

Official Journal

of the European Communities

ISSN 0378-6978

L 137

Volume 33

30 May 1990

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1420/90

of 29 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 28 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 30 May 1990.

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

Done at Brussels, 29 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 29 May 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	39,80	129,78 ⁽²⁾ ⁽³⁾
0712 90 19	39,80	129,78 ⁽²⁾ ⁽³⁾
1001 10 10	49,77	190,02 ⁽¹⁾ ⁽³⁾
1001 10 90	49,77	190,02 ⁽¹⁾ ⁽³⁾
1001 90 91	40,78	142,67
1001 90 99	40,78	142,67
1002 00 00	65,46	136,30 ⁽⁶⁾
1003 00 10	56,71	132,02
1003 00 90	56,71	132,02
1004 00 10	48,11	124,76
1004 00 90	48,11	124,76
1005 10 90	39,80	129,78 ⁽²⁾ ⁽³⁾
1005 90 00	39,80	129,78 ⁽²⁾ ⁽³⁾
1007 00 90	56,71	140,78 ⁽⁴⁾
1008 10 00	56,71	38,16
1008 20 00	56,71	106,37 ⁽⁴⁾
1008 30 00	56,71	2,45 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	56,71	2,45
1101 00 00	71,56	214,02
1102 10 00	106,11	204,53
1103 11 10	91,98	309,36
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 1421/90

of 29 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 28 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 30 May 1990.

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

Done at Brussels, 29 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 29 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	8,58	8,58	10,37
1001 90 99	0	8,58	8,58	10,37
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	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	12,01	12,01	14,52

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	15,27	15,27	18,46	18,46
1107 10 19	0	11,41	11,41	13,79	13,79
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 1422/90

of 23 May 1990

concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 ⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EEC) No 1251/90 ⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after 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, 23 May 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 121, 12. 5. 1990, p. 29.

ANNEX

Description of goods	Classification CN-code	Reasons
(1)	(2)	(3)
1. Preparation in the form of gelatin capsules, not put up for retail sale. Each capsule contains: — sardine oil 500,0 mg — garlic powder 60,0 mg — beeswax 24,0 mg — vegetable emulsifier 11,0 mg — antioxidant 5,0 mg.	2106 90 91	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 1a to Chapter 30 and by the wording of CN codes 2106, 2106 90 and 2106 90 91. The product which is not prepared for therapeutic nor prophylactic purposes is considered to be a food supplement as mentioned in the Explanatory Notes to the Harmonized System, code 2106.
2. Preparation in the form of tablets put up for retail sale with instructions on composition and directions for use. Each tablet contains: — powdered papaya leaves 152,5 mg — papain 17,5 mg — adjuvants 80,0 mg. The product contains 4 % sucrose (including invert sugar).	2106 90 91	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 1a to Chapter 30 and by the wording of CN codes 2106, 2106 90 and 2106 90 91. The product, which is not prepared for therapeutic nor prophylactic purposes is considered to be a food supplement as mentioned in the Explanatory Notes to the Harmonized System, code 2106.
3. Preparation in the form of gelatin capsules, containing an extract of garlic in vegetable oil, packed for retail sale with information on composition and directions for use	2106 90 91	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 1a to Chapter 30 and by the wording of CN codes 2106, 2106 90 and 2106 90 91. The product, which is not prepared for therapeutic nor prophylactic purposes is considered to be a food supplement as mentioned in the Explanatory Notes to the Harmonized System, code 2106.
4. Preparation in the form of tablets not put up for retail sale. Each tablet contains: — garlic powder 270,0 mg — whey powder 216,5 mg — brewer's yeast 27,0 mg — alginic acid 22,0 mg — kelp (seaweed) 9,0 mg — magnesium stearate 5,5 mg. The product contains more than 2,5 % by weight of milk protein	2106 90 99	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 1a to Chapter 30 and by the wording of CN codes 2106, 2106 90 and 2106 90 99. The product which is not prepared for therapeutic nor prophylactic purposes is considered to be a food supplement as mentioned in the Explanatory Notes to the Harmonized System, code 2106.
5. Preparation in the form of tablets put up for retail sale with information on composition and directions for use. Each tablet contains: — madder (Radix Rubia) powder 200 mg — adjuvants 50 mg. The product contains 14 % sucrose (including invert sugar).	2106 90 99	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 1a to Chapter 30 and by the wording of CN codes 2106, 2106 90 and 2106 90 99. The product which is not prepared for therapeutic nor prophylactic purposes is considered to be a food supplement as mentioned in the Explanatory Notes to the Harmonized System, code 2106.

COMMISSION REGULATION (EEC) No 1423/90

of 28 May 1990

on the issuing of a standing invitation to tender for the resale on the internal market of 50 000 tonnes of maize held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾, as amended by Regulation (EEC) No 195/89 ⁽⁴⁾, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 50 000 tonnes of maize held by the Spanish intervention agency should be issued;

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 Spanish intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 50 000 tonnes of maize held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 7 June 1990.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 26 July 1990.
3. Tenders must be lodged with the Spanish intervention agency:

Servicio Nacional de Productos Agrarios (SENPA)
Beneficencia, 8
E-28004 Madrid
(télex: 23427 SENPA E; tél.: 232 34 88).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 28 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 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1424/90

of 28 May 1990

on a special intervention measure for barley in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 8 (3) thereof,

Whereas production of barley in Spain exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the Spanish market can be relieved by the export of part of this surplus quantity of barley to non-member countries; whereas, in view of world market prices for barley, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of barley from Member States where the market situation is different from that in Spain;

Whereas, in the absence of adequate measures, massive quantities of barley may be expected to enter intervention storage in Spain during the marketing year in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Spanish market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Spain, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on barley of the quality required for acceptance for intervention, as defined in Commission

Regulation (EEC) No 1569/77⁽³⁾, as last amended by Regulation (EEC) No 1022/90⁽⁴⁾; however, it is necessary to foresee an exception concerning the specific weight, having regard to the meteorological circumstances in Spain this year; whereas the competent agency must make certain barley exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽⁵⁾, and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application on the system of tendering for export refunds on cereals⁽⁶⁾, as last amended by Regulation (EEC) No 2788/86⁽⁷⁾;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽⁴⁾ OJ No L 106, 26. 4. 1990, p. 11.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁷⁾ OJ No L 257, 10. 9. 1986, p. 32.

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 500 000 tonnes of barley produced in Spain.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Spanish intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of barley referred to in Article 1 (1) for export to the countries in zones I to VIII listed in Annex I to Commission Regulation (EEC) No 1124/77⁽¹⁾, and the Canary Islands.

3. The invitation shall remain open until 30 May 1991. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 31 May 1990.

4. Tenders must be submitted to the Spanish intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
 - advance fixing of the Spanish monetary compensatory amount valid on each closing date for the submission of tenders,
 - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in Spain.

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be ECU 12 per tonne.

Article 5

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽²⁾, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of the issue.

Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the barley exported is of at least intervention quality as defined in Article 2 (2) of Regulation (EEC) No 1569/77, with the exception of a specific minimum weight of 62 kg/hl.

The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

Article 7

Tenders submitted must reach the Commission through the intervention of the Spanish intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, the Spanish intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

⁽¹⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 28 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly tender for the refund for the export of barley to countries in zones I to VIII and the Canary Islands

(Regulation (EEC) No 1424/90)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 1425/90

of 28 May 1990

opening an invitation to tender for the refund for the export of barley to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of barley to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75⁽⁴⁾, as last amended by Regulation (EEC) No 2788/86⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publica-

tion and the first closing date for the submission of tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to barley for export to the countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77⁽⁶⁾.
3. The invitation shall remain open until 30 May 1991. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the timelimit for submission of tenders under the first partial invitation to tender shall expire on 31 May 1990.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

This Regulation shall enter into force on the 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, 28 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

ANNEX

Weekly tender for the refund for the export of barley to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands

(Regulation (EEC) No 1425/90)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 1426/90

of 28 May 1990

opening an invitation to tender for the refund for the export of rye to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of rye to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 2788/86 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publica-

tion and the first closing date for the submission of tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to rye for export to the countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 30 May 1991. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the timelimit for submission of tenders under the first partial invitation to tender shall expire on 31 May 1990.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

This Regulation shall enter into force on the 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, 28 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

ANNEX

**Weekly tender for the refund for the export of rye to countries of zones I, II, III, IV, V, VI,
VII and VIII and the Canary Islands**

(Regulation (EEC) No 1426/90)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 1427/90

of 28 May 1990

opening an invitation to tender for the refund for the export of common wheat
to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened in respect of common wheat to tender for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75; whereas, in order to ensure supply, the invitation to tender for export should be limited to zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund, in Commission Regulation (EEC) No 279/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 2788/86 ⁽⁵⁾; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publica-

tion and the first closing date for the submission of tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

1. Tenders shall be invited for the export refund provided for in Article 5 of Regulation (EEC) No 2746/75.
2. The invitation to tender shall relate to common wheat for export to the countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77 ⁽⁶⁾.
3. The invitation shall remain open until 30 May 1991. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the timelimit for submission of tenders under the first partial invitation to tender shall expire on 31 May 1990.

Article 2

A tender shall be valid only if it related to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, export licences issued under Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. Notwithstanding Article 5 of Regulation (EEC) No 279/75, the Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75:

— to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or

— to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

This Regulation shall enter into force on the 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, 28 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

ANNEX

Weekly tender for the refund for the export of common wheat to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands

(Regulation (EEC) No 1427/90)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 1428/90

of 29 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 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 (1990) ⁽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 2 June 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, 29 May 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

Order No	CN code	Description of goods	Ceiling (tonnes)
02.0090 (9)	5802 11 00 5802 19 00 ex 6302 60 00	Terry toweling and similar woven terry fabrics of cotton ; toilet linen and kitchen linen, other than knitted or crocheted, of terry toweling and similar woven terry fabrics, of cotton	879

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 352, 4. 12. 1989, p. 1.

COMMISSION REGULATION (EEC) No 1429/90

of 29 May 1990

amending Regulation (EEC) No 1062/87 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 222/77 of 13th December 1976 on Community transit⁽¹⁾, as last amended by Regulation (EEC) No 474/90⁽²⁾, and in particular Article 57 thereof,

Whereas Regulation (EEC) No 474/90 amended Regulation (EEC) No 222/77 so as to dispense with the obligation to present a transit advice note on crossing an internal frontier of the Community and to adopt accordingly the rules applying to the recovery and determination of the amount of charges payable in case of non-production of goods at destination, their recovery and the determination of the Member State competent to proceed with the recovery of the charges;

Whereas the introduction of these rules necessitates certain implementation measures, in particular with regard to the determination of the time limit for furnishing proof of the regularity of the transit operation or of the place where the offence or irregularity has actually taken place;

Whereas Commission Regulation (EEC) No 1062/87⁽³⁾, as last amended by Regulation (EEC) No 1159/89⁽⁴⁾, contains *inter alia* the implementation provisions of the Community transit procedure and must therefore be amplified accordingly;

Whereas, moreover, Regulation (EEC) No 1062/87 contains *inter alia* the provisions for the implementation of the guarantee waiver procedure for internal Community transit operations in accordance with Article 40a of Regulation (EEC) No 222/77 and, in particular, sets out the list of goods presenting increased risks to which the guarantee waiver does not apply;

Whereas in the light of experience it is clear that some of these goods do not present risks of a nature which would justify their maintenance on the said list; whereas it is therefore necessary to amend the said list accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on the Movement of Goods,

Article 1

Regulation (EEC) No 1062/87 is hereby amended as follows:

1. The following Title Ia as well as Articles 11 a and 11 b are inserted after Article 11:

'TITLE Ia

PROVISIONS APPLICABLE IN THE CASE OF NON-PRODUCTION OF CONSIGNMENTS AT THE OFFICE OF DESTINATION

Article 11 a

1. Where a consignment has not been produced at the office of destination and the place where the offence or irregularity occurred cannot be established, the office of departure shall notify the principal of this fact as soon as possible and in any case before the end of the 11th month following the date of registration of the Community transit declaration.

2. The notification referred to in paragraph 1 must indicate, in particular, the time limit by which the proof of the regularity of the transit operation or of the place where the offence or irregularity has actually been committed must be furnished to the office of departure to the satisfaction of the competent authorities.

This time limit shall be three months from the date of the notification referred to in paragraph 1. If the required proof has not been produced by the end of this period, the competent Member State shall take steps to recover the duties and other charges involved. In cases where this Member State is not the one in which the office of departure is located, the latter shall immediately inform that Member State.

Article 11 b

The proof of the regularity of the transit operation, within the meaning of the first subparagraph of Article 36 (3) of Regulation (EEC) No 222/77, shall be furnished to the satisfaction of the competent authorities:

- (a) by the presentation of a document certified by the customs authorities establishing that the goods in question have been produced at the office of destination or, in the case of the application of Article 71, to the authorized consignee. This document must carry enough information to enable the goods to be identified; or
- (b) by the presentation of a customs document issued in a third country showing release for consumption or by a copy or photocopy thereof; such copy or photocopy must be certified as being a true copy

⁽¹⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽²⁾ OJ No L 51, 27. 2. 1990, p. 1.

⁽³⁾ OJ No L 107, 22. 4. 1987, p. 1.

⁽⁴⁾ OJ No L 119, 29. 4. 1989, p. 100.

by the organization which certified the original document, by the authorities of the third country concerned or by the authorities of one of the Member States. This document must carry enough information to enable the goods in question to be identified.'

2. Article 19 b is replaced by the following:

'Article 19 b

Goods presenting increased risks to which the guarantee waiver does not apply in accordance with

Article 40 a (3) (b) of Regulation (EEC) No 222/77 shall be those shown in the list set out in Annex XIII.'

3. The Annex to this Regulation is added to Regulation (EEC) No 1062/87 as Annex XIII.

Article 2

This Regulation shall enter into force on 1 July 1990.

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

Done at Brussels, 29 May 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

ANNEX

ANNEX XIII

GOODS PRESENTING INCREASED RISKS TO WHICH THE GUARANTEE WAIVER
DOES NOT APPLY

1	2
Harmonized system heading No	Description
ex 09.01	Coffee, not roasted, whether or not decaffeinated
ex 09.01	Coffee, roasted, whether or not decaffeinated
09.02	Tea
ex 21.01	Extracts, essence and concentrates, of coffee
ex 21.01	Extracts, essence and concentrates, of tea
22.04	Wine of fresh grapes, including fortified wines ; grape must other than that of heading No 20.09
22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
ex 22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % volume or higher
ex 22.08	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % volume
ex 22.08	Spirits, liqueurs and other spirituous beverages
ex 24.02	Cigarettes
ex 24.02	Cigarillos
ex 24.02	Cigars
ex 24.03	Smoking tobacco
ex 27.10	Light and medium petroleum oils and gas oils
33.03	Perfumes and toilet waters

COMMISSION REGULATION (EEC) No 1430/90

of 29 May 1990

laying down detailed rules governing the grant of private storage aid for
Kefalotyri and Kasseri cheeses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾ and in particular Articles 9 (3) and 28 thereof,

Whereas Council Regulation (EEC) No 508/71 of 8 March 1971 laying down general rules on private storage aid for long-keeping cheeses ⁽³⁾ permits the granting of private storage aid for sheep's-milk cheeses requiring at least six months for maturing where a serious market imbalance could be eliminated or reduced by seasonal storage;

Whereas the market in Kefalotyri and Kasseri cheeses is at present disturbed by the existence of stocks which are difficult to sell and which are causing a lowering of prices; whereas seasonal storage should therefore be introduced for these quantities to improve the situation and allow producers time to find outlets for their cheese;

Whereas the detailed rules for the application of such measures should essentially be the same as those laid down for similar measures during previous years;

Whereas experience shows that provisions on checks should be laid down, particularly as regards the documents to be submitted and checks to be made on the spot; whereas, therefore, it should be provided that Member States require the costs of checks be fully or partly borne by the contractor;

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

Aid shall be granted in respect of the private storage of 4 000 tonnes of Kefalotyri and Kasseri cheeses made from Community-produced ewes' milk and satisfying the requirements of Articles 2 and 3.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 58, 11. 3. 1971, p. 1.

1. The intervention agency shall conclude storage contracts only when the following conditions are met:

- (a) the quantity of cheese to which the contract relates is not less than two tonnes;
- (b) the cheese was manufactured at least 90 days before the date specified in the contract as being the date of commencement of storage, and after 30 November 1989;
- (c) the cheese has undergone tests which show that it meets the condition laid down in (b) and that it is of first quality;
- (d) the storer undertakes:
 - to keep the cheese during the entire period of storage in premises where the maximum temperature is + 16° C,
 - not, during the term of the contract, to alter the composition of the batch which is the subject of the contract without authorization from the intervention agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorize an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorization of the intervention agency, the contract is deemed not to have undergone any alteration,
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

Any supervisory costs arising from an alteration shall be met by the storer,

- to keep stock accounts and to inform the intervention agency each week of the quantity of cheese put into storage during the previous week, and of any planned withdrawals.

2. The storage contract shall be concluded:

- (a) in writing, stating the date when storage covered by the contract begins; this may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage were completed;

- (b) after completion by the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date on which the storage covered by the contract begins.

Article 3

1. Aid shall be granted only for cheese put into storage during the period 15 May to 30 November 1990.
2. No aid shall be granted in respect of storage under contract for less than 60 days.
3. The aid payable may not exceed an amount corresponding to 150 days' storage under contract terminating before 31 March 1991. By way of derogation from the second indent of Article 2 (1) (d), when the period of 60 days specified in paragraph 2 has elapsed, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to two tonnes.

The date of the start of operations to remove cheese covered by the contract shall not be included in the period of storage under contract.

Article 4

1. The amount of aid shall be ECU 2,28 per tonne per day.
2. The amount of aid in ecus in relation to a storage contract shall be that applying on the first day of storage under contract. It shall be converted into national currency at the representative rate applicable on the last day of storage under contract.
3. Aid shall be paid not later than 90 days from the last day of storage under contract.

Article 5

The periods, dates and time limits mentioned in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71⁽¹⁾. However, Article 3 (4) of that Regulation shall not apply for determination of the duration of storage under contract.

Article 6

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.
2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the

following particulars of products placed in private storage to be verified :

- (a) ownership at the time of entry into storage ;
- (b) the origin and date of manufacture of the cheeses ;
- (c) the date of entry into storage ;
- (d) presence in the store ;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store shall keep sock accounts available at the store, covering :

- (a) identification, by contract number, of the products placed in private storage ;
- (b) the dates of entry into and removal from storage ;
- (c) the number of cheeses and their weight shown for each lot ;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract.

A special mark shall be affixed to cheeses covered by contract.

5. Without prejudice to Article 2 (1) (d), on entry into storage, the competent bodies shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.

6. The national authorities responsible for controls shall undertake :

- (a) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of product and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check ;
- (b) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating :

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter shall be extended to a larger sample to be determined by the competent body.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of checks will be borne partly or fully by the contractor.

Article 7

Member States shall communicate to the Commission on or before the Tuesday of each week :

- (a) the quantity of cheese for which storage contracts have been concluded during the previous week ;
- (b) any quantities in respect of which the authorization referred to in the second indent of Article 2 (d) has been given.

Article 8

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

It shall apply with effect from 15 May 1990.

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

Done at Brussels, 29 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1431/90

of 29 May 1990

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

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

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

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

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

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

Whereas Commission Regulation (EEC) No 1399/90 ⁽³⁾
introduces a corrective amount on imports of aubergines
into the Community of Ten from Spain (except the
Canary Islands);

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1399/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 30 May 1990.

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

Done at Brussels, 29 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 133, 24. 5. 1990, p. 69.

COMMISSION REGULATION (EEC) No 1432/90

of 29 May 1990

abolishing the countervailing charge on tomatoes originating in Morocco

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 1311/90 ⁽³⁾,
introduced a countervailing charge on tomatoes origina-
ting in Morocco

Whereas for these products originating in Morocco 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 counter-
vailing charge on imports of tomatoes originating in
Morocco can be abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 1311/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 30 May 1990.

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

Done at Brussels, 29 May 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 129, 19. 5. 1990, p. 30.

COMMISSION REGULATION (EEC) No 1433/90

of 29 May 1990

introducing a countervailing charge on tomatoes originating in Portugal

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 Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 830/90 of 30 March 1990 fixing for the 1990 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the month of May 1990 at 136,75 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas the reference price fixed by the Commission is 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⁽⁴⁾;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the second indent of Article 1 (2) of Regulation (EEC) No 830/90;

Whereas, for tomatoes originating in Portugal, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- 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, pursuant to Article 272 (1) of the Act of Accession of Spain and Portugal⁽⁹⁾, during the first stage of the transition period, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 316 provides for a 10 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the fifth year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 7,79 ECU per 100 kilograms net is applied to tomatoes (CN code 0702 00) originating in Portugal.

Article 2

This Regulation shall enter into force on 31 May 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 86, 31. 3. 1990, p. 22.

⁽⁴⁾ OJ No L 83, 30. 3. 1990, p. 102.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁹⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 29 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION OF THE COUNCIL AND THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE
COUNCIL,**

on 17 May 1990

**adopting a 1990 to 1994 action plan in the context of the 'Europe against Cancer'
programme**

(90/238/Euratom, ECSC, EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND
THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European
Communities,

Having regard to the draft resolution submitted by the
Commission,

Having regard to the opinion of the European
Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

Whereas, at its meetings in June 1985 in Milan and in
December 1985 in Luxembourg, the European Council
underlined the advantages of launching a European
programme against cancer;

Whereas, at its meeting in December 1986 in London,
the European Council decided that 1989 should be
designated 'European Cancer Information Year' and
specified that the aim would be to develop a sustained
and concerted information campaign in all the Member
States on the prevention, early screening and treatment of
cancer;

Whereas the Council and the representatives of the
Governments of the Member States, meeting within the
Council, adopted on 7 July 1986 a resolution on a
programme of action of the European Communities

against cancer ⁽³⁾ which is concerned principally with
cancer prevention;

Whereas the Council and the representatives of the
Governments of the Member States, meeting within the
Council, adopted on 21 June 1988 Decision 88/351/EEC
on a 1988 to 1989 action plan for an information and
public awareness campaign in the context of the 'Europe
against Cancer' programme ⁽⁴⁾;

Whereas various Community measures to prevent cancers
arising from exposure to ionizing radiation or to chemical
carcinogens are already being implemented under the
Treaties establishing the European Economic Community
and the European Atomic Energy Community;

Whereas measures to reduce the risk of cancer from
exposure to carcinogens are included in a number of
existing Community programmes on the environment,
worker protection, consumer protection, nutrition,
agriculture and the internal market;

Whereas the right to health is a natural right and every
European citizen has the right to the most appropriate
treatment, regardless of social position;

Whereas the purpose of this action plan is to increase
knowledge of the causes of cancer and the possible means
of preventing and treating it;

Whereas occupational cancers account for 4 % of all
cancers and cause 30 000 deaths per year;

⁽¹⁾ OJ No C 96, 17. 4. 1990.

⁽²⁾ OJ No C 329, 30. 12. 1989, p. 60.

⁽³⁾ OJ No C 184, 23. 7. 1986, p. 19.

⁽⁴⁾ OJ No L 160, 28. 6. 1988, p. 52.

Whereas, by ensuring wider dissemination of knowledge of the causes, prevention, screening and treatment of cancer, as well as an improvement in the comparability of information about those matters, in particular concerning the nature and degree of risk of cancer arising from exposure to given substances or processes, the programme will contribute to the achievement of Community objectives while contributing to the overall reduction of risks of cancer;

Whereas it is advisable to promote the dissemination and the implementation of recommendations on the oncology content of training programmes which were approved in 1988 by the three advisory committees on the training of members of the health professions;

Whereas recognition must be given to the crucial role of members of the health professions and whereas theoretical and practical training for all professions and individuals involved in the prevention of cancer and the treatment of cancer sufferers must be encouraged in accordance with the conclusions of the European Organization for Research on Treatment of Cancer;

Whereas it is the view of the World Health Organization that palliative care can provide extremely valuable support both for patients for whom all treatment has failed and for their families; whereas such care should therefore be given recognition and assistance;

Whereas it is advisable to support training actions in respect of cancer for members of the health professions of one Member State in centres of excellence in another Member State;

Whereas encouragement should be given to information campaigns, in schools as well as elsewhere, on cancer and its prevention;

Whereas duplication of effort should be avoided by the promotion of exchanges of experience and by the joint development of basic information modules for the public, for health education and for training members of the health professions;

Whereas efforts should be made to achieve advances in treatment through controlled clinical tests;

Whereas public health policy as such, except in cases where the Treaties provide otherwise, is the responsibility of Member States but whereas promoting cooperation and the coordination of national activities as well as the stimulation of Community activities in this field makes a valuable contribution to the fight against cancer;

Whereas it is advisable to continue and strengthen, from 1990 to 1994, the action undertaken between 1987 and 1989 in the fields of prevention, information and health education, and training of members of the health professions,

HAVE DECIDED AS FOLLOWS:

Article 1

1. The Commission shall implement the 1990 to 1994 action plan set out in the Annex in close coordination with the competent authorities of the Member States.

2. The Commission shall be assisted by an advisory committee consisting of representatives of the Member States and chaired by the Commission representative.

The duties of the committee shall be:

- to examine projects and measures involving cofinancing from public funds,
- to coordinate at national level projects partly financed by non-governmental organizations.

3. The Commission representative shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

4. Furthermore, the Commission will involve the high-level Committee of Cancer Experts and the private bodies active in the fight against cancer closely in implementing the action plan. It will cooperate with both the World Health Organization and the International Agency for Research on Cancer.

5. The Commission will regularly publish technical information on the progress of the action plan and on potential Community financing in the various fields of action.

Article 2

1. The Community contribution estimated necessary for implementing the 1990 to 1994 action plan is ECU 50 million.

2. The Council and the Ministers for Health, meeting within the Council, will review this total amount in the light of the evaluation report referred to in Article 3 (2), with the possibility of increasing it to a total amount of ECU 55 million, if necessary, from 1 January 1993.

Article 3

1. The Commission will continuously assess the action undertaken.

2. The Council and the Ministers of Health will carry out a scientific evaluation of the effectiveness of the action undertaken. To this end the Commission will submit a report on the subject during the second half of 1992.

3. The Commission will keep the European Parliament, the Council and the Economic and Social Committee regularly informed of progress.

4. The Commission is also requested to encourage every kind of exchange with third countries in connection with the activities set out in the Annex.

Done at Brussels, 17 May 1990.

For the Council

The President

R. O'HANLON

ANNEX**MEASURES TO BE IMPLEMENTED IN THE PERIOD 1990 TO 1994****I. CANCER PREVENTION (including screening)**

In addition to the legislative action under way:

A. Prevention of tobacco consumption

- Stimulation of projects of European interest concerning the prevention of nicotine addiction, especially amongst such target groups as young people, women, teachers and members of the health professions.
- Stimulation of pilot projects to teach methods of breaking nicotine addiction to members of the health professions and to teachers.
- Stimulation of innovative information campaigns to prevent the use of tobacco among the general public and in the workplace.
- Financing of a study on the possibilities for putting tobacco-growing areas to other uses.

B. Diet and cancer (including alcohol)

- Stimulation of studies into eating habits and cancer in close conjunction with the Community medical research programme (meta-analyses, case studies, prospective studies, intervention studies on 'anti-promoting' agents).
- Drafting and publication of guidelines on nutrition aimed at improving cancer prevention.

C. Campaign against carcinogenic agents

- Continuation of all Community action concerning protection against ionizing radiation.
- Support for comparative studies of European interest aimed at improving protection against ultra-violet radiation.
- Support for European studies on the possible carcinogenic risks of certain chemicals.
- Continuation of the classification and labelling, at European level, of carcinogens and continuation of the information campaign by means of specialized annual publications.

D. Systematic screening and early diagnosis

- Continuation of comparative studies to improve the organization of cancer screening programmes.
- Extension and monitoring of the European network of breast cancer screening pilot programmes to help the Member States determine a general screening policy.
- Evaluation of existing cervical cancer screening programmes and setting up of a European network of regional or local pilot programmes.
- Continuation of evaluation studies on screening programmes for colorectal cancer and possible setting up of a European network.
- Promotion of studies of European interest on the effectiveness and feasibility of early screening for other cancers.
- Promotion of, and support for, screening programmes where the results of exploratory studies have proved positive, in close coordination with the AIM and RACE programmes.

E. Cancer registers and similar measures

- Support for exchanges of experience in establishing cancer registers in the Community and for setting up a European network in cooperation with the International Agency for Research on Cancer and in close coordination with the AIM and RACE programmes.

F. Other aspects

1. Evaluation of the operation of the various bone marrow banks.
2. Feasibility study on cooperation between such banks and, if appropriate, support for existing European cooperation.
3. Exchanging experience regarding the quality control of care given.
4. Establishing an up-to-date list of treatments recognized as worthwhile by the international scientific community.

II. HEALTH INFORMATION AND EDUCATION**A. Information of the public**

- Possible updating of the European Code against Cancer.
- Repeat of European campaigns of cancer information, if possible during the second week of October. Encouraging, within this context, private and public television stations to run spots free of charge on the subject of the fight against cancer.

- Production of European information modules on the prevention, screening and treatment of cancers, adaptable to national requirements
- Publicizing of the European Code among the general public by the partners in the action plan.
- Support for innovative information campaigns on cancer prevention among targeted groups.
- Informing workers, and migrant workers in particular, under existing Community Directives, of the fight against job-related cancers.

B. Health education and cancer

- Support for efforts to inform and increase the awareness of schoolteachers of the European Code against Cancer.
- Dissemination of European teaching material for health education.
- Promotion of pilot projects to promote awareness of the European Code among young people.
- Encouragement at school of a change in dietary habits and, in particular, encouragement of the consumption of fruit and vegetables during break and at mealtimes.

III. TRAINING OF THE HEALTH PROFESSIONS

- Support for the organization of national or regional meetings to promote the 1989 European recommendations on the cancerology content of basic training programmes for members of the health professions.
- Support for setting up three European pilot networks of medical schools, nursing colleges and dental schools implementing the recommendations on training in cancer formulated in 1988 by the three European advisory committees on the training of the health professions.
- Promotion of cancerology training projects.
- Support for the mobility of the health professions between Member States in order to improve their specialized training in cancerology.
- Collection and exchange of teaching material of European interest for the training of members of the health professions.
- Exchange of experience and support for the organization of European seminars on the continuing education of members of the health professions.
- Exchange of experience between Member States in the area of pain-relieving treatments, palliative and continuing care and the role of the health professions.

IV. RESEARCH AND CANCER

- Contribution towards the preparation of a Fifth European Medical and Health Research Coordination Programme and a Sixth ECSC Medical Research Programme.
-

COUNCIL DIRECTIVE

of 17 May 1990

on the approximation of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes

(90/239/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas there are differences between the laws, regulations and administrative provisions of the Member States on the limitation of the maximum tar yield of cigarettes; whereas such differences are liable to constitute barriers to trade and to impede the establishment and operation of the internal market;

Whereas those obstacles should accordingly be eliminated and whereas to that end the marketing and free movement of cigarettes must be made subject to common rules concerning maximum tar yields;

Whereas such common rules must take due account of public health protection;

Whereas the higher the tar content of smoked tobacco, the greater the risk of lung cancer and whereas the European Council held in Milan on 28 and 29 June 1985 stressed the importance of launching a European action programme against cancer;

Whereas, in their resolution of 7 July 1986 ⁽⁴⁾, the Council and the representatives of the Governments of the Member States meeting within the Council considered that measures to combat smoking were a priority;

Whereas in applying this Directive provision should be made for establishing deadlines which allow, on the one hand, completion to a minimum degree of efficiency of the process of conversion to other varieties which has already begun, and, on the other, consumers and manufacturers to adapt to products with a lower tar yield;

Whereas this Directive contains provisions, which will be reviewed on the basis of experience gained, the development of techniques and medical knowledge in this area,

the objective being to achieve greater protection of individuals;

Whereas smokers must always be aware that all cigarettes are harmful to health; whereas it is much more desirable for them to stop smoking rather than to switch to low-tar cigarettes;

Whereas the initiative set out in this Directive will have an even more beneficial effect on public health if it is coupled with health education programmes during the years of compulsory education and with information and public awareness campaigns;

Whereas the introduction of maximum tar yields would result in particular socioeconomic difficulties for the Hellenic Republic; whereas that Member State should be granted, exceptionally, a derogation with regard to the implementation dates laid down for the other Member States,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The objective of this Directive is the harmonization of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes, taking as a basis a high level of public health protection by the reduction of the health damage caused by tar.

Article 2

1. For the purposes of this Directive, 'tar' means the raw anhydrous nicotine-free condensate of smoke.
2. The tar yield of cigarettes marketed in the Member States shall not be greater than:
 - 15 mg per cigarette as from 31 December 1992, and
 - 12 mg per cigarette as from 31 December 1997.
3. For the Hellenic Republic, as a temporary derogation, the limit values and dates of implementation shall be as follows:
 - 20 mg until 31 December 1992,
 - 18 mg until 31 December 1998,
 - 15 mg until 31 December 2000,
 - 12 mg until 31 December 2006.

However, this derogation may not be used to justify controls at the Community's internal frontiers.

⁽¹⁾ OJ No C 48, 20. 2. 1988, p. 10.

⁽²⁾ OJ No C 158, 26. 6. 1989, p. 229 and OJ No C 96, 17. 4. 1990.

⁽³⁾ OJ No C 237, 12. 9. 1988, p. 49.

⁽⁴⁾ OJ No C 184, 23. 7. 1986, p. 19.

Article 3

The tar yield of cigarettes shall be measured according to ISO standards 4387 and 3400. Verification must be carried out according to ISO standard 8243.

Article 4

Adaptation of this Directive to technical progress shall be limited to the method of measuring tar yields and the method of verification referred to in Article 3.

Article 5

With a view to the adaptation to technical progress referred to in Article 4, the Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States and chaired by the Commission representative.

Article 6

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State may ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 7

1. The Member States may not, for considerations of limitation of the tar yield of cigarettes, prohibit or restrict the sale of products which comply with this Directive.

2. This Directive shall not otherwise affect the right of the Member States to adopt, in accordance with the Treaty, rules concerning the import, sale and consumption of tobacco products which they deem necessary in order to protect public health, provided such rules do not imply any changes to limits on the tar yield of cigarettes as laid down in this Directive.

Article 8

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 18 months of its notification ⁽¹⁾. They shall forthwith inform the Commission thereof.

2. Products existing at the dates referred to in Article 2 (2) which do not comply with this Directive may continue to be marketed for two years thereafter.

3. Member States shall communicate to the Commission provisions of national law which they adopt in the field governed by this Directive.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 17 May 1990.

For the Council

The President

R. O'HANLON

⁽¹⁾ This Directive was notified to the Member States on 18 May 1990.