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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1274/90

of 7 May 1990

applying supplementary generalized tariff preferences in respect of certain industrial products originating in countries benefiting from generalized preferences and sold at the Berlin 'Partners in Progress' Fair

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the imports fair 'Partners in Progress' is organized every year in Berlin with a view to improving the access to world markets of products originating in countries benefiting from generalized preferences;

Whereas, in view of the specific features of the Berlin Fair and of the unique situation of Berlin, certain measures should be taken in the field of generalized preferences;

Whereas, in accordance with the offer made in the context of the United Nations Conference on Trade and Development (UNCTAD), the Community opened generalized preferences commencing in 1971 and most recently under Regulations (EEC) No 3896/89⁽¹⁾ and (EEC) No 3897/89⁽²⁾ and in particular in respect of finished and semi-finished industrial and textile products originating in developing countries;

Whereas, in the past, certain products covered by the system of quotas, ceilings or other tariff measures, being the subject of contracts for sale in the course of the Berlin Fair, have not been able to benefit from the preferences, the allocated tariff quotas or fixed duty-free amounts having been used up or the collection of customs duties having been re-established for products subject to ceiling limits before the opening date of the fair; whereas it is important to provide additional latitude to countries benefiting from generalized preferences to enable them to benefit from the generalized tariff preference for products being the subject of contracts for sale at the fair; whereas, however, this latitude should be limited to 6 % of the levels of the tariff measures applicable for each product or

group of products under the abovementioned annual Regulations, and should be opened;

Whereas, without prejudice to the specific provisions of this Regulation, the application of the provisions of the annual Regulations regarding generalized tariff preferences and, in particular, in respect of the beneficiary countries and the concept of originating products should be applied to the supplementary preferences in question;

Whereas it is appropriate, however, to exclude from the scope of this Regulation certain products originating in particular beneficiary countries;

Whereas declarations of release into free circulation submitted with a view to the importation of the products in question should be accompanied by the certificate of origin and the contract concluded at the Berlin Fair, the latter certified by the competent German authorities;

Whereas the German authorities must ensure that certification of the contracts concluded at the Berlin Fair do not exceed the authorized supplementary quantities;

Whereas the method of administration adopted requires close cooperation between Member States and the Commission,

Whereas the generalized preferences have been suspended for products originating in the Republic of Korea by Regulations (EEC) No 3896/89 and (EEC) No 3897/89,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 29 August 1990 to 31 December 1991, supplementary Community tariff preferences shall be opened, subject to Article 4, for the importation of products:

— mentioned in Annex I to Regulation (EEC) No 3896/89, or

— mentioned in Annexes I and II to Regulation (EEC) No 3897/89,

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 1.

⁽²⁾ OJ No L 383, 30. 12. 1989, p. 45.

provided these products originate in one of the countries or territories benefiting from the preferences referred to in the Annexes to those Regulations and have been exhibited by the exporting countries at the Berlin 'Partners in Progress' Fair and they have been the subject of sales contracts, except for products originating in the Republic of Korea, for which the preferences are suspended.

2. The supplementary preferences referred to in paragraph 1 shall be 6 % of the quota, ceiling or fixed duty-free amounts fixed for each product or group of products in Regulations (EEC) No 3896/89 and (EEC) No 3897/89.

3. Within the framework of the supplementary preferences referred to in paragraph 1, the Common Customs Tariff duties shall be totally suspended. Application of the tariff preferences shall be subject to submission of a certificate of origin, Form A, and the contract.

4. Within the limits of the supplementary preferences referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply customs duties conforming to the relevant provisions of the Act of Accession, and the relevant Regulations.

Article 2

1. Declarations of the release into free circulation of the products in question must be accompanied by the certificate of origin and by the contract concluded at the Berlin Fair, the latter certified by the competent German authorities.

2. The German authorities shall ensure that the total amount covered by certified contracts does not exceed the limit fixed in Article 1 (2).

Article 3

Those provisions of Regulations (EEC) No 3896/89 and (EEC) No 3897/89 relating to the application of

generalized tariff preferences which concern beneficiary countries and the concept of originating products shall be applicable.

Article 4

This following shall be excluded from the benefits afforded by this Regulation :

- textile products falling within categories 1, 2, 3, 4, 5, 6, 7 and 8 appearing in Annex I to Regulation (EEC) No 3897/89 and originating in countries subject to the Community tariff quotas allocated as indicated in the said Annex,
- products appearing in the Annex to this Regulation and originating in the countries indicated.

Article 5

The German authorities shall forward to the Commission, not more than seven days after the end of the Berlin Fair, a list of certified contracts indicating the nature and value or the quantity, whichever is appropriate, of the goods in question and the names and addresses of the exporters and importers. The Commission shall send a copy of this list to the authorities of the other Member States.

Article 6

Member States shall forward to the Commission, within two weeks following the end of each quarter, the list of the amounts charged during the reference quarter in accordance with the provisions of this Regulation.

Article 7

Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 8

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, 7 May 1990.

For the Council

The President

G. COLLINS

ANNEX

List of products/countries excluded from the benefit of this Regulation

Order No	CN code	Description	Country concerned
10.0110	2902 50 00	Styrene	Saudi Arabia
10.0240	2921 19 30	Isopropylamine and its salts	Romania
10.0400	3102 10 10	Urea containing more than 45 % by weight of nitrogen on the dry anhydrous product	Libya
10.0440	3806 10 10	Resin, obtained from fresh oleoresins	China
10.0480	3923 21 00	Sacks and bags (including cones): — Of polymers of ethylene	Hong Kong Singapore
10.0520	4104 10 95 4104 10 99 4104 31 11 4104 31 19 4104 31 30 4104 31 90 4104 39 10 4104 39 90	Leather of bovine or equine animals, without hair on, other than leather falling within CN code 4108 or 4109 — Whole bovine skin leather, of a unit surface area not exceeding 28 square feet (2,6 m ²) — — Other — — — Otherwise prepared — Other bovine leather and equine leather, parchment-dressed or prepared after tanning	Brazil
10.0570	4202 11 10 4202 11 90 4202 12 91 4202 12 99 4202 19 91 4202 19 99 4202 21 00 4202 22 90 4202 29 00 4202 31 00 4202 32 90 4202 39 00 4202 91 10 4202 91 50 4202 91 90 4202 92 91 4202 92 95 4202 92 99 4202 99 10 4202 99 90	Trunks, suit-cases, vanity cases, executive cases, brief cases, school satchels and similar containers — With outer surface of leather, of composition leather or of patent leather — With outer surface of plastics or of textile materials — — Of other materials, including vulcanized fibre — — — Other Articles of a kind normally carried in the pocket or in the handbag — With outer surface of leather, of composition leather or of patent leather — With outer surface of plastic sheeting or of textile materials — — Of textile materials — — — Other Other — With outer surface of leather, of composition leather or of patent leather — With outer surface of plastic sheeting or of textile materials — Other — — Musical instrument cases — — — Other	Brazil China Hong Kong
10.0630	4412 4420 90 11 (*) 4420 90 19	Plywood, veneered panels and similar laminated wood Wood marquetry and inlaid wood	Brazil Singapore Malaysia Indonesia
10.0660	6401 6402	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes Other footwear with outer soles and uppers of rubber or plastics	Hong Kong

(*) The benefit of the preferences shall not be granted to products originating in Romania.

Order No	CN code	Description	Country concerned
10.0670	6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	Brazil Hong Kong
10.0680	6404 6405 90 10	Footwear with outer soles of rubber, plastics, leather or composition leather, and uppers of textiles materials Other footwear, with outer soles of rubber, of plastics, of leather or of composition leather	Hong Kong
10.0690	6405 10 90 6405 20 91 6405 20 99 6405 90 90 (*)	Other footwear, with outer soles of other materials	China
10.0700	6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Hong Kong
10.0950	8211 10 00 8211 91 90 8211 92 90 8211 93 90	Knives with cutting blades, serrated or not (including pruning knives), other than knives falling within CN code 8208, excluding knives with handles of base metal	Hong Kong
10.0980	8414 10 30 8414 10 50 8414 10 90 8414 20 91 8414 20 99 8414 30 30 8414 30 91 8414 30 99 8414 40 10 8414 40 90 8414 80 21 8414 80 29 8414 80 31 8414 80 39 8414 80 41 8414 80 49 8414 80 60 8414 80 71 8414 80 79 8414 80 90	Air or vacuum pumps and air or gas compressors	Brazil Singapore
10.0990	8452 10 11 8452 10 19 8452 10 90 8452 21 00 8452 29 00	Sewing machines, other than book-sewing machines falling within CN code 8440	Brazil
10.1055	8528 10 40 8528 10 50 8528 10 71 8528 10 73 8528 10 75 8528 10 78	Television receivers (including video monitors and video projectors) whether or not combined in the same housing, with radio-broadcast receivers or sound or video recording or reproducing apparatus — Colour — — Television projection equipment — Apparatus incorporating a videophonic recorder or reproducer — — Television receivers with integral tube	Hong Kong Singapore

(*) The benefit of the preferences shall not be granted to products originating in Romania.

Order No	CN code	Description	Country concerned
10.1060	8527 11 10	Reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting, whether or not combined in the same housing with recording or reproducing apparatus or a clock	Hong Kong Singapore
	8527 11 90		
	8527 21 10		
	8527 21 90		
	8527 29 00		
	8527 31 10		
	8527 31 91		
	8527 31 99		
	8527 32 90		
	8527 39 10		
	8527 39 91		
	8527 39 99		
	8527 90 91		
	8527 90 99		
	8528 10 61	Television receivers (including video monitors and video projectors), whether or not combined in the same housing with radio-broadcast receivers or sound or video recording or reproduction apparatus, excluding video recording or reproducing apparatus incorporating a video tuner and goods falling within CN codes 8528 10 50, 8528 10 71, 8528 10 73, 8528 10 75 and 8528 10 78	
	8528 10 69		
	8528 10 80		
	8528 10 91		
	8528 10 98		
	8528 20 20		
	8528 20 71		
	8528 20 73		
	8528 20 79		
	8528 20 91		
	8528 20 99		
	8529 10 20		
	8529 10 31		
	8529 10 39		
	8529 10 40		
	8529 10 50		
	8529 10 70		
	8529 10 90		
	8529 90 99		
10.1110	8540 91 00		Thermionic, cold cathode or photocathode valves and tubes — Parts
	8540 99 00		
	8541 10 10	Diodes, transistors, and similar semiconductor devices, light emitting diodes	
	8541 10 91		
	8541 10 99		
	8541 21 10		
	8541 21 90		
	8541 29 10		
	8541 29 90		
	8541 30 10		
	8541 30 90		
	8541 40 10		
	8541 50 10		
	8541 50 90		
	8541 90 00		
	8542	Electric integrated circuits and microassemblies	

COUNCIL REGULATION (EEC) No 1275/90

of 7 May 1990

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in Cyprus, Morocco and Israel (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the relevant articles of the Additional Protocols to the Agreements between the European Economic Community, on the one hand, and the Kingdom of Morocco ⁽¹⁾ and the State of Israel ⁽²⁾, on the other, and the Protocol defining the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and Cyprus, adapting certain provisions of the Agreement ⁽³⁾, provide for the opening of Community tariff quotas for:

- 300 tonnes of aubergines (CN code ex 0709 30 00) originating in Cyprus (1 October to 30 November),
- 100, 450 and 100 tonnes of Chinese cabbage (CN code ex 0704 90 90) originating in Morocco, Israel and Cyprus respectively (1 November to 31 December), and
- 100, 250 and 100 tonnes of 'Iceberg' lettuce (CN codes ex 0705 11 10 and ex 0705 11 90) originating in Morocco, Israel and Cyprus respectively (1 November to 31 December).

Whereas, however, the quotas relating to Cyprus must be increased in equal steps of 5 % per annum, starting with the entry into force of the abovementioned Protocol, by virtue of its Articles 18 and 19; whereas for 1990 they will therefore be at the levels indicated in Article 1;

Whereas, under these tariff quotas, customs duties are to be abolished progressively:

- over the same periods and in accordance with the same timetables as laid down in Articles 75 and 268 of the Act of Accession of Spain and Portugal in the case of the tariff quotas opened for Morocco and Israel, and
- in accordance with the timetable and conditions laid down in Articles 5 and 16 of the abovementioned Protocol and Cyprus in the case of the tariff quotas opened for Cyprus;

Whereas Council Regulation (EEC) No 4162/87 of 21 December 1987 laying down arrangements for Spain's

and Portugal's trade with Israel ⁽⁴⁾, Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down arrangements for Spain's and Portugal's trade with Morocco and Syria ⁽⁵⁾ and the Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽⁶⁾ provide that the Kingdom of Spain shall apply duties which progressively reduce the gap between the base duty rates and the preferential duty rates, while the Portuguese Republic is to postpone until 31 December 1990 the application of the preferential arrangements for the products in question; whereas therefore this Regulation is only applicable to the Community with the exception of Portugal;

Whereas it is in particular necessary to ensure equal and uninterrupted access for all Community importers to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand-Duchy of Luxembourg are united within and are jointly represented by the Benelux Economic Union, all transactions concerning the administration of quotas may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

The customs duties applicable to imports into the Community, excluding Portugal, of the following products originating in Cyprus, Morocco or Israel, as the case may be, shall be suspended at the levels and for the periods indicated and within the limits of the Community tariff quotas shown below:

⁽¹⁾ OJ No L 224, 13. 8. 1988, p. 18.

⁽²⁾ OJ No L 327, 30. 11. 1988, p. 36.

⁽³⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽⁴⁾ OJ No L 396, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 287, 20. 10. 1988, p. 1.

⁽⁶⁾ OJ No L 393, 31. 12. 1987, p. 37.

Order No	CN code (*)	Description	Origin	Volume of tariff quotas (tonnes)	Rate of duty (%)
09.1405	ex 0709 30 00	Aubergines, from 1 October to 30 November 1990	Cyprus	345	4,6
09.1109 09.1311 09.1425	ex 0704 90 90	Chinese cabbage, from 1 November to 31 December 1990	Morocco Israel Cyprus	100 450 115	8,1 8,1 10,9
09.1111 09.1313	ex 0705 11 10 ex 0705 11 90	'Iceberg' lettuce (<i>Lactuca sativa</i> L. <i>capitata</i>), from 1 November to 31 December 1990	Morocco Israel	100 250	— from 1 to 30 November : 5,2 MIN ECU 0,8/100 kg/br — from 1 to 31 December : 4,5 MIN ECU 0,5/100 kg/br
09.1427			Cyprus	115	— from 1 to 30 November : 10,9 MIN ECU 1,8/100 kg/br — from 1 to 31 December : 9,4 MIN ECU 1,1/100 kg/br

(*) See Taric codes in the Annex.

Under these tariff quotas the Kingdom of Spain shall apply the customs duties calculated in accordance with the provisions of Regulation (EEC) No 4162/87 and (EEC) No 3189/88 and of the Protocol to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal to the Community.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective management thereof.

Article 3

If an importer presents in a Member State a declaration of entry for free circulation, including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

Requests for drawings, indicating the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declarations of entry for free circulation by the customs authorities of the Member States concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, the requests shall be met on a pro rata basis. Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quotas for such time as the residual balance of the quota volumes so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 7 May 1990.

For the Council

The President

G. COLLINS

ANNEX

Taric code

Order No	CN code	Taric code
09.1405	ex 0709 30 00	0709 30 00 * 50
09.1109 09.1311 09.1425	ex 0704 90 90	0704 90 90 * 92
09.1111 09.1313 09.1427	ex 0705 11 10 ex 0705 11 90	0705 11 10 * 32 0705 11 90 * 11

COMMISSION REGULATION (EEC) No 1276/90

of 15 May 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 14 May 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 16 May 1990.

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

Done at Brussels, 15 May 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 15 May 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	39,80	132,60 ^(?) ^(?)
0712 90 19	39,80	132,60 ^(?) ^(?)
1001 10 10	49,77	193,14 ⁽¹⁾ ^(?)
1001 10 90	49,77	193,14 ⁽¹⁾ ^(?)
1001 90 91	40,78	141,91
1001 90 99	40,78	141,91
1002 00 00	65,46	137,92 ^(?)
1003 00 10	56,71	136,52
1003 00 90	56,71	136,52
1004 00 10	48,11	127,66
1004 00 90	48,11	127,66
1005 10 90	39,80	132,60 ^(?) ^(?)
1005 90 00	39,80	132,60 ^(?) ^(?)
1007 00 90	56,71	143,83 ^(?)
1008 10 00	56,71	42,61
1008 20 00	56,71	112,72 ^(?)
1008 30 00	56,71	7,71 ^(?)
1008 90 10	^(?)	^(?)
1008 90 90	56,71	7,71
1101 00 00	71,56	214,02
1102 10 00	106,11	207,55
1103 11 10	91,98	314,20
1103 11 90	75,71	229,56

⁽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 1277/90

of 15 May 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 14 May 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 16 May 1990.

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

Done at Brussels, 15 May 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 15 May 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 5	1st period 6	2nd period 7	3rd period 8
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	8,80	8,80	8,80
1001 90 99	0	8,80	8,80	8,80
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	1,40	1,40	1,40
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	12,32	12,32	12,32

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	15,66	15,66	15,66	15,66
1107 10 19	0	11,70	11,70	11,70	11,70
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1278/90

of 11 May 1990

laying down the level of the accession compensatory amounts for milk and milk products applicable for the 1990/91 milk year in trade with Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 466/86 of 25 February 1986 determining the general rules for the system of accession compensatory amounts for milk and milk products on account of the accession of Spain⁽¹⁾, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1378/86⁽²⁾ fixed the level of the accession compensatory amounts for milk and milk products applicable as from 7 May 1986 in trade with Spain ;

Whereas, pursuant to Article 98 (1) of the Act of Accession of Spain and Portugal, the difference between the prices applicable in Spain on 1 March 1986 and the corresponding prices calculated according to the rules provided for in the common organization of the market on the basis of the guaranteed price for milk applicable in Spain throughout the representative period is to be progressively reduced so that it is equal to half the initial difference on the fourth move towards alignment and totally eliminated on the seventh such move ; whereas the accession compensatory amounts applicable from the start of the 1990/91 milk year should be determined ;

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

The accession compensatory amounts applicable during the 1990/91 milk year in trade between the Community as constituted at 31 December 1985 and Spain, and in trade between Spain and third countries for the milk and milk products listed in the Annex hereto shall be as shown in the Annex.

However, no accession compensatory amount shall be granted on the export from Spain of milk products falling within CN codes 0401, 0402, 0403 and 0404 containing goat's or sheep's milk or cream.

Article 2

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

It shall apply from 14 May 1990.

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

Done at Brussels, 11 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 23.

⁽²⁾ OJ No L 120, 8. 5. 1986, p. 37.

ANNEX

Accession compensatory amounts applicable in trade with Spain

(Amounts to be charged on imports and granted on exports by Spain unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, fresh, not concentrated nor containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream : — with a fat content, by weight, not exceeding 0,6 % — with a fat content, by weight, exceeding 0,6 % but not exceeding 6 % — with a fat content, by weight, exceeding 6 %	1,51 (¹) (¹)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream :	
0402 10	— in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % : — — not containing added sugar or other sweetening matter, for human consumption (²) — — other (containing sugar or other sweetening matter) — in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % :	38,11 0,3812 per kg (⁴)
0402 21	— — not containing added sugar or other sweetening matter : — — — with a fat content, by weight, not exceeding 27 % — — — with a fat content, by weight, exceeding 27 % but not exceeding 45 % — — — with a fat content, by weight, exceeding 45 %	31,44 28,48 21,36
0402 29	— — other : — — — with a fat content, by weight, not exceeding 27 % :	
0402 29 11	— — — — special milk for infants, in hermetically sealed containers of a net content not exceeding 500 g, with a fat content, by weight, exceeding 10 % — — — — other — — — — with a fat content, by weight, exceeding 27 % but not exceeding 45 % — — — — with a fat content, by weight, exceeding 45 % — other (not in powder, granules or other solid forms) :	0,3144 per kg (⁴) 0,3144 per kg (⁴) 0,2848 per kg (⁴) 0,2136 per kg (⁴)
0402 91	— — not containing added sugar or other sweetening matter : — — — with a fat content, by weight, not exceeding 8 % — — — with a fat content, by weight, exceeding 8 % but not exceeding 10 % — — — with a fat content, by weight, exceeding 10 % — — other :	11,12 11,12 (³)
0402 99	— — — with a fat content, by weight, not exceeding 9,5 % — — — with a fat content, by weight, exceeding 9,5 %	8,47 (³) (⁶)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0403 10	— Yoghurt:	
	— — not flavoured nor containing added fruit or cocoa:	
	— — — not containing added sugar or other sweetening matter, of a fat content, by weight:	
	— — — — not exceeding 0,6 %	1,51
	— — — — exceeding 0,6 %	(¹)
	— — — other	(⁹)
0403 90	— other:	
	— — not flavoured nor containing added fruit or cocoa:	
	— — — not containing added sugar or other sweetening matter, with a fat content, by weight:	
	— — — — not exceeding 0,6 %	1,51
	— — — — exceeding 0,6 %	(¹)
	— — — other	(⁹)
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter; not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0404 10	— whey, whether or not concentrated or containing added sugar or other sweetening matter	—
0404 90	— other (¹¹):	
	— — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times 6,38$), by weight:	
	— — — not exceeding 42 % and of a fat content, by weight:	
0404 90 11	— — — — not exceeding 1,5 %	38,11
0404 90 13	— — — — exceeding 1,5 %, but not exceeding 27 %	31,44
0404 90 19	— — — — exceeding 27 %	28,48
	— — — exceeding 42 %, and of a fat content, by weight:	
0404 90 31	— — — — not exceeding 1,5 %	38,12
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	31,44
0404 90 39	— — — — exceeding 27 %	28,48
	— — other, of a protein content (nitrogen content $\times 6,38$), by weight:	
	— — — not exceeding 42 %, and of a fat content, by weight:	
0404 90 51	— — — — not exceeding 1,5 %	0,3812 per kg (¹)
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,3144 per kg (¹)
0404 90 59	— — — — exceeding 27 %	0,2848 per kg (¹)
	— — — exceeding 42 %, and of a fat content, by weight:	
0404 90 91	— — — — not exceeding 1,5 %	0,3812 per kg (¹)
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,3144 per kg (¹)
0404 90 99	— — — — exceeding 27 %	0,2848 per kg (¹)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0405	Butter and other fats and oils derived from milk :	
0405 00 10	— of a fat content, by weight, not exceeding 85 % :	
	— — of a fat content, by weight, of less than 80 %	0,1887 (7) ⁽¹⁰⁾
	— — of a fat content, by weight :	
	— — — of at least 80 %, but less than 82 %	15,10 ⁽¹⁰⁾
	— — — of at least 82 %, but less than 84 %	15,47 ⁽¹⁰⁾
	— — — of at least 84 %	0,1887 (7) ⁽¹⁰⁾
0405 00 90	— other	0,1887 (7) ⁽¹⁰⁾
0406	Cheese and curd :	
ex 0406 10	— fresh cheese (including whey cheese), not fermented, and curd (excluding cheese manufactured exclusively from sheep's or goat's milk) :	20,96
0406 20	— grated or powdered cheese, of all kinds :	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	10,65
0406 20 90	— — other	25,95
0406 30	— processed cheese, not grated or powdered :	
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schab- ziger) ; put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 %	23,25
0406 30 31	— — other	35,26
0406 30 39		
0406 30 90		
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclu- sively from sheep's or goat's milk)	12,86
ex 0406 90	— other cheese :	
ex 0406 90 11	— — for processing	35,26
	— — other :	
ex 0406 90 13	— — — Emmentaler	23,25
ex 0406 90 15	— — — Gruyère, Sbrinz	23,25
ex 0406 90 17	— — — Bergkäse, Appenzell, Vacherin fribourgeois, Vacherin Mont d'Or and Tête de Moine	23,25
ex 0406 90 19	— — — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	10,65
ex 0406 90 21	— — — Cheddar	35,26
ex 0406 90 23	— — — Edam	24,86
ex 0406 90 25	— — — Tilsit	24,86
ex 0406 90 27	— — — Butterkäse	24,86
ex 0406 90 29	— — — Kashkaval	24,86
	— — — Feta :	
ex 0406 90 31	— — — — of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	— — — — other	24,86

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0406 90 35	— — — Kefalotyri	24,86
ex 0406 90 37	— — — Finlandia	24,86
ex 0406 90 39	— — — Jarlsberg	24,86
	— — — other :	
0406 90 50	— — — — cheese of sheep's milk or buffalo milk in con- tainers, containing brine, or in sheep or goatskin bottles	—
	— — — — other :	
	— — — — — of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter :	
	— — — — — not exceeding 47 % :	
0406 90 61	— — — — — — Grana Padano, Parmigiano Reggiano	—
0406 90 63	— — — — — — Fiore Sardo, Pecorino	—
ex 0406 90 69	— — — — — — other	25,95
	— — — — — — exceeding 47 % but not exceeding 72 %	24,86
	— — — — — — exceeding 72 % :	
ex 0406 90 91	— — — — — — fresh cheese, fermented	19,96
ex 0406 90 93	— — — — — — other	19,96
	— — — — — other :	
ex 0406 90 97	— — — — — — fresh cheese, fermented	20,63
ex 0406 90 99	— — — — — — other	20,63
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form ; sugar syrups not con- taining added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :	
1702 10	— lactose and lactose syrup (*) :	
1702 10 90	— — other	6,73
2106	Food preparations not elsewhere specified or included :	
2106 90	— other :	
	— — flavoured or coloured sugar syrups :	
	— — — other :	
2106 90 51	— — — — lactose syrup	6,73
2309	Preparations of a kind used in animal feeding :	
2309 10	— dog or cat food, put up for retail sale :	
	— — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within codes 1720 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :	
	— — — containing starch, glucose, glucose syrup, maltodex- trine or maltodextrine syrup :	
	— — — — containing no starch or containing 10 % or less by weight of starch :	

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
2309 10 15	— — — — — containing not less than 50 % but less than 75 % by weight of milk products	—
2309 10 19	— — — — — containing not less than 75 % by weight of milk products	—
	— — — — — containing more than 10 % but not more than 30 % by weight of starch :	
2309 10 39	— — — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
	— — — — — containing more than 30 % by weight of starch :	
2309 10 59	— — — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
2309 10 70	— — — containing no starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup but containing milk products	—
2309 90	— other :	
	— — other :	
	— — — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within codes 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products :	
	— — — — containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup :	
	— — — — — containing no starch or containing 10 % or less by weight of starch :	
2309 90 35	— — — — — containing not less than 50 % but less than 75 % by weight of milk products	—
2309 90 39	— — — — — containing not less than 75 % by weight of milk products	—
	— — — — — containing more than 10 % but not more than 30 % by weight of starch :	
2309 90 49	— — — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
	— — — — — containing more than 30 % by weight of starch :	
2309 90 59	— — — — — containing not less than 50 % by weight of milk products	— ⁽⁸⁾
2309 90 70	— — — — containing no starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup but containing milk products	—

- (¹) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms net of the product multiplied by ECU 0,0428,
 - an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kilograms net of the product multiplied by ECU 0,015082.
- (²) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those imported into Spain under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 186, 6. 7. 1976, p. 9).
- (³) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kilograms of the product multiplied by ECU 0,0428,
 - an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kilograms net of the product multiplied by ECU 0,165903.
- (⁴) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of :
- the amount per kilograms indicated multiplied by the weight of milk and cream contained in 100 kilograms of finished product,
 - an additional amount for each percentage point of sucrose content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁵) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of :
- the amount indicated,
 - an additional amount for each percentage point of sucrose content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁶) The compensatory amount per 100 kilograms net of these products shall be equal to the sum of the following components :
- an amount corresponding to the quantity of milk fat expressed as a percentage, contained in 100 kilograms net of the product, multiplied by ECU 0,0428, and
 - an amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kilograms net of the product multiplied by ECU 0,165903,
 - an additional amount for each percentage point of sucrose content of 100 kilograms net of the product, equal to the compensatory amount applicable to 1 kilogram of white sugar.
- (⁷) The compensatory amount for 100 kilograms net of these products shall be equal to the amount indicated multiplied by the weight of the fat contained in 100 kilograms of finished product.
- (⁸) The compensatory amount for 100 kilograms net weight of these products shall be equal :
- in the case of products falling within CN codes 2309 10 39 and 2309 90 49, to the accession compensatory amount for 100 kilograms of maize multiplied by the coefficient 0,16,
 - in the case of products falling within CN codes 2309 10 59 and 2309 90 59, to the accession compensatory amount for 100 kilograms of maize multiplied by the coefficient 0,50.
- These amounts are to be granted on exports to Spain by the exporting Member State or charged on imports from Spain by the importing Member State.
- (⁹) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.
- (¹⁰) Where the products falling within this code are subject to the measures laid down in Commission Regulations (EEC) No 3143/85 (OJ No L 298, 12. 11. 1985, p. 9), (EEC) No 570/88 (OJ No L 55, 1. 3. 1988, p. 31) or (EEC) No 429/90 (OJ No L 45, 21. 2. 1990, p. 8), no accession compensatory amount is to apply.
- (¹¹) The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amounts applicable to each of the constituents taking account of the quantities incorporated.

NB : In the case of goat's and sheep's milk and cream and the products manufactured exclusively from these products :

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
- the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the product in question was manufactured exclusively from sheep's or goat's milk.

COMMISSION REGULATION (EEC) No 1279/90
of 15 May 1990

amending Regulation (EEC) No 3813/89 laying down detailed rules for the application of the system of transitional aids to agricultural income

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

2. Paragraph 3 is replaced by the following text :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 768/89 of 21 March 1989 establishing a system of transitional aids to agriculture⁽¹⁾, and in particular Article 12 thereof,

Whereas Commission Regulation (EEC) No 3813/89⁽²⁾ provides *inter alia* for special conditions on checks;

Whereas in granting income aids the authorities concerned have to rely to a considerable extent on information provided by potential beneficiaries; whereas such information covers a variety of factors of relevance in determining both eligibility and the level of payments per holding; whereas great care must be taken to minimize abuse of the system and to prevent fraud; whereas it is therefore necessary to apply appropriate provisions which are sufficiently severe in order to be dissuasive; whereas account must be taken of the varying administrative traditions in the different Member States;

Whereas it is therefore necessary to amend certain provisions of Regulation (EEC) No 3813/89;

Whereas the Management Committee for Agricultural Income Aids has not delivered an opinion within the time limit set by the Chairman,

HAS ADOPTED THIS REGULATION :

Article 1

Article 13 of Regulation (EEC) No 3813/89 is hereby amended as follows :

1. The heading is replaced by the following :

‘Control and related provisions’

‘3. Whenever an AIA is found to have been granted on the basis of inaccurate data provided by the farmer who certified it, the following measures shall be taken by the Member State concerned :

(a) The amount of the aid unduly paid shall be recovered from the farmer, plus the interest thereon from the date when the aid was paid until the date when it is recovered. The rate of interest to be applied shall be that in force for similar recovery operations under national law.

(b) In addition where the competent authority determines that the amount was wrongfully paid as a result of serious irregularities on the part of the farmer, the Member State shall either :

— in all such cases charge the farmer an amount equal to 30 % of the aid wrongfully paid, or

— as a general rule charge the farmer an amount equal to 30 % of the aid wrongfully paid but have the possibility to apply on the basis of the gravity of the particular case of charging an amount not less than 20 % nor greater than 40 % of the aid wrongfully paid.

(c) Furthermore a farmer who is responsible for inaccurate data giving rise to a charge as provided for in paragraph (b) shall be excluded from eligibility for all payments under any PAIA for a period of 12 months from the date that the charge was determined. In instances where the aid has been capitalized the Member State concerned shall take the steps necessary to ensure equivalent treatment to that applying had payments not been capitalized.

(d) The provisions of Article 8 (2) of Council Regulation (EEC) No 729/70^(*) shall apply to amounts recovered under paragraph (a) and to the financial consequences arising from inability to recover sums unduly paid.’

⁽¹⁾ OJ No L 84, 29. 3. 1989, p. 8.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 17.

^(*) OJ No L 94, 28. 4. 1970, p. 13.’

3. The following paragraphs 4 and 5 are hereby added :

'4. When notifying a draft programme Member States shall indicate which of the two options under paragraph 3 (b) will apply.

5. By every anniversary of approval of the PAIA concerned until the year following its last year of implementation, the Member State concerned shall provide the Commission with a detailed report of controls carried out by the organizations mentioned

under paragraph 1 (b). This report shall also include information on the application of paragraph 3 and in particular information characterizing and quantifying the instances where a charge has been applied in accordance with the provisions of paragraph 3 (b).'

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, 15 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1280/90

of 15 May 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 Council Regulation (EEC) No 3606/89 of 20 November 1989 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia (1990) ⁽²⁾, in particular Article 1 thereof ;

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 19 May to 31 December 1990, the levying of customs duties applicable to third countries shall be reimposed 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, 15 May 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 352, 4. 12. 1989, p. 1.

ANNEX

Order No	CN code	Description of goods	Ceiling (tonnes)
01.0190	ex 7604 7605	Aluminium bars, rods and profiles, excluding code 7604 21 00 Aluminium wire	} 1 968

COMMISSION REGULATION (EEC) No 1281/90**of 15 May 1990****fixing the amount of aid for peas, field beans and sweet lupins**

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1104/88⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 3870/88⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 1190/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1189/90⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the

marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has not, to date, been fixed; whereas the amount of the subsidy for the 1990/91 marketing year has been provisionally calculated on the basis of the abatement applicable for the marketing year 1989/90;

Whereas the threshold price activating the aid, the guide price and the minimum price fixed by the Council are to be reduced in accordance with Article 2 of Commission Regulation (EEC) No 784/90 of 29 March 1990 fixing the reducing coefficient for agricultural prices in the 1990/91 marketing year as a result of the monetary realignment of 5 January 1990 and amending the prices and amounts fixed in ecus for that marketing year⁽⁹⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹⁰⁾, as last amended by Regulation (EEC) No 1238/87⁽¹¹⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹²⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

(¹) OJ No L 162, 12. 6. 1982, p. 28.

(²) OJ No L 110, 29. 4. 1988, p. 16.

(³) OJ No L 342, 19. 12. 1985, p. 1.

(⁴) OJ No L 345, 14. 12. 1988, p. 21.

(⁵) OJ No L 219, 28. 7. 1982, p. 1.

(⁶) OJ No L 119, 11. 5. 1990.

(⁷) OJ No L 119, 11. 5. 1990.

(⁸) OJ No L 119, 11. 5. 1990.

(⁹) OJ No L 83, 30. 3. 1990, p. 102.

(¹⁰) OJ No L 219, 28. 7. 1982, p. 36.

(¹¹) OJ No L 117, 5. 5. 1987, p. 9.

(¹²) OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph 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 correcting factor ;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries ; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price ;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1938/89 ⁽³⁾ ; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be

weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State ;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has been fixed by Regulation (EEC) No 2656/89 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

2. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 16 May 1990 to take into account, the application of maximum guaranteed quantities for the marketing year 1990/91.

Article 2

This Regulation shall enter into force on 16 May 1990.

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

Done at Brussels, 15 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 68.

⁽⁴⁾ OJ No L 255, 1. 9. 1989, p. 71.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)	6th period 11 (1)
Peas used :							
— in Spain	6,896	6,896	5,582	5,582	5,740	5,898	6,056
— in Portugal	6,928	6,928	5,614	5,614	5,772	5,930	6,088
— in another Member State	7,164	7,164	5,850	5,850	6,008	6,166	6,324
Field beans used :							
— in Spain	7,164	7,164	5,850	5,850	6,008	6,166	6,324
— in Portugal	6,928	6,928	5,614	5,614	5,772	5,930	6,088
— in another Member State	7,164	7,164	5,850	5,850	6,008	6,166	6,324

Products used in animal feed :

(ECU per 100 kg)

	Current 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)	6th period 11 (1)
A. Peas used :							
— in Spain	11,762	11,934	10,638	10,638	10,796	10,953	10,723
— in Portugal	11,830	12,001	10,705	10,705	10,862	11,020	10,794
— in another Member State	11,830	12,001	10,705	10,705	10,862	11,020	10,794
B. Field beans used :							
— in Spain	11,762	11,934	10,638	10,638	10,796	10,953	10,723
— in Portugal	11,830	12,001	10,705	10,705	10,862	11,020	10,794
— in another Member State	11,830	12,001	10,705	10,705	10,862	11,020	10,794
C. Sweet lupins harvested in Spain and used :							
— in Spain	13,580	13,810	13,768	13,768	13,768	13,768	13,251
— in Portugal	13,671	13,899	13,857	13,857	13,857	13,857	13,345
— in another Member State	13,671	13,899	13,857	13,857	13,857	13,857	13,345
D. Sweet lupins harvested in another Member State and used :							
— in Spain	13,570	13,800	13,758	13,758	13,758	13,758	13,241
— in Portugal	13,661	13,889	13,847	13,847	13,847	13,847	13,335
— in another Member State	13,661	13,889	13,847	13,847	13,847	13,847	13,335

[illegible]

[illegible]

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

[illegible]

Partial aid

Sweet lupins intended for use in animal feed : -

(in national currency per 100 kg)

[illegible]

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	41,94	0,00	0,00	0,00	0,00	0,00	0,00	43,18
— Denmark (Dkr)	0,00	0,00	0,00	7,76	0,00	0,00	0,00	0,00	0,00	0,00	7,99
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,05	0,00	0,00	0,00	0,00	0,00	0,00	2,11
— Greece (Dr)	0,00	0,00	0,00	191,96	0,00	0,00	0,00	0,00	0,00	0,00	197,64
— Spain (Pta)	0,00	0,00	0,00	133,95	0,00	0,00	0,00	0,00	0,00	0,00	137,91
— France (FF)	0,00	0,00	0,00	6,69	0,00	0,00	0,00	0,00	0,00	0,00	6,88
— Ireland (£ Irl)	0,000	0,000	0,000	0,744	0,000	0,000	0,000	0,000	0,000	0,000	0,766
— Italy (Lit)	0	0	0	1 484	0	0	0	0	0	0	1 528
— Netherlands (Fl)	0,00	0,00	0,00	2,29	0,00	0,00	0,00	0,00	0,00	0,00	2,36
— Portugal (Esc)	0,00	0,00	0,00	173,51	0,00	0,00	0,00	0,00	0,00	0,00	178,65
— United Kingdom (£)	0,000	0,000	0,000	0,707	0,000	0,000	0,000	0,000	0,000	0,000	0,728

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,1679	7,79845	2,04446	201,374	128,619	6,85684	0,763159	1 529,70	2,30358	180,683	0,741999

(¹) Subject to the reduction from the maximum guaranteed quantities system and the prices and related measures for the 1990/91 marketing year.

COMMISSION REGULATION (EEC) No 1282/90

of 15 May 1990

amending Regulation (EEC) No 859/89 laying down detailed rules for the application of intervention measures in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Regulation (EEC) No 859/89 is hereby amended as follows:

Having regard to Commission 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 6 ⁽⁷⁾ thereof,

1. in Article 9:

— the last phrase of paragraph 2 is replaced by the following: 'they may submit more than one tender, at different prices, for each category in response to each invitation to tender.'

— the first phrase of paragraph 4 (a) is replaced by the following:

'(a) they relate to a quantity of at least 10 tonnes and not more than 100 tonnes.'

Whereas Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾ laid down rules governing invitations to tender; whereas, to improve the selection of tenders, the quantities which may be offered at the same price should be limited and the presentation of several tenders at different prices should be permitted; whereas, in order to arrive at a harmonious distribution of the quantities offered where they exceed the quantities to be bought in, it should be laid down that where reduction coefficients are used they may, quantifiable criteria applying, be set at a higher level for high-priced tenders than for low-priced ones;

2. In Article 11 paragraph 3 is replaced by the following:

'3. If the total of the quantities tendered at a price equal to or below the maximum price exceed the quantities to be bought in, the quantities awarded may be reduced for each category by means of reduction coefficients which may increase in line with the differences in price and the quantities tendered.'

Whereas, for the sake of sound market management, the time limit for payment for products taken over by intervention agencies should be reduced;

3. In Article 15 (1), '120th' and '140th' are replaced by '45th' and '65th' respectively.

Article 2

Whereas this Regulation is in accordance with the opinion of the Management committee for Beef and Veal,

This Regulation shall enter into force on 16 May 1990. It shall apply with affect from the second invitation to tender in May.

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

Done at Brussels, 15 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 716/90 of 22 March 1990 temporarily suspending the autonomous Common Customs Tariff duties on a number of agricultural products

(Official Journal of the European Communities No L 80 of 27 March 1990)

On page 2, *TABLE II*, CN code ex 0804 10 00, at the end of the wording in the second column :

Add: '(a)' as a footnote reference.

On page 3, *TABLE III*, CN code ex 0712 30 00, at the end of the wording in the second column :

Add: '(a)' and '(c)' as footnote reference.

Corrigendum to Commission Regulation (EEC) No 1147/90 of 3 May 1990 on the supply of various lots of skimmed-milk powder as food aid

(Official Journal of the European Communities No L 114 of 5 May 1990)

On page 14, lot D, point 17 :

for: '4 to 5 June 1990',

read: '4 to 15 June 1990'.
