

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

Whereas Article 10 (1) of Council Regulation (EEC) No 4256/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section ⁽⁴⁾ provides for a Council Decision on the forms of the Fund's contribution to measures to improve the conditions under which agricultural products are processed and marketed with a view to achieving the objectives referred to in Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽⁵⁾;

Whereas the types of investments eligible for a contribution from the EAGGF Guidance Section (hereinafter referred to as the 'Fund') should be defined, taking account of the current situation both on the agricultural markets and in the agriculture and food sector, as well as the prospects for developing outlets for agricultural products;

Whereas, in order to ensure a coherent improvement in the processing and marketing of agricultural products, financial assistance from the Fund for investments in that

field should be made conditional on the inclusion of such investments in sectoral plans containing an in-depth analysis of the situation in the sector and the proposed improvement;

Whereas, for such plans, the Commission should adopt sectoral Community support frameworks, to be drawn up in agreement with the Member States concerned, within the framework of the partnership, taking account, as appropriate, of the Community support frameworks adopted for plans relating to Objectives 1 and 5 (b) defined in Article 1 of Regulation (EEC) No 2052/88 ⁽⁶⁾;

Whereas an effective means should be adopted for ensuring that Community action is consistent with the common agricultural policy; whereas the most effective way to achieve this is to adopt selection criteria with which to determine which investments should be given priority for consideration;

Whereas in order to ensure the necessary transparency in the operations of the Fund, eligible expenditure should be defined;

Whereas it must be ensured that investments are viable and that farmers have a share in the economic benefits of the action taken;

Whereas application of the measure should in general be restricted to the agricultural products listed in Annex II to the Treaty; whereas in certain cases, however, processed products no longer included in the Annex may be of importance to farmers insofar as they create new market outlets and/or increase the added value of the basic product;

Whereas, in connection with the reform of the Structural Funds, Regulation (EEC) No 4256/88 provides for new forms of assistance by the Fund as regards improving structures for processing and marketing agricultural products; whereas general rules should therefore be laid down for its implementation;

⁽¹⁾ OJ No C 240, 20. 9. 1989, p. 16.

⁽²⁾ OJ No C 304, 4. 12. 1989, p. 375.

⁽³⁾ OJ No C 56, 7. 3. 1990, p. 51.

⁽⁴⁾ OJ No L 374, 31. 12. 1988, p. 25.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 185, 15. 7. 1988, p. 9.

Whereas, to allow for the differing structural situations in the various regions of the Community, contribution rates should be differentiated by category of region ;

Whereas, to ensure harmony between the Community's actions and those of the Member State and to ensure the additionality of Community assistance, the investments selected for financing by the Fund should be co-financed by the Member State ;

Whereas, to ensure a smooth transition for the financing arrangements under Regulation (EEC) No 355/77⁽¹⁾, as last amended by Regulation (EEC) No 4256/88, to the new provisions in this Regulation, provision should be made for transitional rules regarding action by the Fund approved before the entry into force of this Regulation ;

Whereas provision should be made for the possibility of laying down certain specific implementing rules adapted to the special nature of the measure that is the subject of this Regulation, to ensure that it is implemented effectively,

HAS ADOPTED THIS REGULATION :

Article 1

Objectives of the common measure

1. A common measure within the meaning of Article 2 (1) of Regulation (EEC) No 4256/88 and under Objective 5 (a), as defined in Article 1 of Regulation (EEC) No 2052/88, is hereby introduced with the aim of facilitating the improvement and rationalization of the treatment, processing and marketing of agricultural products. This measure shall also help to achieve Objectives 1 and 5 (b) as set out in the said Article 1, namely promoting the development of those regions in which development is lagging behind and rural areas.

2. To facilitate the improvement and rationalization of the treatment, processing and marketing of agricultural products, the EAGGF Guidance Section, hereinafter referred to as the 'Fund', may contribute to the financing of investments which satisfy at least one of the following criteria :

- (a) helping to guide production in keeping with foreseeable market trends or encouraging the development of new outlets for agricultural products, in particular through facilitating the production and marketing of new products or of high-quality products, including organically-grown products ;
- (b) relieving the intervention mechanisms of the market organizations by furthering long-term structural improvement where this is needed ;

- (c) being located in regions which are faced with special problems in adapting to the economic consequences of developments on the agricultural markets, or being of benefit to such regions ;
- (d) helping to improve or rationalize marketing channels or processing procedures for agricultural products ;
- (e) helping to improve the quality, presentation and preparation of products or encouraging a better use of by-products, particularly by recycling waste.

TITLE I

Sectoral plans, Community support frameworks and selection criteria

Article 2

Role of the sectoral plans, Community support frameworks and selection criteria

In order to ensure that the processing and marketing sectors develop in a way that is consistent with Community policy, and particularly with the common agricultural policy, and to ensure the effectiveness of Community aid, the financing of investments must take place within the framework of plans designed to improve the structures relating to the various products in question (hereinafter referred to as 'sectoral plans') to be drawn up by the Member States, and on the basis of corresponding Community support frameworks, drawn up with due regard for the criteria of selection of investments eligible for Community financing (hereinafter referred to as 'selection criteria') to be laid down by the Commission.

Article 3

Content of the plans

- 1. The sectoral plans shall include at least the information specified in Articles 4 and 5.
- 2. The information forwarded with the sectoral plans must reflect :
 - the situation throughout the territory of the Member State in question, for the information referred to in Article 4, in cases where, and to the extent that, this is necessary in examining whether the plans have a sound basis,
 - the situation in the part of the territory affected by the planned investment in the context of the plans, in the case of information referred to in Article 5.
- 3. In the case of regions and areas covered by Objectives 1 and 5 (b) of the reform of the Structural Funds, it must be shown that sectoral plans are consistent with the regional or rural development plans and with the appropriate Community support frameworks.

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

Article 4

Analysis of the initial situation

1. The information referred to in Article 3 (1) must, as regards the description of the current situation of the processing and marketing sector, include at least the following:

- (a) demarcation of the sector, and the reasons therefor;
- (b) the initial situation and the trends which can be inferred from it, in particular as regards:
 - the economic and social situation in general, insofar as this has a bearing on the plan, and in particular the prospective outlets for agricultural products,
 - the importance of agriculture,
 - the situation as regards the processing and marketing of the agricultural products covered by the plan, and especially the existing capacity of the undertakings concerned and their geographical distribution.

2. The information referred to in paragraph 1 must be up to date.

Article 5

Objectives and implementation of the plans

1. The information referred to in Article 3 (1) must, as regards the objectives and resources relating to the plan, include at least the following:

- (a) the needs to be met by the plan and the objectives which it is intended to achieve, in particular the capacity to be reached;
- (b) the economic importance of the plan for the sector concerned and the implications for agricultural undertakings;
- (c) any aid measures in place in the sector covered by the plan;
- (d) the means proposed for achieving the objectives, particularly the total amount of investment and the financial participation of the Member State;
- (e) the relationship of the plan to any other measures to encourage the harmonious development of the whole economy;
- (f) the estimated time required for the execution of the plan, which in principle should be between three and five years;
- (g) the likely effects on the environment and, where appropriate, the measures to be taken in this sector in accordance with Community legislation;

2. Member States shall also forward information concerning conditions for the implementation of the plans, either overall for all the plans, or for each sectoral plan; this information must include at least the following:

- (a) the administrative, legislative or financial measures adopted or to be taken to implement the plan, in particular details of the intended form of action and

the authorities or bodies designated in accordance with Articles 14 (1) and 16 (1) of Regulation (EEC) No 4253/88;

- (b) a description of the national arrangements for the management and control of the operational programmes or global grants which are the subject of the application for aid.

Article 6

Updating and new plans

If the period initially estimated by the Member State for implementation of a plan has expired, or if economic developments make it necessary for the plan to be adjusted, an updated or new plan must, in addition to the information referred to in Articles 4 and 5, include a report showing:

- (a) the progress made in relation to the forecasts in the plan, including the public funds made available;
- (b) a description of developments in the situation regarding the processing and marketing of products, showing that there is a need for updating or for a new plan.

Article 7

Submission of sectoral plans and decision on corresponding Community support frameworks

1. The sectoral plans and any amendments thereto shall be forwarded to the Commission by the Member States concerned.

2. The Community support frameworks relating to sectoral plans shall be established in agreement with the Member State concerned, within the partnership, and by Commission Decision under the procedure laid down in Article 29 of Regulation (EEC) No 4253/88. In accordance with the rules laid down in Title III of that Regulation, Community support frameworks shall include a statement of the priorities for Community intervention, the total amount of the financial assistance chargeable to the Fund and an indicative figure for the rate of aid envisaged as the Fund's contribution.

3. The Commission shall, as part of the procedure referred to in paragraph 2, ensure that the sectoral plans are consistent with the priorities of Community policies, in particular those of the common agricultural policy.

Article 8

Selection criteria

1. The selection criteria referred to in Article 2 shall be used to determine which investments are to receive assistance from the Fund, within the framework of the approval of the operational programmes or global grants referred to in Article 9. The criteria shall lay down priorities and indicate investments which must be excluded from Community financing.

2. The selection criteria shall be drawn up in accordance with the guidelines of the Community's policies, particularly the common agricultural policy.

3. The selection criteria and, where applicable, amendments thereto shall be adopted by the Commission in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88. The Decision shall be communicated to the Member States and published in the *Official Journal of the European Communities*.

TITLE II

Operational programmes and global grants

Article 9

Forms of assistance

The Fund shall provide assistance in the implementation of the measure which is the subject of this Regulation by means of:

- (a) contributions to operational programmes within the meaning of Article 5 (5) of Regulation (EEC) No 2052/88;
- or
- (b) the provision of global grants within the meaning of Article 5 (2) (c) of Regulation (EEC) No 2052/88.

Article 10

Applications for aid

1. The authorities and intermediaries referred to in Article 14 (1) and 16 (1) of Regulation (EEC) No 4253/88 may submit through the Member State concerned applications for aid in the form of operational programmes or global grants.

2. Applications for aid must supply the necessary information to enable the Commission to:

- evaluate the conformity of the proposed activities and measures with Community policies, particularly the common agricultural policy,
- evaluate the contribution the proposed action will make to the improvement of processing and marketing structures, the coherence of the measures which constitute it and their conformity with the sectoral plans, the Community support frameworks and the selection criteria,
- assess the socio-economic impact of the measures in the areas concerned, with particular reference to the production sectors affected,
- assess the impact of the proposed measures on the environment and their effectiveness in that field,
- check that the execution methods and the financing are suited to the effective implementation of the measures,
- determine the precise form of assistance to be provided by the Fund, where appropriate on the basis

of information already given in any corresponding Community support framework.

Article 11

Eligible investments and expenditure

1. To be eligible for aid from the Fund in the forms listed in Article 9, investments must relate to:

- rationalizing or developing the preparation, preservation, treatment and processing of agricultural products or recycling of by-products or manufacturing waste,
- improving marketing channels, including the transparency of price formation,
- applying new processing techniques, including the development of new products and by-products, or opening up new markets and innovative investments,
- improving product quality.

2. Special priority may be given to investments to improve the marketing structures for agricultural products, particularly if such investments encourage the development of new outlets by facilitating the marketing of new products or of high-quality products having characteristics which comply with the Community's policy on foodstuffs, including organically-grown products.

3. Eligible expenditure in respect of the investments referred to in paragraph 1 may include:

- (a) the construction and acquisition of immovable property, with the exception of land purchase;
- (b) new machinery and equipment, including computer software and programmes;
- (c) general costs, such as architects', engineers' and consultants' fees and feasibility studies, up to a ceiling of 12 % of the cost referred to in (a) and (b).

Article 12

Products concerned and participation of the producers

1. Investments must contribute to improving the situation of the basic agricultural production sector in question; in particular, having regard to the specific nature of each sector, they must guarantee the producers of the basic products an adequate and lasting share in the resulting economic benefits.

2. The investments must concern the products listed in Annex II to the Treaty, to the exclusion of those covered by Council Regulation (EEC) No 4042/89 of 19 December 1989 on the improvement of the conditions under which fishery and aquaculture products are processed and marketed⁽¹⁾. However, investments concerning the products of CN codes 4502, 4503 and 4504 shall also be allowed.

⁽¹⁾ OJ No L 388, 30. 12. 1989, p. 1.

The Commission may accept investments relating to other products provided the aid recipients have direct contractual links with the producers of the basic agricultural products.

3. Sufficient evidence must be given that the investments will be profitable.

Article 13

Ineligible investments

The following investments shall be excluded:

- investments at the retail level,
- investments in the processing or marketing of products from third countries,
- investments in respect of which work commenced more than six months before the date on which the Commission receives the application for assistance.

Article 14

Recipients

1. Aid from the Fund shall be granted to the natural or legal persons, or groups thereof, who are ultimately responsible for financing the investments.
2. Aid from the Fund shall be paid through:
 - the authorities designated in accordance with Article 14 (1) of Regulation (EEC) No 4253/88, or
 - the intermediary designated in accordance with Article 16 (1) of Regulation (EEC) No 4253/88.

Article 15

Decision to grant aid and budget commitment

1. The Commission shall decide on the granting of aid from the Fund in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88, within six months of receipt of the applications, provided that all of the required information has been provided.
2. The decision referred to in paragraph 1 shall be communicated to the authority referred to in Article 14 (1) of Regulation No 4253/88 or to the intermediary referred to in Article 16 (1) of that Regulation, and to the Member State concerned.
3. In the case of multiannual operations, the authority or intermediary referred to in paragraph 2 shall forward to the Commission each year the information required for the commitment of the annual instalments referred to in Article 20 (2) of Regulation (EEC) No 4253/88 and for checking that the investments to be made comply with the decisions taken in accordance with paragraph 1 and Article 7 (2).

TITLE III

Financial and general provisions

Article 16

Aid rates and rules

1. Aid from the Fund may not exceed, in relation to the eligible costs of the selected investments:
 - (a) 50 % in the Objective 1 regions referred to in point 1 of Article 1 of Regulation (EEC) No 2052/88;
 - (b) 30 % in other regions.
2. Aid from the Fund shall in general take the form of capital grants. If other forms of assistance are used, they must not exceed the said capital grant equivalent.
3. The Member States concerned must undertake to participate in financing the investments selected by the Commission for assistance from the Fund, to at least 5 % of the eligible costs.
4. The financial contribution by the recipients referred to in Article 14 (1) in relation to the eligible costs of the selected investments must be not less than:
 - (a) 25 % in the Objective 1 regions referred to in point 1 of Article 1 of Regulation (EEC) No 2052/88;
 - (b) 45 % in other regions.
5. Within the field of application of this Regulation, Member States may take aid measures which are subject to conditions or rules concerning granting which differ from those provided for in this Regulation, or, where the amounts of aid exceed the ceilings specified herein, on condition that such measures comply with Articles 92 to 94 of the Treaty.

Article 17

Procedures for payment of the aid

1. Payment of advances or balances to be carried out in accordance with Article 21 of Regulation (EEC) No 4253/88 shall be made to the authority designated in accordance with Article 14 (1) of the said Regulation or, where applicable, to the intermediary referred to in Article 16 (1) of that Regulation, the Member States concerned being duly informed of these payments.
 2. The authority or intermediary referred to in paragraph 1 shall check the supporting documents relating to the expenditure of the final recipients and ensure that they are in order before paying the Community contribution. It shall also make on-the-spot checks to verify that the information contained in the application corresponds to the true situation.
- Payment to final recipients must take place within six weeks of the date when the application was lodged, provided that the application contains all the documents required to establish that the expenditure was justified.

3. At the end of each quarter the authority or intermediary referred to in paragraph 1 shall forward to the Commission a statement of the payments made to recipients.

4. An implementation report shall be sent to the Commission every year.

Article 18

Checks

Pursuant to Article 23 of Regulation (EEC) No 4253/88, the authority designated in accordance with Article 14 (1) of that Regulation or, where appropriate, the intermediary referred to in Article 16 (1) of that Regulation, shall forward to the Commission, at the latter's request, all supporting documents and evidence that can establish that the financial or other conditions have been met.

Article 19

Transition period for the approval of plans

Without prejudice to Articles 20 and 22, until 31 December 1990 a decision may be taken to provide the assistance referred to in Article 9 in respect of measures which are not part of an approved sectoral plan, provided that the sector in question is covered by a specific programme approved by the Commission under Article 5 (1) of Regulation (EEC) No 355/77 and that the implementation period laid down has not expired.

Article 20

Discontinuance of carry-over

By way of derogation from Article 10 (3) of Regulation (EEC) No 4256/88, Article 21 of Regulation (EEC) No 355/77 shall not apply to projects which have not been granted aid from the Fund for 1990.

However, projects submitted on or after 1 May 1988 in accordance with Regulation (EEC) No 355/77 which are not selected for aid may be included in operational programmes to be financed in 1990 and 1991 provided that they meet the criteria and conditions stipulated in this Regulation. The third indent of Article 13 shall not apply.

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

Done at Luxembourg, 29 March 1990.

Article 21

Transitional provisions for payments in respect of projects under Regulation (EEC) No 355/77

1. From 1 January 1991, the payment of aid in respect of the projects referred to in Article 10 (3) of Regulation (EEC) No 4256/88 shall be carried out in accordance with Articles 17 and 18 of this Regulation.

2. Member States shall, not later than 15 December 1990, communicate to the Commission

- the authorities they have designated to pay out the aid in question,
- the estimated amount of the payments for the first half of 1991, and
- the basis on which that estimate was calculated.

3. On receipt of the duly substantiated communication, the Commission shall make an initial lump-sum payment; it will make additional payments on the basis of the quarterly statements referred to in Article 17 (3), according to the estimated needs communicated by the Member States.

Article 22

Extension of programmes

Specific programmes relating to agricultural products, approved in accordance with Article 5 of Regulation (EEC) No 355/77 and for which the deadlines for completion are between 1 January 1989 and the date of entry into force of this Regulation, shall be extended until 31 December 1990 and, in respect of the projects referred to in the second paragraph of Article 20 of this Regulation, until 31 December 1991.

Article 23

Application

The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88.

Article 24

Entry into force

This Regulation shall enter into force on 1 January 1990.

For the Council

The President

M. O'KENNEDY

COUNCIL REGULATION (EEC) No 867/90**of 29 March 1990****on improving the processing and marketing conditions for forestry products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42, 43 and 235 thereof,

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

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

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

Whereas Community efforts to decrease, through the creation and development of alternative forestry activities for farmers, the output of products which are in surplus can produce the desired effects only if they are accompanied by measures to promote certain activities involving the primary processing and the marketing of forestry products;

Whereas the eighth indent of Article 2 (2) of Council Regulation (EEC) No 4256/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section ⁽⁴⁾ provides that the contribution by the EAGGF Guidance Section to measures to speed up the adjustment of agricultural structures with a view to the reform of the common agricultural policy may concern measures to improve the marketing and processing of agricultural and forestry products;

Whereas Regulation (EEC) No 866/90 ⁽⁵⁾ at present concerns only the improvement of the conditions under which agricultural products are processed and marketed;

Whereas Council Regulation (EEC) No 1612/89 of 29 May 1989 introducing provisional measures to improve the conditions under which forestry products are

processed and marketed ⁽⁶⁾ provided for the measure introduced by Regulation (EEC) No 355/77 ⁽⁷⁾, as last amended by Regulation (EEC) No 4256/88, to be temporarily extended to forestry products until adaptation of Regulation (EEC) No 355/77; whereas Regulation (EEC) No 866/90 replaces Regulation (EEC) No 355/77 as from 1 January 1990 and Regulation (EEC) No 1612/89 therefore no longer serves any purpose; whereas it is therefore necessary to extend the measure provided for by Regulation (EEC) No 866/90 to the forestry sector,

HAS ADOPTED THIS REGULATION:

Article 1

1. For development of the forestry sector to be able to contribute to the improvement of agricultural structures, the measures instituted by Regulation (EEC) No 866/90 may be applied, under the conditions referred to in that Regulation, for the purposes of developing or rationalizing the marketing and processing of forestry products.

2. For the purposes of paragraph 1, development and rationalization of the marketing and processing of wood shall mean investments relating to the operations of felling, dismembering, stripping, cutting up, storage, protective treatment and drying of indigenous woods and to all working operations prior to the industrial sawing of wood at a sawing mill.

The financing of investments shall be directed preferably to those concerning small and medium-sized undertakings the restructuring and rationalization of which may contribute to the improvement and economic development of the agricultural and rural environment.

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 Luxembourg, 29 March 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No C 240, 20. 9. 1989, p. 16.

⁽²⁾ OJ No C 304, 4. 12. 1989, p. 375.

⁽³⁾ OJ No C 56, 7. 3. 1990, p. 51.

⁽⁴⁾ OJ No L 374, 31. 12. 1988, p. 25.

⁽⁵⁾ See page 1 of this Official Journal.

⁽⁶⁾ OJ No L 165, 15. 6. 1989, p. 6.

⁽⁷⁾ OJ No L 51, 23. 2. 1977, p. 1.

COUNCIL REGULATION (EEC) No 868/90

of 2 April 1990

imposing a definitive anti-dumping duty on imports of certain welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania and definitively collecting the provisional anti-dumping duties imposed on such imports

THE COUNCIL 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 12 thereof,

Having regard to the proposal from the Commission following consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 3074/89⁽²⁾ the Commission imposed a provisional anti-dumping duty on imports of welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania.
- (2) Regulation (EEC) No 342/90⁽³⁾ extended the provisional anti-dumping duty for a period not exceeding two months.

B. Subsequent procedure

- (3) Having been informed of the main conclusions of the preliminary investigation, the Romanian exporter and one Yugoslav producer/exporter requested, and were granted, an opportunity to be heard by the Commission. They also made written submissions making known their views of the findings.

C. Dumping

- (4) As no new evidence on dumping has been received since the imposition of the provisional duties in respect of imports originating in Yugoslavia and Romania, the findings on dumping with regard to Yugoslavia and Romania, as set out in Regulation (EEC) No 3074/89, are therefore considered to be definitive.

D. Injury

- (5) With regard to injury, it was claimed by the Romanian exporter that the Commission had imposed

anti-dumping duties on certain welded tubes, of iron or non-alloy steel, falling within CN codes 7306 30 51, 7306 30 59, ex 7306 30 71 and ex 7306 30 79, which had not been exported to the Community by Romania. However, the investigation by the Commission reveals that, during the investigation period, welded tubes falling within all four mentioned CN codes were exported by Romania.

- (6) Furthermore, the Romanian exporter claimed that the quantity exported to the Community was approximately the same in 1988 as it was in 1985 and consequently did not cause any injury to the Community production. The Commission is of the opinion that the situation in 1985 cannot be compared to the situation in 1988, because until May 1987⁽⁴⁾ a price undertaking was in force. During the reference period, the injury suffered was due to the price undercutting by the exporter concerned, which was the most attributable factor.
- (7) The findings on injury, as set out in Regulation (EEC) No 3074/89, are therefore confirmed.

E. Community interest

- (8) No observations were received from any user of welded tubes, of iron or non-alloy steel imported from Yugoslavia and Romania and subject to provisional anti-dumping duties within the time limit laid down in Article 2 of Regulation (EEC) No 3074/89.
- (9) The Commission's conclusion that it is in the Community's interest that action be taken is therefore confirmed. Under these circumstances, protection of the Community's interest calls for the imposition of definitive anti-dumping duties on imports of certain welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania.

F. Rate of duty

- (10) The provisional anti-dumping duties were calculated as being adequate to remove the injury to the Community industry. The provisional findings of the Commission having been confirmed, the amounts of the definitive anti-dumping duties should be the same as the amounts of the provisional anti-dumping duties.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 294, 13. 10. 1989, p. 10.

⁽³⁾ OJ No L 38, 10. 2. 1990, p. 9.

⁽⁴⁾ OJ No L 150, 29. 5. 1982, p. 1;

OJ No C 128, 14. 5. 1987, p. 3; and

OJ No C 358, 31. 12. 1987, p. 83.

G. Undertakings

- (11) The Romanian exporter, Metalexportimport, and the Yugoslav producer/exporter, Zeljezara Sisak, having been informed that the findings of the preliminary investigation would be confirmed, offered undertakings concerning their exports of certain welded tubes, of iron or non-alloy steel, to the Community.
- (12) The effect of these undertakings will be to increase the export prices of the products concerned to the Community to an extent sufficient to eliminate the injury caused to the Community industry. The Commission therefore considered the undertakings offered acceptable.
- (13) After consultation within the Advisory Committee, these undertakings were accepted by Commission Decision 90/166/EEC⁽¹⁾.

H. Collection of provisional duty

- (14) In view of the high level of the dumping margins found and the seriousness of the injury caused to Community producers, it is considered necessary that amounts secured by way of provisional anti-dumping duty should be collected in full.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of certain welded tubes, of iron or non-alloy

steel, threaded or threadable, zinc coated or not, of circular cross-section, of an external diameter of not more than 168,3 mm falling within CN codes 7306 30 51, 7306 30 59, ex 7306 30 71 (Taric code 7306 30 71 * 90), ex 7306 30 79 (Taric code 7306 30 79 * 90), originating in Yugoslavia and in Romania.

2. The rate of duty shall be 18 % for Yugoslavia and 22 % for Romania. The duty shall be calculated on the net price, free at Community frontier, customs uncleared.

3. Notwithstanding paragraph 2, the duty shall not apply for the products concerned produced and directly sold to the Community by Zeljezara Sisak, Sisak, Yugoslavia and by Metalexportimport, Bucarest, Romania (Taric additional codes are indicated in the Annex).

4. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 3074/89 shall be definitively collected in full.

Article 3

This Regulation shall enter into force on the day following that 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 Luxembourg, 2 April 1990.

For the Council

The President

G. COLLINS

⁽¹⁾ See page 36 of this Official Journal.

ANNEX

Taric additional codes

Origin	Additional codes	Firms/rate
Yugoslavia	8443	Produced and directly sold to the Community by: Zeljezara Sisak, Sisak, Yugoslavia No anti-dumping duty.
Yugoslavia	8444	Other : 18%
Romania	8445	Produced and directly sold to the Community by: Metalexportimport, Bucarest No anti-dumping duty.
Romania	8446	Other : 22%

COMMISSION REGULATION (EEC) No 869/90

of 5 April 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 754/90 ⁽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 4 April 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 754/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 April 1990.

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

Done at Brussels, 5 April 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 83, 30. 3. 1990, p. 4.

ANNEX

to the Commission Regulation of 5 April 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	38,43	131,76 ⁽²⁾ ⁽³⁾
0712 90 19	38,43	131,76 ⁽²⁾ ⁽³⁾
1001 10 10	47,93	188,02 ⁽¹⁾ ⁽²⁾
1001 10 90	47,93	188,02 ⁽¹⁾ ⁽²⁾
1001 90 91	39,41	136,69
1001 90 99	39,41	136,69
1002 00 00	64,09	133,30 ⁽⁴⁾
1003 00 10	55,34	119,51
1003 00 90	55,34	119,51
1004 00 10	46,74	124,70
1004 00 90	46,74	124,70
1005 10 90	38,43	131,76 ⁽²⁾ ⁽³⁾
1005 90 00	38,43	131,76 ⁽²⁾ ⁽³⁾
1007 00 90	55,34	140,88 ⁽⁴⁾
1008 10 00	55,34	30,99
1008 20 00	55,34	103,85 ⁽⁴⁾
1008 30 00	55,34	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	55,34	0,00
1101 00 00	69,49	205,68
1102 10 00	104,04	200,94
1103 11 10	89,07	306,15
1103 11 90	73,63	220,71

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

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

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (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 870/90

of 5 April 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 4 April 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 6 April 1990.

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

Done at Brussels, 5 April 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 5 April 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 4	1st period 5	2nd period 6	3rd period 7
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	1,64	1,64	10,24
1001 90 99	0	1,64	1,64	10,24
1002 00 00	0	0	0	0
1003 00 10	0	5,81	5,87	5,81
1003 00 90	0	5,81	5,87	5,81
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	2,28	2,28	14,32

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	2,92	2,92	18,23	18,23
1107 10 19	0	2,18	2,18	13,62	13,62
1107 10 91	0	10,34	10,45	10,34	10,34
1107 10 99	0	7,73	7,81	7,73	7,73
1107 20 00	0	9,01	9,10	9,01	9,01

COMMISSION REGULATION (EEC) No 871/90

of 5 April 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 2 and 3 April 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 6 April 1990.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

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

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

(c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 872/90
of 3 April 1990

amending the list annexed to Regulation (EEC) No 3699/89 establishing for 1990 the list of vessels exceeding eight metres length overall permitted to fish for sole in certain of the Community areas using beam trawls whose aggregate length exceeds nine metres

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

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 3699/89 of 11 December 1989 establishing for 1990 the list of vessels exceeding eight metres length overall authorized to fish for sole in certain Community zones using beam trawls of aggregate length exceeding nine metres⁽³⁾, as last amended by Regulation (EEC) No 859/90⁽⁴⁾, and in particular Article 2 thereof,

Whereas the Belgian authorities have requested withdrawal from the list annexed to Regulation (EEC) No 3699/89 of two vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation;

whereas the national authorities have provided all the information in support of the request required under Article 2 of Regulation (EEC) No 3699/89; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be withdrawn from the list,

HAS ADOPTED THIS REGULATION:

Article 1

The vessels listed in the Annex to this Regulation are deleted from the Annex to Regulation (EEC) No 3699/89.

Article 2

This Regulation shall enter into force on the tenth 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, 3 April 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.
⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.
⁽³⁾ OJ No L 362, 12. 12. 1989, p. 19.
⁽⁴⁾ OJ No L 90, 5. 4. 1990, p. 5.

ANNEX

External identification letters and numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
BELGIUM				
— B 42	Branko	OPBP	Blankenberge	184
— Z 31	Doe stille voort	OPBE	Zeebrugge	132

COMMISSION REGULATION (EEC) No 873/90

of 5 April 1990

amending Regulation (EEC) No 228/90 introducing a countervailing charge on fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 228/90⁽³⁾, as last amended by Regulation (EEC) No 782/90⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey;

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 fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 228/90, 'ECU 31,83' is hereby replaced by 'ECU 27,63'.

Article 2

This Regulation shall enter into force on 6 April 1990.

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

Done at Brussels, 5 April 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 22, 27. 1. 1990, p. 72.⁽⁴⁾ OJ No L 83, 30. 3. 1990, p. 99.

COMMISSION REGULATION (EEC) No 874/90

of 5 April 1990

abolishing the corrective amount on the import of artichokes into the
Community of Ten from Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

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

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

Whereas Commission Regulation (EEC) No 712/90 ⁽³⁾, as amended by Regulation (EEC) No 833/90 ⁽⁴⁾, introduces a corrective amount on imports of artichokes into the Community of Ten from Spain (except the Canary Islands);

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 712/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 6 April 1990.

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

Done at Brussels, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.
⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 78, 24. 3. 1990, p. 18.
⁽⁴⁾ OJ No L 86, 31. 3. 1990, p. 48.

COMMISSION REGULATION (EEC) No 875/90

of 5 April 1990

fixing the export refunds 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 the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 April 1990.

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

Done at Brussels, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 5 April 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	10,00
1001 90 91 000	—	—
1001 90 99 000	04	62,00
	05	62,00
	02	10,00
1002 00 00 000	03	60,00
	05	60,00
	02	10,00
1003 00 10 000	06	68,00
	02	0
1003 00 90 000	04	61,00
	02	10,00
1004 00 10 000	07	50,00
	02	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	74,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	95,00
1101 00 00 120	01	95,00
1101 00 00 130	01	88,00
1101 00 00 150	01	85,00
1101 00 00 170	01	83,00
1101 00 00 180	01	79,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	95,00
1102 10 00 200	01	95,00
1102 10 00 300	01	95,00
1102 10 00 500	01	95,00
1102 10 00 900	—	—
1103 11 10 100	01	214,00
1103 11 10 200	01	202,00
1103 11 10 500	01	181,00
1103 11 10 900	01	170,00
1103 11 90 100	01	95,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 Hungary, Poland and the USSR,
- 07 Sweden.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 876/90
of 5 April 1990
fixing the amount of the subsidy on oil seeds

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 831/90⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 588/90⁽⁷⁾, as last amended by Regulation (EEC) No 806/90⁽⁸⁾;

Whereas, in the absence of the target price for the 1990/91 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza, rape and sunflower seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices and where appropriate, the effects of the applica-

tion of the system of maximum guaranteed quantities of the 1990/91 marketing year are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 588/90 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.

4. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for colza, rape and sunflower seed will be confirmed or replaced as from 6 April 1990 to take into account the target price, and where appropriate, the effects for the 1990/91 marketing year of the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 6 April 1990.

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

Done at Brussels, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 86, 31. 3. 1990, p. 24.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 59, 8. 3. 1990, p. 39.

⁽⁸⁾ OJ No L 85, 31. 3. 1990, p. 44.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 4	1st period 5	2nd period 6	3rd period 7 ⁽¹⁾	4th period 8 ⁽¹⁾	5th period 9 ⁽¹⁾
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,770	1,770	1,770
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	26,434	26,468	23,505	21,596	21,583	21,583
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	62,67	62,76	55,82	51,35	51,32	51,51
— Netherlands (Fl)	69,73	69,82	62,00	56,97	56,93	57,15
— BLEU (Bfrs/Lfrs)	1 276,42	1 278,06	1 134,99	1 042,81	1 042,18	1 042,18
— France (FF)	201,49	201,72	178,45	163,73	163,62	163,62
— Denmark (Dkr)	236,06	236,36	209,90	192,85	192,74	192,74
— Ireland (£ Irl)	22,426	22,451	19,862	18,222	18,211	18,201
— United Kingdom (£)	16,705	16,699	14,145	12,938	12,927	12,810
— Italy (Lit)	44 268	44 315	39 125	37 234	37 212	37 105
— Greece (Dr)	4 653,10	4 638,79	3 938,59	4 190,28	4 187,29	4 090,62
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	270,63	270,63	270,63
— in another Member State (Pta)	3 747,93	3 753,73	3 309,21	3 102,81	3 100,86	3 077,47
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	5 468,85	5 474,16	4 845,38	4 644,12	4 641,40	4 580,14

⁽¹⁾ Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)
1. Gross aids (ECU):						
— Spain	3,670	3,670	3,670	4,270	4,270	4,270
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	28,934	28,968	26,005	24,096	24,083	24,083
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	68,58	68,66	61,72	57,25	57,22	57,42
— Netherlands (Fl)	76,32	76,41	68,60	63,56	63,53	63,75
— BLEU (Bfrs/Lfrs)	1 397,13	1 398,78	1 255,70	1 163,52	1 162,89	1 162,89
— France (FF)	220,73	220,96	197,70	182,97	182,87	182,87
— Denmark (Dkr)	258,38	258,69	232,23	215,18	215,06	215,06
— Ireland (£ Irl)	24,567	24,593	22,004	20,364	20,353	20,343
— United Kingdom (£)	18,466	18,460	15,906	14,713	14,701	14,584
— Italy (Lit)	48 518	48 565	43 375	41 574	41 552	41 445
— Greece (Dr)	5 133,04	5 118,72	4 418,53	4 714,06	4 711,07	4 614,40
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	652,87	652,87	652,87
— in another Member State (Pta)	4 130,17	4 135,97	3 691,45	3 485,05	3 483,10	3 459,71
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	499,40	499,40	499,40	512,33	512,33	512,33
— in another Member State (Esc)	5 968,26	5 973,56	5 344,79	5 156,45	5 153,73	5 092,47

(1) Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8 ⁽¹⁾
1. Gross aids (ECU):					
— Spain	6,890	6,890	6,890	6,890	8,620
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	35,830	35,808	35,564	32,613	27,453
2. Final aids:					
(a) Seed harvested and processed in ⁽²⁾ :					
— Federal Republic of Germany (DM)	84,87	84,82	84,25	77,38	65,26
— Netherlands (Fl)	94,51	94,46	93,81	86,03	72,42
— BLEU (Bfrs/Lfrs)	1 730,12	1 729,06	1 717,28	1 574,78	1 325,62
— France (FF)	273,73	273,51	271,60	248,43	208,22
— Denmark (Dkr)	319,96	319,77	317,59	291,24	245,16
— Ireland (£ Irl)	30,466	30,442	30,229	27,650	23,175
— United Kingdom (£)	23,240	23,179	22,945	20,386	16,536
— Italy (Lit)	60 212	60 158	59 731	54 562	47 342
— Greece (Dr)	6 438,57	6 409,47	6 326,62	5 621,65	5 339,17
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 053,45	1 317,96
— in another Member State (Pta)	4 487,61	4 485,14	4 448,53	3 998,62	3 481,40
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	7 957,22	7 950,46	7 885,13	7 237,27	6 420,59
— in another Member State (Esc)	7 783,30	7 776,69	7 712,78	7 079,09	6 280,26
3. Compensatory aids:					
— in Spain (Pta)	4 458,12	4 455,65	4 419,04	3 969,13	3 451,09
4. Special aid:					
— in Portugal (Esc)	7 783,30	7 776,69	7 712,78	7 079,09	6 280,26

(¹) Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

(²) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0223450.

ANNEX IV

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

(value of ECU 1)

	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9
DM	2,044640	2,040520	2,036330	2,032740	2,032740	2,022360
Fl	2,302360	2,298580	2,294430	2,290810	2,290810	2,279160
Bfrs/Lfrs	42,290800	42,280600	42,269900	42,247500	42,247500	42,152200
FF	6,875490	6,874710	6,873060	6,870300	6,870300	6,861230
Dkr	7,806210	7,813830	7,819790	7,822040	7,822040	7,827240
£Irl	0,764279	0,764536	0,765101	0,765478	0,765478	0,768629
£	0,736524	0,739362	0,742124	0,744586	0,744586	0,752013
Lit	1 503,47	1 505,24	1 507,19	1 509,40	1 509,40	1 516,63
Dr	196,64500	198,72300	200,74600	202,76200	202,76200	208,30600
Esc	180,68400	181,45500	182,47900	183,58300	183,58300	186,92000
Pta	130,84100	131,09100	131,47500	131,83900	131,83900	133,04700

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 March 1990

amending Decision 89/244/EEC authorizing certain Member States to provide for exceptions from certain provisions of Directive 77/93/EEC in respect of potatoes for human consumption originating in Turkey

(Only the Dutch, French and German texts are authentic)

(90/162/EEC)

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

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 89/439/EEC⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, the Federal Republic of Germany, Luxembourg and the Netherlands,

Whereas under the provisions of Directive 77/93/EEC, potato tubers originating in Turkey may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas, however, Article 14 (3) of Directive 77/93/EEC permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas by Commission Decision 89/244/EEC⁽³⁾, as last amended by Decision 89/481/EEC⁽⁴⁾, the Commission authorized such derogations under revised conditions in respect of potatoes for human consumption originating in Turkey;

Whereas that Decision stipulated that the authorization shall expire on 15 June 1989;

Whereas the circumstances justifying the authorization still obtain;

Whereas the authorization should therefore be extended for a further period;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 89/244/EEC is hereby amended as follows:

1. in Article 1 (2) (e), '1988' is replaced by '1989';
2. in Article 2, '15 June 1989' is replaced by '30 May 1990';
3. in Article 3, '1 August 1989' is replaced by '1 August 1990'.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 23 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 212, 22. 7. 1989, p. 106.

⁽³⁾ OJ No L 99, 12. 4. 1989, p. 26.

⁽⁴⁾ OJ No L 235, 12. 8. 1989, p. 32.

COMMISSION DECISION

of 26 March 1990

amending Decision 86/77/EEC approving certain food-aid operations carried out by humanitarian organizations and exempting them from monetary compensatory amounts

(Only the English text is authentic)

(90/163/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 12 thereof,Whereas Commission Regulation (EEC) No 3154/85 ⁽³⁾, as last amended by Regulation (EEC) No 1546/89 ⁽⁴⁾, lays down detailed rules for the administrative application of the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85;

Whereas exports to non-member countries carried out in the context of the food-aid operations referred to in Article 21 (2) of Regulation (EEC) No 3154/85 should be exempted from monetary compensatory amounts where such exports are carried out by humanitarian organizations and approved in accordance with Community procedure;

Whereas a number of humanitarian organizations were approved by Commission Decision 86/77/EEC ⁽⁵⁾, as last amended by Commission Decision 89/407/EEC ⁽⁶⁾; whereas other organizations may be regarded as humanitarian organizations on the basis of their approval pursuant to national legislative provisions; whereas the Annex of the aforementioned Decision should therefore be completed accordingly;

Whereas measures provided for in this Decision are in accordance with the opinion of all the relevant management committees,

HAS ADOPTED THIS DECISION:

Article 1

With effect from 1 January 1990, the following humanitarian organizations are added to the Annex of Decision 86/77/EEC:

'Kent and Sussex aid to Poland
Plumblin Ministries
Battle Baptist Church
The Cheldon Christian Trust
The Romanian Aid Fund Limited
Association of Ukrainian Women in Great Britain'.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 26 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.⁽³⁾ OJ No L 310, 21. 11. 1985, p. 9.⁽⁴⁾ OJ No L 151, 3. 6. 1989, p. 24.⁽⁵⁾ OJ No L 76, 21. 3. 1986, p. 54.⁽⁶⁾ OJ No L 189, 4. 7. 1989, p. 47.

COMMISSION DECISION

of 28 March 1990

amending Decision of 90/135/EEC relating to the plans of certain third countries concerning examination of residues of fresh meat for substances other than those having a hormonal action

(90/164/EEC)

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

Having regard to Council Directive 72/462/EEC 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, without prejudice to Commission Decision 89/15/EEC⁽⁴⁾, as last amended by Decision 90/152/EEC⁽⁵⁾ in application of Commission Decision 90/135/EEC⁽⁶⁾, Member States continue to authorize imports of fresh meat from third countries appearing in the Annex to this Decision and under the conditions laid down in that Annex;

Whereas the authorities of Madagascar have transmitted a satisfactory plan specifying the guarantees offered in respect of monitoring of residues in fresh meat for substances other than those having a hormonal action;

Whereas for these types of substances, imports of fresh meat from Madagascar should be authorized and Decision 90/135/EEC consequently amended;

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

The Annex to Decision 90/135/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 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 81, 28. 3. 1990, p. 40.

⁽⁶⁾ OJ No L 76, 22. 3. 1990, p. 24.

ANNEX

ANNEX

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

COMMISSION DECISION

of 28 March 1990

on the list of establishments in Madagascar approved for the purpose of
importing fresh meat into the Community

(90/165/EEC)

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

Having regard to Council Directive 72/462/EEC of 12
December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine
and fresh meat or meat products from third countries ⁽¹⁾,
as last amended by Directive 89/227/EEC ⁽²⁾, and in parti-
cular Articles 4 (1) and 18 (1) thereof,

Whereas establishments in third countries cannot be
authorized to export fresh meat to the Community unless
they satisfy the general and special conditions laid down
in Directive 72/462/EEC;

Whereas Commission Decision 84/576/EEC ⁽³⁾ prohibited
imports of fresh meat coming from establishments in
Madagascar; whereas however to avoid an abrupt inter-
ruption of existing trade flow, importations were main-
tained until 30 June 1985;

Whereas a further inspection carried out pursuant to
Article 5 of Directive 72/462/EEC and Article 2 (1) of
Commission Decision 86/474/EEC on the implementa-
tion of the on-the-spot inspections to be carried out in
respect of the importation of bovine animals and swine
and fresh meat from non-member countries ⁽⁴⁾ has shown
that the standard of hygiene in two establishments has
been raised and can thus be regarded as satisfactory;

Whereas these establishments can, in these circumstances,
be included in a list of establishments authorized to
export to the Community and therefore, Decision
84/576/EEC must be repealed;

Whereas import of fresh meat from the establishments
appearing in the Annex remains subject to Community
provisions laid down elsewhere, in particular concerning
animal health, examination for the presence of residues in

fresh meat, prohibition of the use in livestock farming of
certain substances having a hormonal action;

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

1. The establishments in Madagascar appearing in the
Annex are hereby approved for the import of fresh meat
into the Community pursuant to the said Annex.
2. Imports from establishments listed in the Annex
shall remain subject to the Community veterinary provi-
sions laid down elsewhere.

Article 2

Member States shall prohibit imports of fresh meat
coming from establishments not appearing in the Annex.

Article 3

Decision 84/576/EEC is hereby repealed.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 28 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 315, 5. 12. 1984, p. 25.

⁽⁴⁾ OJ No L 279, 30. 9. 1986, p. 55.

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment/address	Category (*)								SR
		SL	CP	CS	B	S/G	P	SP		
16/26	Abattoir de Morondava, Morondava, Tulea	×	×		×				(1)	
17/27	Abattoir Frigorifique de Majunga, Majunga	×	×		×				(1)	

(*) SL = Slaughterhouse B = Bovine meat SR = Special remarks
 CP = Cutting premises S/G = Sheepmeat/Goatmeat
 CS = Cold store P = Pigeat
 SP = Meat from solipeds

(1) Offal excluded.

COMMISSION DECISION

of 2 April 1990

accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania

(90/166/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,

After consultations within the Advisory Committee as provided for under Regulation (EEC) No 2423/88,

Whereas :

- (1) By Regulation (EEC) No 3074/89⁽²⁾ the Commission imposed provisional anti-dumping duties on imports of welded tubes, of iron or non-alloy steel, originating in Yugoslavia and Romania.
- (2) By Regulation (EEC) No 342/90⁽³⁾ the Council extended the provisional anti-dumping duty for a period not exceeding two months.
- (3) Metalexportimport, the sole Romanian exporter and Zeljezara Sisak, a Yugoslav producer/exporter, were found to have dumped welded tubes of iron or non-alloy steel in the Community during the reference period (July 1987 to June 1988) and to have thereby caused injury to Community producers. To that extent the Commission refers to Council Regulation (EEC) No 868/90⁽⁴⁾.
- (4) Metalexportimport and Zeljezara Sisak have, after the imposition of the provisional anti-dumping duty, offered price undertakings in accordance with Article 10 of Regulation (EEC) No 2423/88.

- (5) The effect of these undertakings will be to increase the export price of the products concerned to the Community to an extent sufficient to eliminate the injury caused to the Community industry. The Commission therefore considers the undertakings offered acceptable.
- (6) The Advisory Committee has been consulted in this course of action and has raised no objection.
- (7) The Council has decided in Article 2 of Regulation (EEC) No 868/90 on the collection of the amounts secured by way of provisional duty,

HAS DECIDED AS FOLLOWS :

Sole Article

The undertakings offered by

- Metalexportimport, Bucarest, Romania and
- Zeljezara Sisak, Sisak, Yugoslavia

in connection with the anti-dumping proceeding concerning certain welded tubes, of iron or non-alloy steel, falling within CN codes 7306 30 51, 7306 30 59, ex 7306 30 71 (Taric code 7306 30 71*90), ex 7306 30 79 (Taric code 7306 30 79*90), originating in Yugoslavia and Romania, are hereby accepted.

Done at Brussels, 2 April 1990.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 294, 13. 10. 1989, p. 10.

⁽³⁾ OJ No L 38, 10. 2. 1990, p. 9.

⁽⁴⁾ See page 8 of this Official Journal.