

Official Journal

of the European Communities

ISSN 0378-6978

L 101

Volume 33

21 April 1990

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 993/90**of 20 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 19 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 21 April 1990.

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

Done at Brussels, 20 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 20 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	131,94 ⁽²⁾ ⁽³⁾
0712 90 19	38,43	131,94 ⁽²⁾ ⁽³⁾
1001 10 10	47,93	185,74 ⁽¹⁾ ⁽²⁾
1001 10 90	47,93	185,74 ⁽¹⁾ ⁽²⁾
1001 90 91	39,41	137,47
1001 90 99	39,41	137,47
1002 00 00	64,09	134,69 ⁽⁴⁾
1003 00 10	55,34	130,25
1003 00 90	55,34	130,25
1004 00 10	46,74	126,09
1004 00 90	46,74	126,09
1005 10 90	38,43	131,94 ⁽²⁾ ⁽³⁾
1005 90 00	38,43	131,94 ⁽²⁾ ⁽³⁾
1007 00 90	55,34	138,97 ⁽⁴⁾
1008 10 00	55,34	33,74
1008 20 00	55,34	105,39 ⁽⁴⁾
1008 30 00	55,34	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	55,34	0,00
1101 00 00	69,49	206,78
1102 10 00	104,04	202,88
1103 11 10	89,07	302,68
1103 11 90	73,63	222,66

⁽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 994/90

of 20 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 19 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 21 April 1990.

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

Done at Brussels, 20 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 20 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	2,16	2,16	9,99
1001 90 99	0	2,16	2,16	9,99
1002 00 00	0	0	0	0
1003 00 10	0	1,43	1,43	1,43
1003 00 90	0	1,43	1,43	1,43
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	0,50	0,50	0,50
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	3,02	3,02	13,98

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	3,84	3,84	17,78	17,78
1107 10 19	0	2,87	2,87	13,29	13,29
1107 10 91	0	2,55	2,55	2,55	2,55
1107 10 99	0	1,90	1,90	1,90	1,90
1107 20 00	0	2,22	2,22	2,22	2,22

COMMISSION REGULATION (EEC) No 995/90
of 20 April 1990
fixing the import levies on rice and broken rice

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 791/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 926/90 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 791/90 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 April 1990.

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

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 85, 31. 3. 1990, p. 6.

⁽⁶⁾ OJ No L 96, 12. 4. 1990, p. 5.

ANNEX

to the Commission Regulation of 20 April 1990 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (¹) (²) (³)	Third countries (except ACP or OCT) (³)
1006 10 21	—	—	153,81	314,82
1006 10 23	—	229,13	149,15	305,51
1006 10 25	—	229,13	149,15	305,51
1006 10 27	—	229,13	149,15	305,51
1006 10 92	—	—	153,81	314,82
1006 10 94	—	229,13	149,15	305,51
1006 10 96	—	229,13	149,15	305,51
1006 10 98	—	229,13	149,15	305,51
1006 20 11	—	—	193,16	393,53
1006 20 13	—	286,42	187,34	381,89
1006 20 15	—	286,42	187,34	381,89
1006 20 17	—	286,42	187,34	381,89
1006 20 92	—	—	193,16	393,53
1006 20 94	—	286,42	187,34	381,89
1006 20 96	—	286,42	187,34	381,89
1006 20 98	—	286,42	187,34	381,89
1006 30 21	13,05	—	248,04	519,93
1006 30 23	12,97	446,26	285,62	595,01
1006 30 25	12,97	446,26	285,62	595,01
1006 30 27	12,97	446,26	285,62	595,01
1006 30 42	13,05	—	248,04	519,93
1006 30 44	12,97	446,26	285,62	595,01
1006 30 46	12,97	446,26	285,62	595,01
1006 30 48	12,97	446,26	285,62	595,01
1006 30 61	13,90	—	264,51	553,73
1006 30 63	13,90	478,39	306,57	637,85
1006 30 65	13,90	478,39	306,57	637,85
1006 30 67	13,90	478,39	306,57	637,85
1006 30 92	13,90	—	264,51	553,73
1006 30 94	13,90	478,39	306,57	637,85
1006 30 96	13,90	478,39	306,57	637,85
1006 30 98	13,90	478,39	306,57	637,85
1006 40 00	4,91	—	80,72	167,44

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 996/90

of 20 April 1990

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1806/89⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89⁽³⁾, as last amended by Regulation (EEC) No 927/90⁽⁴⁾;

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 shown in the Annex hereto,

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 April 1990.

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

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 255, 1. 9. 1989, p. 11.

⁽⁴⁾ OJ No L 96, 12. 4. 1990, p. 7.

ANNEX

to the Commission Regulation of 20 April 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 4	1st period 5	2nd period 6	3rd period 7
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 997/90

of 20 April 1990

reimposing the levying of customs duties applicable to third countries on certain
products originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Cooperation Agreement between the
European Economic Community and the Socialist Federal
Republic of Yugoslavia ⁽¹⁾, and in particular Protocol No 1
thereto,

Having regard to Article 1 of Council Regulation (EEC)
No 3606/89 of 20 November 1989 establishing ceilings
and Community supervision for imports of certain
products originating in Yugoslavia ⁽²⁾,

Whereas the abovementioned Protocol No 1 and Article
15 of the Cooperation Agreement provide that the
products listed in the Annex are imported exempt of
customs duty into the Community, subject to the ceiling
shown, above which the customs duties applicable to
Third Countries may be re-established;

Whereas imports into the Community of those products,
originating in Yugoslavia, have reached that ceiling;

whereas the situation on the Community market requires
that customs duties applicable to third countries on the
products in question be reimposed,

HAS ADOPTED THIS REGULATION:

Article 1

From 24 April to 31 December 1990, the levying of
customs duties applicable to third countries shall be reim-
posed on imports into the Community of the products
listed in the Annex, originating in Yugoslavia.

Article 2

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, 20 April 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

Order No	CN code	Description of goods	Ceiling (tonnes)
01.0240	ex 8544	Insulated (including enamelled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors excluding products of CN codes 8544 30 10 and 8544 70 00	2 641

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 352, 4. 12. 1989, p. 1.

COMMISSION REGULATION (EEC) No 998/90
of 20 April 1990

fixing the export refunds on beef and veal and amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 18 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87⁽⁶⁾, Regulation (EEC) No 1964/82⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84⁽⁸⁾, as last amended by Regulation (EEC) No 3988/87⁽⁹⁾, lay down the conditions for granting special export refunds for certain cuts of beef and veal and certain preserved beef and veal products;

Whereas Regulations (EEC) Nos 2908/85⁽¹⁰⁾ and 142/86⁽¹¹⁾, Regulation (EEC) No 1055/87⁽¹²⁾, as last amended by Regulation (EEC) No 3988/87 and Regulation (EEC)

No 3815/87⁽¹³⁾, as last amended by Regulation (EEC) No 1199/89⁽¹⁴⁾, lay down the conditions applying to the export of certain beef and veal held by certain intervention agencies and intended for export; whereas refunds granted under those Regulations should be discontinued since all the formalities related to those exports have been completed;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas given the current market situation in the Community and the possibilities of disposal in certain third countries, in particular export refunds on adult male bovine animals of a live weight of at least 300 kilograms and other bovines of a live weight of at least 250 kilograms; whereas experience gained in recent years has shown that it is advisable to treat live pure-bred breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on certain fresh or chilled meat listed in Annex I under CN code 0201, on certain frozen meat listed in Annex I under CN code 0202, on certain meat or offal listed in Annex I under CN code 0206 and on certain other prepared or preserved meat or offal listed in Annex I under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by the CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, the refund should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas refunds should also be granted on fresh or frozen boned or boneless pieces, even where each piece is not individually wrapped, and on minced meat, and the wording of the tariff subheadings for fresh boned or boneless pieces specified;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas to allow this trade to continue, the refund should be set to cover the difference between

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽¹⁰⁾ OJ No L 279, 19. 10. 1985, p. 18.

⁽¹¹⁾ OJ No L 19, 25. 1. 1986, p. 8.

⁽¹²⁾ OJ No L 103, 15. 4. 1987, p. 10.

⁽¹³⁾ OJ No L 357, 19. 12. 1987, p. 24.

⁽¹⁴⁾ OJ No L 123, 4. 5. 1989, p. 16.

prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and smoked dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in Annex I under CN code 1602 50 90 Community participation in international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade is not significant;

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⁽¹⁾, as last amended by Regulation (EEC) No 1636/87⁽²⁾,
- 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 Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EEC) No 88/90⁽⁴⁾ establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds for all boned cuts packed individually should be harmonized; whereas therefore the refund on frozen boned cuts should be the same as that on fresh boned cuts except in the case of certain boned beef held by the intervention agencies that is to be expected under Commission Regulations (EEC) No 243/90⁽⁵⁾ and (EEC) No 676/90⁽⁶⁾;

Whereas in certain cases experience has shown that it is often difficult to determine quantities of other meat, as

compared with that from the bovine species alone contained in prepared or preserved meat covered by CN code 1602 50; whereas products of the bovine species alone should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas control over products other than mixtures of meat or offal should be reinforced by marking the granting of refunds on certain of these products conditional on manufacturer under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾;

Whereas moreover, as Community participation in world trade in products covered by CN code 1602 90 has been very slight since the introduction of the Combined Nomenclature, the refund on these products should for simplification be withdrawn; whereas Regulation (EEC) No 3846/87 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in Annex I hereto.

The description of goods and footnotes for CN codes 0202 30 and 1602 in Section 6 of the Annex to Regulation (EEC) No 3846/87 setting out the agricultural product nomenclature for export refunds is replaced by Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 23 April 1990.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 21, 13. 1. 1990, p. 23.

⁽⁵⁾ OJ No L 27, 31. 1. 1990, p. 8.

⁽⁶⁾ OJ No L 75, 21. 3. 1990, p. 8.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

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

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

(ECU/100 kg)		
Product code	Destination (*)	Amount of refund (°)
— Live weight —		
0102 10 00 190	01	96,00
0102 10 00 390	01	96,00
0102 90 31 900	02	68,50
	03	55,50
	04	25,50
0102 90 33 900	02	68,50
	03	55,50
	04	25,50
0102 90 35 900	02	86,50
	03	73,00
	04	34,50
0102 90 37 900	02	86,50
	03	73,00
	04	34,50
— Net weight —		
0201 10 10 100	02	73,50
	03	65,00
	04	32,50
0201 10 10 900	02	101,50
	03	88,00
	04	44,00
0201 10 90 110 (*)	02	106,00
	03	85,00
	04	42,50
0201 10 90 190	02	73,50
	03	65,00
	04	32,50
0201 10 90 910 (*)	02	146,50
	03	115,00
	04	57,50
0201 10 90 990	02	101,50
	03	88,00
	04	44,00
0201 20 21 000	02	101,50
	03	88,00
	04	44,00

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (°)
		— Net weight —
0201 20 29 100 (°)	02	146,50
	03	115,00
	04	57,50
0201 20 29 900	02	101,50
	03	88,00
	04	44,00
0201 20 31 000	02	73,50
	03	65,00
	04	32,50
0201 20 39 100 (°)	02	106,00
	03	85,00
	04	42,50
0201 20 39 900	02	73,50
	03	65,00
	04	32,50
0201 20 51 100	02	129,00
	03	110,50
	04	56,00
0201 20 51 900	02	73,50
	03	65,00
	04	32,50
0201 20 59 110 (°)	02	186,50
	03	146,00
	04	73,00
0201 20 59 190	02	129,00
	03	110,50
	04	56,00
0201 20 59 910 (°)	02	106,00
	03	85,00
	04	42,50
0201 20 59 990	02	73,50
	03	65,00
	04	32,50
0201 20 90 700	02	73,50
	03	65,00
	04	32,50
0201 30 00 050 (°)	05	112,00
0201 30 00 100 (°)	02	266,50
	03	208,50
	04	104,50
	06	266,50
0201 30 00 150	02	144,50
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0201 30 00 190 (°)	02	102,50
	03	84,00
	04	42,00
	06	102,50
	07	90,00

(ECU/100 kg)		
Product code	Destination (7)	Amount of refund (8)
		— Net weight —
0202 10 00 100	02	73,50
	03	65,00
	04	32,50
0202 10 00 900	02	101,50
	03	88,00
	04	44,00
0202 20 10 000	02	101,50
	03	88,00
	04	44,00
0202 20 30 000	02	73,50
	03	65,00
	04	32,50
0202 20 50 100	02	129,00
	03	110,50
	04	56,00
0202 20 50 900	02	73,50
	03	65,00
	04	32,50
0202 20 90 100	02	73,50
	03	65,00
	04	32,50
0202 30 90 100 (*)	05	112,00
0202 30 90 400	02	144,50 ⁽¹⁰⁾
	03	125,00 ⁽¹⁰⁾
	04	62,50 ⁽¹⁰⁾
	06	144,50 ⁽¹⁰⁾
	07	90,00 ⁽¹⁰⁾
0202 30 90 500 (*)	02	102,50
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
0206 10 95 000	02	102,50
	03	84,00
	04	42,00
	06	102,50
0206 29 91 000	02	102,50
	03	84,00
	04	42,00
	06	102,50
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	102,50
0210 20 90 500 (*)	02	102,50
1602 50 10 120	02	108,00 ⁽⁹⁾
	03	108,00 ⁽⁹⁾
	04	108,00 ⁽⁹⁾
1602 50 10 140	02	96,00 ⁽⁹⁾
	03	96,00 ⁽⁹⁾
	04	96,00 ⁽⁹⁾

(ECU/100 kg)

Product code	Destination (7)	Amount of refund (9)
		— Net weight —
1602 50 10 160	02	77,00 (9)
	03	77,00 (9)
	04	77,00 (9)
1602 50 10 180	02	51,00
	03	51,00
	04	51,00
1602 50 10 240	02	36,00
	03	36,00
	04	36,00
1602 50 10 260	02	26,00
	03	26,00
	04	26,00
1602 50 10 280	02	16,00
	03	16,00
	04	16,00
1602 50 90 120	01	116,00 (9)
1602 50 90 170	01	73,00 (9)
1602 50 90 320	01	103,00 (9)
1602 50 90 370	01	65,00 (9)
1602 50 90 520	01	77,00 (9)
1602 50 90 570	01	48,50 (9)
1602 50 90 610	01	36,00
1602 50 90 620	01	16,00
1602 50 90 700	01	36,00
1602 50 90 800	01	26,00
1602 50 90 900	01	16,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Lebanon, Cyprus, Botswana, Kenya, Madagascar, Swaziland and Zimbabwe.

03 European third countries, the Canary Islands, Ceuta, Melilla, Lebanon, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), except Austria, Sweden and Switzerland.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and South African third countries, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe.

09 Switzerland.

(⁶) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(⁷) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(¹⁰) Excluding boneless pieces exported under Regulation (EEC) No 243/90 and (EEC) No 676/90.

NB: The countries are as defined in Commission Regulation (EEC) No 420/90 (OJ No L 44, 20. 2. 1990, p. 15). The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

CN code	Description of goods	Product code
0202 30	— Boneless :	
0202 30 90	— — Other :	
	— Boned cuts exported to the United States of America under the conditions laid down in Regulation (EEC) No 2973/79 (*)	0202 30 90 100
	— Boned cuts, excluding boned cuts exported under Regulations (EEC) Nos 243/90 (?) and 676/90 (?), each piece individually wrapped	0202 30 90 400
	— Other, including minced meat, with a lean meat content (excluding fat) of 78 % or more (?)	0202 30 90 500
	— Other	0202 30 90 900
1602	Other prepared or preserved meat, meat offal or blood :	
1602 50	— Of bovine animals :	
1602 50 10	— — Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :	
	— — — Uncooked ; not containing meat other than that of animals of the bovine species :	
	— — — — Containing by weight the following percentages of bovine meats (excluding offal and fats)	
	— — — — — 90 % or more	1602 50 10 120
	— — — — — 80 % or more, but less than 90 %	1602 50 10 140
	— — — — — 60 % or more, but less than 80 %	1602 50 10 160
	— — — — — 40 % or more, but less than 60 %	1602 50 10 180
	— — — — — less than 40 %	1602 50 10 200
	— — — — Other :	
	— — — — — Containing by weight 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin :	1602 50 10 240
	— — — — — Containing by weight 40 % or more but less than 80 % of meat or meat offal, of any kind, including fats of any kind or origin :	1602 50 10 260
	— — — — — Containing by weight less than 40 % of meat or meat offal, of any kind, including fats of any kind or origin :	1602 50 10 280
1602 50 90	— — Other :	
	— — — Not containing meat other than that of animals of the bovine species :	
	— — — — Containing by weight the following percentages of bovine meats (excluding offal and fat)	
	— — — — — 90 % or more :	
	— — — — — — Products complying with the conditions laid down in Commission Regulation (EEC) No 2388/84 (?)	1602 50 90 120
	— — — — — — Other :	1602 50 90 170
	— — — — — 80 % or more, but less than 90 % :	
	— — — — — — Products complying with the conditions laid down in Regulation (EEC) No 2388/84 (?)	1602 50 90 320
	— — — — — — Other	1602 50 90 370
	— — — — — 60 % or more, but less than 80 % :	
	— — — — — — Products complying with the conditions laid down in Regulation (EEC) No 2388/84 (?)	1602 50 90 520
	— — — — — — Other	1602 50 90 570
	— — — — — 40 % or more, but less than 60 %	1602 50 90 610
	— — — — — 20 % or more, but less than 40 %	1602 50 90 620
	— — — — — Less than 20 %	1602 50 90 630
	— — — — Other	
	— — — — — Containing by weight 80 % or more of meat or meat offal, of any kind, including fats of any kind or origin :	1602 50 90 700
	— — — — — Containing by weight 40 % or more but less than 80 % of meat or meat offal, of any kind, including fats of any kind or origin :	1602 50 90 800
	— — — — — Containing by weight less than 40 % of meat or meat offal, of any kind, including fats of any kind or origin :	1602 50 90 900

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- (¹) Entry within this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82 (OJ No L 4, 8. 1. 1982, p. 11).
- (²) Entry within this subheading is subject to compliance with the conditions laid down in Commission Regulation (EEC) No 1964/82 (OJ No L 212, 21. 7. 1982, p. 48).
- (³) The refund on beef in brine is granted on the net weight of the meat after deduction of the weight of the brine.
- (⁴) OJ No L 336, 29. 12. 1979, p. 44.
- (⁵) OJ No L 221, 18. 8. 1984, p. 28.
- (⁶) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ NO L 210, 1. 8. 1986, p. 39).
- (⁷) OJ NO L 27, 31. 1. 1990, p. 8.
- (⁸) OJ No L 75, 21. 3. 1990, p. 8.
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NB: Article 7 of Council Regulation (EEC) No 885/68 (OJ No L 156, 4. 7. 1968, p. 2) provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

COMMISSION REGULATION (EEC) No 999/90

of 20 April 1990

laying down detailed implementing rules for imports of rice originating in the African, Caribbean and Pacific States (ACP), and the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on 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 and territories (OCT)⁽¹⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾, and in particular Article 12 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Regulation (EEC) No 715/90 provides that the levy calculated in accordance with Article 11 of Council Regulation (EEC) No 1418/76⁽⁴⁾, as last amended by Regulation (EEC) No 1806/89⁽⁵⁾, shall be reduced by an amount of 50 % of the said levy and by a flat-rate component, which differs according to the extent to which the rice has been milled, provided that an equivalent charge has been collected on export from the non-member country concerned;

Whereas this export charge cannot be collected in a precise manner unless the levy that will be applied on import into the Community is known; whereas, for this purpose, the import levy must be fixed in advance, thereby enabling the trade to know the amount that will be deducted from the levy and, consequently, the amount that must be collected on export;

Whereas it is necessary to ascertain that the exporting country has actually collected the export charge of an amount equivalent to the reduction on the levy applied;

Whereas suitable administrative measures should be laid down in order to ensure that the volume of the quota fixed is not exceeded;

Whereas, in order to enable the Commission, should the need arise, to implement Article 13 of Regulation (EEC) No 715/90, it should be laid down that the Member States should notify the Commission daily of the quantities in respect of which applications for import licences in

respect of rice originating in the ACP States and the overseas countries and territories (OCT) have been made;

Whereas for the year 1990, the quantities to be imported should be established pro rata with the quantities fixed respectively under the old and new regime by application of Article 13 of Regulation (EEC) No 715/90.

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

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the levies referred to in Article 12 (1) of Regulation (EEC) No 715/90 shall be calculated each week by the Commission on the basis of the levies fixed according to the criteria set out Article 11 of Regulation (EEC) No 1418/76.

Article 2

1. Article 12 (1) of Regulation (EEC) No 715/90 shall apply only to imports of rice in respect of which an export charge equivalent to the difference between the levy applicable to imports of rice from non-member countries and the amounts referred to in Article 1 has been collected by the country of exportation.

2. One of the following indications shall be placed in the 'Remarks' box of the EUR 1 movement certificate by the customs authorities of the country of exportation as proof that the amount has been collected:

- | | |
|--|---------------------------------|
| — Tasa especial percibida a la exportación del arroz | } (amount in national currency) |
| — Særafgift der opkræves ved eksport af ris | |
| — Bei der Ausfuhr von Reis erhobene Sonderabgabe | |
| — Ειδικός φόρος που εισπράττεται κατά την εξαγωγή ορυζής | |
| — Special charge collected on export of rice | |
| — Taxe spéciale perçue à l'exportation du riz | |
| — Tasa speciale ricossa all'esportazione del riso | |
| — Bij uitvoer van de rijst opgelegde bijzondere heffing | |

(signature and stamp of office).

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 177, 24. 6. 1989, p. 1.

3. Where the charge collected by the country of exportation is less than the reduction referred to in Article 12 (1) of Regulation (EEC) No 715/90, the reduction shall not exceed the amount collected.

4. Where the amount of the export charge collected is expressed in a currency other than that of the Member State of importation, the exchange rate to be used to determine the amount of the charge actually collected shall be the rate recorded on the most representative foreign exchange market or markets in that Member State on the day of the advance fixing of the levy.

Article 3

1. In addition to the other conditions laid down by Community rules, in order to qualify for the reduced levy referred to in Article 12 of Regulation (EEC) No 715/90, the application for a licence and the import licence itself shall include:

(a) under the heading 'Notes' and in section 24, respectively one of the following indications:

- Exacción reguladora reducida ACP/PTU
- Reduceret afgift AVS/OLT
- Verringerte Abschöpfung AKP/ÜLG
- Μειωμένη εισφορά ΑΚΕ/ΥΧΕ
- Reduced levy ACP/OCT
- Prélèvement réduit ACP/PTOM
- Prelievo ridotto ACP/PTOM
- Verminderde heffing ACS-Staten/LGO,

(b) In box 8, the name of the State, country or territory in which the product originates.

2. The licence shall require importation to be made from the country of origin stated. In addition, the import levy must be fixed in advance.

3. The import licence referred to in paragraph 1 shall be issued on the fifth working day following the date on which the application was submitted, provided that no measure suspending the advance fixing of the levy has been taken during that period and that the quantity qualifying for the reduced levy has not already been reached.

4. On the day when the quantities applied for exceed the quantities for which a reduced levy is granted, the

Commission shall fix a single percentage reduction in respect of the quantities applied for.

Article 4

The Member States shall communicate to the Commission each day by telex the following information:

- (a) the quantities of each type of rice that have been the subject of an application for a licence for importation from ACP States and the overseas countries and territories (OCT), stating in each case the country of exportation;
- (b) the quantities of each type of rice in respect of which an import licence has actually been issued, stating in each case the date and the country of exportation;
- (c) the quantities of each type of rice for which a licence was issued but not used;
- (d) the quantities of each type of rice for which the import licences issued have been cancelled within the meaning of Article 36 of Commission Regulation (EEC) No 3719/88⁽¹⁾.

This information must be communicated separately from the information relating to other applications for import licences for rice.

Article 5

1. The quantities that may be imported into the Community from ACP States and the overseas countries and territories (OCT) from 1 January to 31 December 1990 shall be 124 500 tonnes of husked rice falling within CN code 1006 20 and 19 500 tonnes of broken rice falling within CN code 1006 40 00.

2. Quantities of rice imported in a form other than husked shall be entered into the accounts as husked rice on the basis of the conversion rates referred to in Article 1 Regulation No 467/67/EEC⁽²⁾.

Article 6

Commission Regulation (EEC) No 551/85⁽³⁾ is repealed.

Article 7

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 March 1990.

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

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No 204, 24. 8. 1967, p. 1.

⁽³⁾ OJ No L 63, 2. 3. 1985, p. 10.

COMMISSION REGULATION (EEC) No 1000/90

of 20 April 1990

continuing promotional and publicity measures in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a coresponsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1113/89⁽²⁾, and in particular Article 4 thereof,

Whereas the promotional and publicity measures first carried out pursuant to Commission Regulation (EEC) No 723/78⁽³⁾, as amended by Regulation (EEC) No 1223/78⁽⁴⁾ and last continued by Commission Regulation (EEC) No 381/89⁽⁵⁾, as last amended by Regulation (EEC) No 3748/89⁽⁶⁾, have proved an effective means of expanding the markets in milk products in the Community; whereas they should therefore be continued and completed during the 1990/91 milk year;

Whereas the organizations representing the dairy sector in one or more Member States or in the Community should be invited again to propose detailed programmes which these organizations would themselves carry out;

Whereas the organizations who will be responsible for the measures must satisfy certain requirements; whereas, in particular, care must be taken to ensure the Community milk products are promoted; whereas the guidelines to be followed in this context were laid down in Commission communication 86/C 272/03 concerning State involvement in the promotion of agricultural and fisheries products⁽⁷⁾; whereas the activities of such operators must not be liable to clash with the aim pursued in promoting the disposal of milk products for direct consumption; whereas it is therefore essential that operators whose activities also cover the production, distribution or sales promotion of products which imitate milk and milk products should be barred;

Whereas an integrated market survey should be carried out again to ascertain the effectiveness of the measures implemented and a promotion strategy should be worked out;

Whereas the other rules can, for the most part, be drawn from the earlier Regulations, account being taken of relevant experience;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Publicity and promotional measures advocating human consumption of milk and milk products in the Community shall be encouraged under the conditions laid down in this Regulation.

2. As measures within the meaning of paragraph 1 may qualify in particular the following:

- seminars, courses and conferences designed to provide personnel engaged in marketing milk and milk products with information and training or to aid such persons in spreading awareness about the consumption of these products,
- the implementation of an integrated market survey to ascertain the effectiveness of the measures carried out,
- the elaboration of a strategy for the long-term planning of publicity measures,
- the creation of a Community symbol to identify the genuine milk and milk products,
- the continuation of a pan-Europe information programme at Community level.

For the purpose of the abovementioned measures, the Commission may invite tenders. Tenderers must in particular furnish evidence that they have already successfully implemented publicity and promotional measures at international level.

3. These measures shall be carried out within a year of the signature of the contract referred to in Article 5 (3) and in any case before 1 October 1991. However, a longer time limit may be agreed in exceptional cases in accordance with Article 5 (2) to ensure maximum effectiveness of the measure in question.

4. The time limit fixed in paragraph 3 shall not prevent subsequent agreement to an extension of that limit where the party to a contract, before the fixed expiry date, makes the appropriate application to the competent

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 5.

⁽³⁾ OJ No L 98, 11. 4. 1978, p. 5.

⁽⁴⁾ OJ No L 152, 8. 6. 1978, p. 11.

⁽⁵⁾ OJ No L 44, 16. 2. 1989, p. 24.

⁽⁶⁾ OJ No L 364, 14. 12. 1989, p. 57.

⁽⁷⁾ OJ No C 272, 28. 10. 1986, p. 3.

authority and proves that, due to exceptional circumstances beyond his control, he is unable to meet the deadline originally stipulated. However, this extension may not exceed six months.

5. Subject to a contract as referred to in Article 5 (3) being concluded, measures carried out from 1 February 1990 shall be eligible for the Community contribution and in the case of concentrated butter this date shall be 1 January 1990.

Article 2

1. The publicity and promotional measures referred to in Article 1 (1) and (2):

- (a) shall be proposed by organizations representing the dairy sector in one or more Member States or in the Community;
- (b) shall be limited to the territory of the Member State or States whose dairy sector is represented by the organization concerned;
- (c) shall be carried out as far as possible by the organization which has made the proposal. In cases where this organization must use subcontractors, the proposal must contain a duly justified request for a derogation;
- (d) must:
 - make use of the publicity media best suited to ensure maximum effectiveness for the measure undertaken,
 - take account of the particular conditions obtaining with regard to the marketing and consumption of milk and milk products in the various regions of the Community,
 - be of a general nature and not orientated towards the brands of particular firms,
 - promote Community milk products without reference to their country or region of manufacture; however, this condition does not exclude the mention of the traditional name of a product which includes a specified locality, region or country of the Community,
 - not replace similar measures but, where appropriate, expand them.

Proposals put forward by organizations whose activities are exclusively or in part concerned with the production, distribution or sales promotion of products which imitate milk and milk products shall not be taken into consideration.

2. The measures referred to in Article 1 shall be carried out by bodies which:

- (a) have the necessary qualifications and experience;
- (b) ensure the satisfactory completion of the work.

3. The Community contribution is fixed at 90 %, with the exception of measures as referred to in the second to

fifth indents of Article 1 (2) for which the contribution is increased to 100 %.

4. For the purposes of paragraph 3, no account shall be taken of administrative expenses incurred in carrying out these measures; this does not apply to measures as referred to in the second to fifth indents of Article 1 (2).

5. Financing of general expenses incurred in carrying out the measures referred to in Article 1 (1) and (2) shall be limited to 2 % of the total amount approved, up to a maximum of ECU 10 000.

Article 3

1. The parties referred to in Article 2 (1) (a) shall be invited to transmit to the competent authority appointed by their Member State, hereinafter called 'the competent authority', detailed proposals concerning the measures referred to in Article 1 (1) and (2).

Should the proposed measures be carried out wholly or partly in the territory of one or more Member States other than that in which the head office of the organization concerned is situated, the organization shall send a copy of its proposal to each of the competent authorities in the countries concerned.

2. Proposals must reach the competent authority before 1 June 1990. Where this date is not complied with, the proposal shall be considered null and void.

3. Further details for submission of proposals shall be as set out in the notice from the competent authorities published in the *Official Journal of the European Communities* No C.

Article 4

1. Complete proposals shall include:

- (a) the name and address of the party concerned;
- (b) all details concerning the measures proposed together with detailed descriptions and considerations indicating the time required for completion, the expected results and any third party which may be involved;
- (c) a detailed presentation of the planned strategy for the whole programme;
- (d) the price asked for these measures, net of taxes, expressed in the currency of the Member State in the territory of which the party concerned is established, giving an itemized breakdown of this amount and showing the corresponding financing plan; items which account for more than 20 % of the total amount must be subdivided;
- (e) the desired form of payment of the Community contribution in accordance with Article 7 (1) (a), (b) or (c);
- (f) the most recent report available on the party's activities, unless this is already in the possession of the competent authority.

2. A proposal shall be valid only where :

- (a) it is submitted by a party fulfilling the conditions laid down in Article 2 (1) (a);
- (b) it is accompanied by an undertaking :
 - to comply with the provisions of this Regulation.
 - to spend on publicity measures, in addition to the measures proposed in accordance with Article 1 (1) and (2), the average amount spent annually on such measures during the period 1 January 1975 to 31 December 1977.

Article 5

1. Before 1 July 1990

- (a) the competent authority shall examine on a bilateral basis with the Commission and an expert group composed of experts on marketing, advertising and milk marketing all proposals submitted and any supporting documents to check that they are in the correct form and contain the information required. It shall ensure that the proposals comply with the provisions of Article 4 and shall ask applicants for further details if necessary;
- (b) the competent authority shall compile a list of all the proposals received and send it to the Commission together with copies of each proposal, including any supporting documents, and a reasoned opinion indicating whether or not the proposal conforms with the Regulation.

2. After consulting the relevant interested group in the milk industry, and following examination of the proposals by the Management Committee for Milk and Milk Products in accordance with Article 31 of Regulation (EEC) No 804/68⁽¹⁾, the Commission shall establish before 1 August 1990 a list of the proposals selected for financing.

3. The competent authorities shall conclude contracts for the measures selected with the parties concerned before 10 October 1990, in at least two copies and signed by the interested party and the competent authority.

The competent authorities shall for this purpose use standard contracts to be provided by the Commission.

4. Where measures at Community level are being continued, the Commission shall not draw up a list of the proposals selected for financing until the final report on the implementation of the previous measures has been submitted, and the competent authorities shall conclude contracts with the parties concerned before 1 January 1991.

5. The competent authority shall inform each applicant as soon as possible of the decision taken in respect of his proposal.

Article 6

- 1. The contract referred to in Article 5 (3) shall :
 - (a) include the details referred to in Article 4 (1) or make reference to them;
 - (b) supplement these details, where necessary, by additional provisions arising from the application of Article 5 (1);
- 2. The competent authority shall send the contract to the Commission without delay.
- 3. The competent authority shall ensure compliance with the agreed conditions in particular by means of on-the-spot checks.

Article 7

- 1. The competent authority shall pay to the party in question, in accordance with the choice indicated in the latter's proposal, either :
 - (a) within six weeks of the date of signature of the contract, a single payment on account amounting to 60 % of the agreed Community contribution ; or
 - (b) at two-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract ; or
 - (c) within six weeks of the date of signature of the contract, a single payment on account amounting to 80 % of the agreed Community contribution ; however, this form of payment may be stipulated only for measures which will be fully completed within a maximum of two months of the date of signature of the contract.

However, while a contract is being performed, the competent authority may :

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment either wholly or in part if the party concerned submits a reasoned request and shows that he must incur a substantial part of the expenditure significantly earlier than the date laid down for payment of the Commission contribution towards the said expenditure.

2. the payment of such instalment shall be conditional upon the lodging with the competent authority of a security equal to the amount of the instalment, plus 10 %.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

3. The release of securities and payment of the balance by the competent authority shall be subject to:

- (a) confirmation by the competent authority that the party concerned fulfilled its obligations as laid down in the contract;
- (b) transmission to the competent authority of the report referred to in Article 8 (1) and verification of the details contained in this report by the competent authority.

However, on reasoned request by the party concerned, the balance can be paid after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged;

- (c) the competent authority finding that the party concerned, or any third party named in the contract, has spent his own contribution for the purposes laid down.

4. In so far as the conditions set out in paragraph 3 are not fulfilled, the securities shall be forfeit. In this event, the amount in question shall be deducted from the Euro-

pean Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure, and more particularly from that arising out of the measure referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for one of the measures referred to in Article 1 (1) and (2) shall submit to the competent authority, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular concerning the evolution of the sales of milk and milk products.

2. On performance of each contract, the competent authority shall send the Commission a statement to this effect and a copy of the final report.

Article 9

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, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1001/90

of 20 April 1990

continuing market research measures within and outside the Community in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a coresponsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1113/89⁽²⁾, and in particular Article 4 thereof,

Whereas the market research measures within and outside the Community, first carried out pursuant to Commission Regulations (EEC) No 723/78⁽³⁾ as amended by Regulation (EEC) No 1223/78⁽⁴⁾, and (EEC) No 1024/78⁽⁵⁾ and most recently continued by Commission Regulation (EEC) No 663/88⁽⁶⁾, have proved an effective means of expanding the markets in milk products within and outside the Community; whereas they should therefore be continued in the medium term;

Whereas the research institutes, organizations and private undertakings in the Community possessing the necessary qualifications and experience should be invited again to propose detailed research programmes which these organizations would themselves carry out;

Whereas the research institutes, organizations and private undertakings who will be responsible for the measures must satisfy certain requirements; whereas the activities of such operators must not be liable to clash with the aim pursued in promoting the disposal of milk products for direct consumption; whereas it is therefore essential that operators whose activities also cover the production, distribution or sales promotion of products which imitate milk and milk products should be barred from the implementation of the measures;

Whereas, as regards the other arrangements, the provisions of the earlier Regulations, amended in the light of relevant experience, may be repeated;

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

1. Under the conditions laid down in this Regulation, encouragement shall be given to research work designed to expand the markets for Community milk and milk products inside and outside the Community.

Such work shall include the following:

- (a) scientific examination of the nutritional aspects of the consumption of milk and its constituents;
- (b) market surveys with a view to improving the marketing of butter in the Community;
- (c) market surveys on substitutes for milk products, their composition and marketing;
- (d) development and testing of methods to improve the spreadability of butter;
- (e) the search for new markets or the possibility of extending existing markets outside the Community;
- (f) research into the effect of growth promoters on the processing properties of milk, particularly in cheese making;
- (g) in particularly justified cases, the evaluation and dissemination of the results obtained by research work and the expansion of a results databank;
- (h) work on the integrated quality control of milk and milk products.

2. Measures liable to prejudice existing Community trade in milk products with the country concerned shall not be taken into consideration.

3. The measures referred to in paragraph 1 shall be eligible for financing only if they have begun after 31 March 1990 and shall be completed within two years of signature of the contract referred to in Article 5 (3), in any event before 1 January 1993. In exceptional cases, however, a longer period may be agreed in accordance with Article 5 (2) to ensure maximum effectiveness of the measure concerned.

4. The time limit fixed in paragraph 3 shall not prevent subsequent agreement to an extension of that time limit where the party to a contract before the fixed expiry date, makes the appropriate application to the competent authority and proves that, due to exceptional

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 5.

⁽³⁾ OJ No L 98, 11. 4. 1978, p. 5.

⁽⁴⁾ OJ No L 152, 8. 6. 1978, p. 11.

⁽⁵⁾ OJ No L 132, 20. 5. 1978, p. 48.

⁽⁶⁾ OJ No L 69, 15. 3. 1988, p. 10.

circumstances beyond his control, he is unable to meet the deadline originally stipulated. The time limit must not be extended by more than six months.

Article 2

1. The research work referred to in Article 1 shall be proposed and carried out by research institutes, organizations or undertakings situated within the Community and which :

- (a) have the necessary qualifications and experience ;
- (b) give suitable guarantees to ensure the satisfactory completion of the work.

Proposals put forward by research institutes, organizations or undertakings whose activities are exclusively or in part concerned with the production, distribution or sales promotion of products which imitate milk and milk products shall not be taken into consideration.

2. Community financing shall be limited to 75 % of expenditure incurred in respect of the work referred to in Article 1 (1).

For measures as referred to in Article 1 (1) (c), (f) and (g), financing may be raised to 100 % if the work is of interest of the whole Community.

3. The financing of general expenses incurred for the measures referred to in Article 1 (1) shall be limited to 2 % of the total approved cost, with an upper limit of ECU 10 000.

Article 3

1. The parties referred to in Article 2 (1) shall be invited to transmit before 1 July, 1990 to the competent authority appointed by their Member State, hereinafter called 'the competent authority', detailed proposals concerning the measures referred to in Article 1 (1).

If this deadline is not met, the proposal shall be regarded as null and void.

2. Further details for submission of proposals shall be as set out in the notice from the competent authorities published in the *Official Journal of the European Communities* No C.

Article 4

1. Complete proposals shall include :

- (a) the name and address of the party concerned ;
- (b) all details concerning the research measures proposed, indicating the time required for completion, the expected results and any third parties which may be involved ; the proposed research measures must be described precisely and in detail, with reference to already existing work ;

(c) the price net of tax asked for carrying out these research measures, expressed in the currency of the Member State on whose territory the party concerned is established, giving an itemized breakdown of this amount and including the corresponding financing plan ; the breakdown must show in particular staff costs, investments, consumables, raw material costs, EDP costs and travel costs ;

(d) the desired form of payment of the Community contribution in accordance with Article 7 (1) (a) or (b) ;

(e) the most recent report available on the party's activities unless this is already in the possession of the competent authorities.

2. Proposals shall be valid only where :

(a) they are submitted by a party fulfilling the conditions laid down in Article 2 (1) ;

(b) they are accompanied by an undertaking to comply with the provisions of this Regulation.

Article 5

1. Before 1 September 1990 the competent authorities shall :

(a) examine all proposals submitted and any supporting documents to check that they are in the right form and contain the information required. They shall ensure that the proposals comply with the provisions of Article 4 and shall ask applicants for further details if necessary ;

(b) compile a list of all the proposals received and send it to the Commission together with copies of each proposal and a reasoned opinion indicating whether or not the proposal conforms with the Regulation.

2. After consulting the relevant interested groups in the milk industry, and following examination of the proposals by the Management Committee for Milk and Milk Products in accordance with Article 31 of Regulation (EEC) No 804/68 ⁽¹⁾, the Commission shall establish before 1 November 1990 a list of the proposals selected for financing.

3. The competent authorities shall conclude contracts before 1 January 1991 with those parties whose proposals have been selected, in at least three copies and signed by the interested party and competent authority.

The competent authorities shall for this purpose use the standard contracts to be provided by the Commission.

4. The competent authorities shall inform each applicant as soon as possible of the decision taken in respect of his proposal.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

Article 6

1. The contract referred to in Article 5 (3) shall :
 - (a) include the details referred to in Article 4 (1) or make reference of them ; and
 - (b) supplement those details, where necessary, by additional conditions resulting from the application of Article 5 (1).
2. The competent authority shall forward a copy of the contract to the Commission without delay.
3. The competent authority shall ensure compliance with the agreed conditions, in particular by means of on-the-spot checks within the Community.

Article 7

1. The intervention agency concerned shall pay to the party in question, in accordance with the choice given in the latter's proposal, either :
 - (a) within six weeks of the date of signature of the contract and the list of clauses and conditions, a single advance amounting to 60 % of the agreed Community contribution ; or
 - (b) at four-monthly intervals, four equal instalments each amounting to 20 % of the agreed Community contribution, the first such instalment being paid within six weeks of the date of signature of the contract.

However, while a contract is being performed, the intervention agency may :

- defer payment of an instalment either wholly or in part where it finds, in particular during the checks referred to in Article 6 (3), irregularities in carrying out the measures concerned or a substantial interval between the due date for payment of the instalment and the date when the party concerned will actually incur the forecast expenditure,
- in exceptional cases, advance payment of an instalment either wholly or in part with the Commission's prior agreement where the party concerned shows that he must incur a substantial part of the expenditure at a date found to be significantly earlier than that laid down for payment of the Community contribution towards the said expenditure.

2. The payment of each instalment shall be conditional upon the lodging with the competent authority of a security equal to the amount of the instalment, plus 10 %.

Where a contract is concluded with a public institution, the lodging of security referred to in the previous sentence and in paragraph 3 (b) may be dispensed with,

provided that there exists in some other form a guarantee equivalent to that referred to in paragraph 4, in the event of failure to comply with the conditions set out in paragraph 3.

3. The release of securities and payment of the balance shall be conditional upon :

- (a) confirmation by the competent authority that the party concerned has fulfilled his obligations as laid down in the contract ;
- (b) transmission to the Commission and to the competent authority of the report referred to in Article 8 (1), and verification of the details contained in this report by the intervention agency. However, on reasoned request by the party concerned, the remainder can be released after the measure has been completed, and after submission of the report referred to in Article 8, and on condition that securities equal to the total amount of the Community contribution plus 10 % have been lodged ; and
- (c) the competent authority finding that the party concerned, or any third party named in the contract, has spent his own contribution for the purposes laid down.

4. To the extent that the conditions set out in paragraph 3 are not fulfilled, securities shall be forfeit. In this event, the amount in question shall be deducted from the expenditure of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, and more particularly from that arising out of the measures referred to in Article 4 of Regulation (EEC) No 1079/77.

Article 8

1. Each party responsible for the research referred to in Article 1 (1) shall submit to the competent authority, within four months of the final date fixed in the contract for completion of the measures, a detailed report on the utilization of the Community funds allocated and on the foreseeable results of the measures in question, in particular concerning the evolution of the sales of milk and milk products.

2. The competent authority shall send a final certificate and a copy of the final report to the Commission for all completed contracts.

3. The results may only be published with the express authorization of the Commission.

Article 9

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, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1002/90**of 20 April 1990****introducing a countervailing charge on fresh lemons originating in Israel**

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 954/90⁽³⁾ introduced a countervailing charge on fresh lemons originating in Israel;

Whereas for fresh lemons originating in Israel there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of fresh lemons originating in Israel can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 954/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 21 April 1990.

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

Done at Brussels, 20 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 96, 12. 4. 1990, p. 77.

COMMISSION REGULATION (EEC) No 1003/90

of 20 April 1990

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 759/90⁽⁷⁾, as last amended by Regulation (EEC) No 991/90⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

Whereas these exchange rates being those recorded on 19 April 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 759/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 23 April 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 83, 30. 3. 1990, p. 16.

⁽⁸⁾ OJ No L 100, 20. 4. 1990, p. 26.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 20 April 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1102 30 00	5,32	177,50	180,52
1103 14 00	5,32	177,50	180,52
1103 29 50	5,32	177,50	180,52
1104 19 91	9,95	301,41	307,45
1108 19 10	34,13	254,52	285,35

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 April 1990

amending Decision 90/161/EEC concerning certain protection measures
relating to classical swine fever in Belgium

(90/187/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 89/662/EEC⁽²⁾, and in particular Article 9 thereof,

Having regard to Council Directive 72/461/EEG of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽³⁾, as last amended by Directive 89/662/EEC, and in particular Article 8 thereof,

Having regard to Council Directive 80/215/EEC of 22 January 1980 on health problems affecting intra-Community trade in meat products⁽⁴⁾ as last amended by Directive 89/662/EEC and in particular Article 7 thereof,

Whereas several outbreaks of classical swine fever have occurred in parts of Belgium with a high density of pigs;

Whereas these outbreaks are liable to endanger the herds of other Member States, in view of the trade in live pigs, fresh pigmeat and certain meat-based pork products;

Whereas, since it is possible to identify a geographically limited area which presents a particular risk, the restrictions on trade could be applied on a regional basis;

Whereas, as a result of the epizootic of classical swine fever, the Commission adopted Decision 90/161/EEC of

30 March 1990, concerning certain protective measures against classical swine fever in Belgium⁽⁵⁾;

Whereas it appears necessary to adjust the restrictive measures to take account of the evolution of the disease and certain actions carried out by the Belgian authorities;

Whereas the Belgian authorities have engaged themselves to implement national measures that are necessary to guarantee the efficient implementation of the Decision;

Whereas it is necessary that the Commission is supplied with all necessary information with a view to reexamining the provisions of the present Decision;

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

Decision 90/161/EEC is amended as follows:

1. In Article 1, the following paragraph 3 is added:

'3. The restrictions mentioned in paragraph 1, first indent, are not applicable to fresh pigmeat and pigmeat products, obtained from pigs;

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁵⁾ OJ No L 90, 5. 4. 1990, p. 26.

- (a) slaughtered after the 17 April 1990 ;
 - (b) coming from that part of the territory described in Annex I, with the exception of that area described in Annex II ;
 - (c) which have been submitted to a health examination at the herd of origin by a veterinarian designated by the competent veterinary authorities and found to have presented no sign of disease ; this examination must have taken place within 24 hours of slaughter ;
 - (d) originating from a herd where a random bloodtest has been carried out and the result of the test is negative ;
 - (e) which have been transported directly from the herd of origin to the abattoir, the means of transport utilised must be cleaned and disinfected before and after each journey'.
2. In Article 2, paragraphs 1, 2 and 3 the certificate must be completed with the following :

'as amended by Decision 90/187/EEC'.

3. In Article 4, the date '17 April 1990' is replaced by '3 May 1990'.

Article 2

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 11 October 1989

concerning aid granted in the Netherlands and financed by means of levies payable by the *Produktschap voor Veevoeder* (Commodity Board for the Animal Feedingstuffs Sector)

(Only the Dutch text is authentic)

(90/188/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 2275/89⁽²⁾ and in particular Article 9 thereof, and to the corresponding provisions of other Regulations on the common organization of markets in agricultural products,

Having given notice to the parties concerned, in accordance with Article 93 (2) of the Treaty⁽³⁾, to submit their comments,

Whereas :

I

Following a written question (No 1532/85) from a Member of the European Parliament, the Commission invited the Dutch authorities to forward to the Commission, in accordance with Article 93 (3) of the Treaty, all the necessary information about *produktschappen*.

Sectoral organizations have existed in the Netherlands for more than thirty years by virtue of the industrial Organization Act of 14 February 1950 (*Wet op de Bedrijfsorganisatie*). It is a skeleton law authorizing the creation, at the request of the economic sectors involved, of central industrial boards, industry boards and commodity boards.

A Central Commodity Board and Commodity Boards can be set up for the benefit of two or more groups of undertakings which carry out different operations *vis-à-vis* a given product or group of products (vertical organizations).

A Central Industrial Board and Industry Boards can be set up for the benefit of undertakings which carry out identical or similar operations *vis-à-vis* different products (horizontal organizations).

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No C 115, 30. 4. 1987, p. 5.

The competent minister may designate one or more persons to represent him at the meetings organized by the steering committee of a '*produktschap*' or a '*hoofdproduktschap*'.

These ministerial representative have an advisory capacity. If a regulation or other decision requires the approval of the minister or ministers concerned, approval can be withheld only on grounds of incompatibility with the law or the public interest.

Sectoral organizations are financed by levies (*heffingen*) at the different production, processing and marketing stages. The organizations' rules imposing these levies (*heffingverordening*) apply to all undertakings whose activities fall within the scope of those organizations. The levies are compulsory; refusal to pay them is punishable. The levies can therefore be seen as parafiscal taxes.

The levies are either general (*algemene heffingen*) or specific (*specifieke heffingen*). The former are mainly to finance administration and organization costs, the latter to finance specific expenditure, such as aid for various objectives.

These parafiscal taxes are collected at the different marketing stages: direct sale by the producer, sale at auctions (*veilingen*), sales by wholesalers and retailers and the sale of processed products by manufacturers. The regulations which impose the levies may also contain rules governing levies on imported products.

II

1. After an exchange of correspondence between the Commission and the Dutch authorities, the Commission informed the Dutch Government, in a letter dated 23 December 1986, that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aids in question, since it did not possess sufficient information to establish that they were eligible for a derogation under Article 92 (2) and (3) of the Treaty. Under the said procedure, the Commission therefore requested additional information:

- on the method for charging the parafiscal taxes used to finance the aids, in order to establish whether or not these taxes had an effect equivalent to customs duties or constituted discriminatory internal taxes or whether the system, in view of the aids it financed, was compatible with the requirements of Article 92 of the Treaty;

- on the aids themselves, in order to establish if, by virtue of their objective and in the light of Article 92 of the Treaty they could be considered compatible with the common market.

The Commission also gave notice to the other Member States and to the other parties concerned to submit their comments.

2. The aids to which this Decision refers are used to finance research concerning:

- nutrition and health of veal calves (Aid No 74 — data sheet No NL/XXX/15-00/002/00 of the modified and supplemented inventory sent to the Commission by the Dutch authorities by letter No SG(87) A/4859 of 15 April 1987;
- the feed value of feedingstuffs and the raw materials used to manufacture feedingstuffs, and the undesirable substances they contain (Aid No 75 — data sheet No NL/XXX/15-00/003/00);
- the welfare of domestic animals (Aid No 76 — data sheet No NL/XXX/15-00/008/00);
- surpluses of animal manure in relation to feed intake (Aid No 77 — data sheet No NL/XXX/15-00/011/00).

These four aids are financed by taxes on both domestic and imported products. In 1986, the tax amounted to:

- Hfl 0,05 per 100 kg for oilcake, gluten-based products, wheat refuse, animal protein, dried sugar beet pulp, manioc, sweet potatoes, grass, clover and lucerne meal and citrus pulp. An additional tax of Hfl 0,11 per 100 kg is imposed on dried plant preparations;

The taxes are collected as follows:

- on imported products: at importation, on the basis of the invoice.
- on domestic products: at the first sale by the producer to the user.

The yield from these taxes amount to⁽¹⁾:

Data sheet 74

(in Hfl)

Taxes collected on domestic products:	910 000
Taxes collected on domestic products:	40 000
Total	950 000

For 1986 the total of these taxes is estimated at Hfl 575 000

⁽¹⁾ Source: the modified and supplemented inventory sent to the Commission by the Dutch authorities by letter No SG(87)A/4859 of 15 April 1987.

Data sheet 75

(in Hfl)

Taxes collected on domestic products:	270 000
Taxes collected on products imported from non-member countries:	601 000
Taxes collected on products imported from other Member States taking account of re-export refunds:	75 000
Total	796 000

Data sheet 76

(in Hfl)

Taxes collected on domestic products:	197 000
Taxes collected on products imported from non-member countries:	403 000
Taxes collected on products imported from other Member States taking account of re-export refunds:	50 000
Total	550 000

For 1986 the total of these taxes is estimated at: Hfl 500 000

Data sheet 77

(in Hfl)

Taxes collected on domestic products:	430 000
Taxes collected on products imported from non-member countries:	827 000
Taxes collected on products imported from other Member States taking account of re-export refunds:	97 000
Total	1 160 000

For 1986 the total of these taxes is estimated at Hfl 1 000 000

These amounts were used by the 'Produktschap voor Veevoeder' to finance several aids, including those covered by this Decision, namely:

(in Hfl)

Data sheet 74	1985	508 000
	1986	425 000
Data sheet 75	1985	990 000
	1986	853 000 (estimate),
Data sheet 76	1985	430 000
	1986	500 000 (estimate),
Data sheet 77	1985	810 000
	1986	not available

III

The aids financed by the 'Produktschap voor Veevoeder' are likely to affect trade between Member States and distort competition within the meaning of Article 92 (1) of the Treaty by giving an advantage to the sector concerned. However, because they are intended to facilitate the development of the sector in question and are unlikely adversely to affect trade to an extent contrary to the common interest, they could qualify for the exemption provided for in Article 92 (3) (c) of the Treaty.

However, this option cannot be considered because the aids are financed by taxes imposed on products imported from other Member States.

According to the case law of the Court of Justice of the European Communities, financing a State aid by imposing a compulsory charge constitutes an essential element of the aid and, when assessing such aid, both the aid and the method of financing should be examined for compatibility with Community law.

Although research aids are compatible with the common market as regards both their form and their objectives, financing such aids by means of parafiscal taxes imposed equally on imported Community products has a protective effect beyond that of the aid itself, according to the Judgment given by the Court of Justice on 26 June 1970 in Case 47/69⁽¹⁾.

Even if the research bodies were to place the results of their research at the disposal of any interested parties in other Member States, this would not necessarily result in all parties genuinely and equally sharing in the benefits of the research, since even if equality of treatment were legally guaranteed, at a practical level Dutch operators would inevitably be in a more favourable position.

Such research is prompted by national specialization, needs and shortcomings. In addition, operators in other Member States often pay for identical research, either directly or by paying a financial contribution to their counterpart national research centres, and therefore have no need to make use of the findings of Dutch bodies.

This being the case, the research aids described in Point II (2) are incompatible with the common market because of the method by which they are financed, and must therefore be abolished.

HAS ADOPTED THIS DECISION:

Article 1

The Dutch Government shall cease to grant aids for research on nutrition and health of veal calves, the feed value of feedingstuffs and raw materials used to manufacture feedingstuffs, the undesirable substances contained in feedingstuffs, the welfare of domestic animals and surpluses of animal manure in relation to feed intake through the 'Produktschap voor Veevoeder' (Sheets No NL/XXX/15-00/002/00, No NL/XXX/15-00/003/00, No NL/XXX/15-00/008/00 and No NL/XXX/15-00/011/00 of the inventory attached to the letter dated 15 April 1987 from the Dutch authorities to the Commission) unless it amends beforehand the method of financing these aids so that products imported from other Member States are no longer taxed.

Article 2

The Dutch Government shall inform the Commission, within two months from the notification of this Decision, of the measures it has taken to comply with this Decision.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 11 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ [1970] ECR 487.

COMMISSION DECISION

of 11 October 1989

concerning aid granted in the Netherlands and financed by means of levies payable by the Produktschap voor Landbouwzaai­zaden (Commodity Board for the Seed Sector)

(Only the Dutch text is authentic)

(90/189/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽¹⁾, as last amended by Regulation (EEC) No 1239/89⁽²⁾, and in particular Article 8 thereof, and to the corresponding provisions of other Regulations on the common organization of markets in agricultural products,

Having given notice to the parties concerned, in accordance with Article 93 (2) of the Treaty⁽³⁾, to submit their comments,

Whereas :

I

Following a written question (No 1532/85) from a Member of the European Parliament, the Commission invited the Dutch authorities to forward to the Commission, in accordance with Article 93 (3) of the Treaty, all the necessary information about produktschappen.

Sectoral organizations have existed in the Netherlands for more than thirty years by virtue of the Sectoral Organization Act of 14 February 1950 (Wet op de Bedrijfsorganisatie). It is a skeleton law authorizing the creation, at the request of the economic sectors involved, of central industrial boards, industry boards and commodity boards.

A Central Commodity Board and Commodity Boards can be set up for the benefit of two or more groups of undertakings which carry out different operations *vis-à-vis* a given product or group of products (vertical organizations).

A Central Industrial Board and Industry Boards can be set up for the benefit of undertakings which carry out identical or similar operations *vis-à-vis* different products (horizontal organizations).

The competent minister may designate one or more persons to represent him at the meetings organized by the steering committee of a 'produktschap' or a 'hoofdproduktschap'.

These ministerial representatives have an advisory capacity. If a regulation or other decision requires the approval of the minister or ministers concerned, approval can be withheld only on grounds of incompatibility with the law or the public interest.

Sectoral organizations are financed by levies (heffingen) at the different production, processing and marketing stages. The organizations' rules imposing these levies (heffingverordening) apply to all undertakings whose activities fall within the scope of those organizations. The levies are compulsory; refusal to pay them is punishable. The levies can therefore be seen as parafiscal taxes.

The levies are either general (algemene heffingen) or specific (specifieke heffingen). The former are mainly to finance administration and organization costs, the latter to finance specific expenditure, such as aid for various objectives.

These parafiscal taxes are collected at the different marketing stages: direct sale by the producer, sale at auctions (veilingen), sales by wholesalers and retailers and the sale of processed products by manufacturers. The regulations which impose the levies may also contain rules governing levies on imported products.

II

1. After an exchange of correspondence between the Commission and the Dutch authorities, the Commission informed the Dutch Government, in a letter dated 23 December 1986, that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aids in question, since it did not possess sufficient information to establish that they were eligible for a derogation under Article 92 (2) and (3) of the Treaty. Under the said procedure, the Commission therefore requested additional information :

— on the method for charging the parafiscal taxes used to finance the aids, in order to establish whether or not these taxes had an effect equivalent to customs

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 35.

⁽³⁾ OJ No C 115, 30. 4. 1987, p. 5.

duties or constituted discriminatory internal taxes or whether the system, in view of the aids it financed, was compatible with the requirements of Article 92 of the Treaty;

- on the aids themselves, in order to establish if, by virtue of their objective and in the light of Article 92 of the Treaty they could be considered compatible with the common market.

The Commission also gave notice to the other Member States and to the other parties concerned to submit their comments.

2. The aids to which this Decision refers are used to finance research on value for cropping and use (aid No 71 — data sheet No NL/XXX/14-00/007/00 of the modified and supplemented inventory sent to the Commission by the Dutch authorities by letter No SG(87) A/4895 of 15 April 1987) and breeding trials to develop new products (aid No 73 — data sheet No NL/XXX/14-00/009/00).

These two aids are financed by taxes on both domestic and imported products. The tax amounts to HfI 2 per 100 kg for fodder beet seed, fodder cabbage seed (mergkool) and forage turnip seed; HfI 1,50 per 100 kg for grass seed and HfI 1 per 100 kg for fodder cabbage seed (bladkool), maize, lucerne and clover seed.

The yield from these taxes in 1985 amounts to :

	(in HfI)
Taxes collected on products imported from other Member States :	150 000
Taxes collected on products imported from non-member countries :	100 000
Taxes collected on domestic products :	360 000
Total	610 000

Taxes collected in 1986 totalled HfI 650 000. These amounts were used by the 'Produktschap' to finance several aids, including those covered by this Decision, namely :

	Aid No 71	Aid No 73
1985	300 000	354 000
1986	310 000	250 000

III

The aids financed by the 'Produktschap voor Landbouw-zaaizaden' are likely to affect trade between Member States and distort competition within the meaning of

Article 92 (1) of the Treaty by giving an advantage to the sector concerned. However, because they are intended to facilitate the development of the sector in question and are unlikely adversely to affect trade to an extent contrary to the common interest, they could qualify for the exemption provided for in Article 92 (3) (c) of the Treaty.

However, this option cannot be considered because the aids are financed by taxes imposed on products imported from other Member States.

According to the case law of the Court of Justice of the European Communities, financing a State aid by imposing a compulsory charge constitutes an essential element of the aid and, when assessing such aid, both the aid and the method of financing should be examined for compatibility with Community law.

Although research aids are compatible with the common market as regards both their form and their objective, financing such aids by means of parafiscal taxes imposed equally on imported Community products has a protective effect beyond that of the aid itself, according to the Judgment given by the Court of Justice on 26 June 1970 in Case 47/69 (1).

Even if the research bodies were to place the results of their research at the disposal of any interested parties in other Member States, this would not necessarily result in all parties genuinely and equally sharing in the benefits of the research, since even if equality of treatment were legally guaranteed, at a practical level Dutch operators would inevitably be in a more favourable position.

Such research is prompted by national specialization, needs and shortcomings. In addition, operators in other Member States often pay for identical research, either directly or by paying a financial contribution to their counterpart national research centres, and therefore have no need to make use of the findings of Dutch bodies.

This being the case, the research aids described in Point II (2) are incompatible with the common market because of the method by which they are financed, and must therefore be abolished,

HAS ADOPTED THIS DECISION :

Article 1

The Dutch Government shall cease to grant aids for research on value for cropping and use and breeding trials to develop new products in the seed sector through the

(1) [1970] ECR 487.

'Produktschap voor Landbouwzaaizaden' (Sheets No NL/XXX/14-00/007/00 and No NL/XXX/14-00/009/00 of the inventory attached to the letter dated 15 April 1987 from the Dutch authorities to the Commission) unless it amends beforehand the method of financing these aids so that products imported from other Member States are no longer taxed.

Article 2

The Dutch Government shall inform the Commission, within two months from the notification of this Decision, of the measures it has taken to comply with this Decision.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 11 October 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission
