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Contents

I Acts whose publication is obligatory

- * Council Regulation (EEC) No 1926/90 of 29 June 1990 opening and providing for the administration of Community tariff quotas for certain chemical products 1
- * Council Regulation (EEC) No 1927/90 of 29 June 1990 increasing the volume of the Community tariff quota opened by Regulation (EEC) No 3905/89 for a certain form of synthetic poly-alpha-olefin 3
- * Council Regulation (EEC) No 1928/90 of 29 June 1990 increasing the volume of the Community tariff quota opened for 1990 for ferro-chromium containing more than 6 % by weight of carbon 4
- * Council Regulation (EEC) No 1929/90 of 29 June 1990 derogating from the definition of the concept of 'originating products' to take account of the special situation of the Netherlands Antilles with regard to chemical-proof overalls falling within CN code 6210 10 99 5
- * Council Regulation (EEC) No 1930/90 of 29 June 1990 amending Regulation (EEC) No 3972/86 on food-aid policy and food-aid management, Regulation (EEC) No 2507/88 on the implementation of storage programmes and early warning systems and Regulation (EEC) No 2508/88 on the implementation of co-financing operations for the purchase of food products or seeds by international bodies or non-governmental organizations 6
- Commission Regulation (EEC) No 1931/90 of 6 July 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal 8
- Commission Regulation (EEC) No 1932/90 of 6 July 1990 fixing the premiums to be added to the import levies on cereals, flour and malt 10
- Commission Regulation (EEC) No 1933/90 of 6 July 1990 fixing the import levies on rice and broken rice 12

Commission Regulation (EEC) No 1934/90 of 6 July 1990 fixing the premiums to be added to the import levies on rice and broken rice	14
★ Commission Regulation (EEC) No 1935/90 of 3 July 1990 on applications in the form of operational programmes for aid from the Guidance Section of the EAGGF for investments for improving the processing and marketing conditions for agricultural and forestry products	16
★ Commission Regulation (EEC) No 1936/90 of 4 July 1990 concerning the classification of certain goods in the combined nomenclature	25
★ Commission Regulation (EEC) No 1937/90 of 4 July 1990 imposing a provisional anti-dumping duty on imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China, and accepting an undertaking offered by the exporter	27
★ Commission Regulation (EEC) No 1938/90 of 5 July 1990 concerning the stopping of fishing for herring by vessels flying the flag of Denmark ...	31
★ Commission Regulation (EEC) No 1939/90 of 5 July 1990 concerning the stopping of fishing for hake by vessels flying the flag of the Netherlands	32
★ Commission Regulation (EEC) No 1940/90 of 6 July 1990 amending Regulation (EEC) No 3587/86 fixing the conversion factors to be applied to the buying-in prices for fruit and vegetables	33
★ Commission Regulation (EEC) No 1941/90 of 6 July 1990 amending Regulation (EEC) No 223/90 as regards the rates of Community part-financing applicable to certain measures referred to in Regulation (EEC) No 797/85	34
Commission Regulation (EEC) No 1942/90 of 6 July 1990 amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender	36
Commission Regulation (EEC) No 1943/90 of 6 July 1990 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	38
Commission Regulation (EEC) No 1944/90 of 6 July 1990 fixing the import levies on white sugar and raw sugar	40

II Acts whose publication is not obligatory

European Parliament

90/354/Euratom, ECSC, EEC :

★ Decision of the European Parliament of 3 April 1990 granting discharge to the Commission in respect of the implementation of the general budget of the European Communities for the financial year 1988 concerning Sections I — Parliament, II — Council, III — Commission, IV — Court of Justice and V — Court of Auditors	42
Resolution embodying the comments which form an integral part of the decision granting a discharge in respect of the implementation of the general budget of the European Communities for the financial year 1988	44

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1926/90

of 29 June 1990

opening and providing for the administration of Community tariff quotas for certain chemical products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain chemical products is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas zero duty Community tariff quotas should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1990; taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From the date of entry into force of this Regulation until 31 December 1990, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below.

Order No	CN code (a)	Descriptions	Volume of tariff quota (tonnes)	Rate of duty (%)
09.2725	ex 3901 90 00	Copolymers of ethylene and methacrylic acid, containing from 8 % to 12 % by weight of methacrylic acid, put up in one of the forms referred to in Note 6 (b) to Chapter 39	4 200	4
09.2727	ex 3902 90 00	Synthetic poly-alpha-olefin having a kinetic viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C measured using the ASTM D 445 method, for the manufacture of lubricating oil	2 200	0

(a) TARIC codes: 3901 90 00 * 97 and 3902 90 00 * 95

2. Within the limits of these tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a present covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authori-

ties of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume 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 the seventh 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 Luxembourg, 29 June 1990.

For the Council

The President

M. SMITH

COUNCIL REGULATION (EEC) No 1927/90**of 29 June 1990****increasing the volume of the Community tariff quota opened by Regulation (EEC) No 3905/89 for a certain form of synthetic poly-alpha-olefin**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3905/89⁽¹⁾ opened, for the period from 1 January to 31 December 1990 a Community tariff quota at zero duty for a certain form of synthetic poly-alpha-olefin falling within CN code ex 3902 90 00 the volume of which was set at 100 tonnes;

Whereas, on the basis of the latest statistics concerning this product for the current year, it is estimated that the Community's immediate additional requirements for

imports from non-member countries total 600 tonnes; whereas this quota volume should be increased by that amount to cover those requirements;

HAS ADOPTED THIS REGULATION:

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 3905/89 for a certain form of synthetic poly-alpha-olefin falling within CN code ex 3902 90 00 shall be raised from 100 to 700 tonnes.

Article 2

This Regulation shall enter into force on the seventh 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 Luxembourg, 29 June 1990.

*For the Council**The President*

M. SMITH

⁽¹⁾ OJ No L 375, 23. 12. 1989, p. 9.

COUNCIL REGULATION (EEC) No 1928/90**of 29 June 1990****increasing the volume of the Community tariff quota opened for 1990 for ferro-chromium containing more than 6 % by weight of carbon**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3693/89⁽¹⁾ opened for the year 1990 a zero-duty Community tariff quota for ferro-chromium containing more than 6 % by weight of carbon and its volume was fixed provisionally at 300 000 tonnes;

Whereas it can be estimated from the economic data now available on consumption, production and imports under other preferential tariff arrangements that immediate Community requirements for imports of this product from third countries could during the current year reach levels higher than the volume laid down by Regulation (EEC) No 3693/89; whereas, in order not to disturb the equilibrium of the market for this product and to ensure both an outlet for Community production and sufficiently secure supplies for user industries, the quota volume

should be increased by a quantity corresponding to the needs of user industries until the autumn, i. e. by 100 000 tonnes; whereas this increase in the quota volume does not preclude the possibility of a further adjustment in the autumn,

HAS ADOPTED THIS REGULATION:

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 3693/89 for ferro-chromium containing more than 6 % by weight of carbon shall be increased from 300 000 tonnes to 400 000 tonnes.

Article 2

This Regulation shall enter into force on the seventh 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 Luxembourg, 29 June 1990.

For the Council

The President

M. SMITH

⁽¹⁾ OJ No L 362, 12. 12. 1989, p. 6.

COUNCIL REGULATION (EEC) No 1929/90

of 29 June 1990

derogating from the definition of the concept of 'originating products' to take account of the special situation of the Netherlands Antilles with regard to chemical-proof overalls falling within CN code 6210 10 99

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 Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories, hereinafter referred to as the OCTs, with the European Economic Community⁽¹⁾, as last amended by Regulation (EEC) No 4041/89⁽²⁾;

Having regard to the proposal from the Commission,

Whereas in Annex II to Decision 86/283/EEC, concerning the definition of the concept of 'originating products' and methods of administrative cooperation Article 28 provides that derogations from the rules of origin may be adopted by the Council where the development of existing industries or the creation of new industries in a country or territory justifies them;

Whereas the Dutch Government has requested, on behalf of the Netherlands Antilles, a derogation from the rules of origin for chemical-proof overalls manufactured there, which for a temporary period could not satisfy the rules of origin laid down in the abovementioned Annex II;

Whereas Article 28 sets out the conditions for a derogation to be granted; whereas the geographical situation of the Netherlands Antilles and the highly sophisticated nature of the material prevent the use of raw materials wholly obtained or processed in other OCTs or in the ACP States; whereas granting a derogation would not cause any serious injury to an economic sector of the Community or of one or more Member States; whereas a temporary derogation is indispensable for the realization of an important investment programme and to enable the company concerned to investigate diversification possibi-

lities in the near future; whereas the relevant conditions of Article 28 are therefore respected in the present case,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions of Annex II to Decision 86/283/EEC, chemical-proof overalls falling within CN code 6210 10 99 shall be considered as originating in the Netherlands Antilles when they are manufactured there from non-originating polypropylene fabric with a polyethylene coating, subject to the conditions set out in this Regulation.

Article 2

The derogation provided for in Article 1 shall relate to an annual global quantity of 750 000 items exported from the Netherlands Antilles during the period from 1 January 1990 to 31 December 1992.

Article 3

The competent authorities of the Netherlands Antilles shall carry out quantitative checks on exports as referred to in Article 2 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued on the basis of this Regulation.

Article 4

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

Notwithstanding Article 2, this Regulation shall cease to apply at the latest on the date of expiry of Decision 86/283/EEC or of any equivalent trade provisions which may replace that Decision.

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

Done at Luxembourg, 29 June 1990.

For the Council

The President

M. SMITH

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 387, 30. 12. 1989, p. 65.

COUNCIL REGULATION (EEC) No 1930/90

of 29 June 1990

amending Regulation (EEC) No 3972/86 on food-aid policy and food-aid management, Regulation (EEC) No 2507/88 on the implementation of storage programmes and early warning systems and Regulation (EEC) No 2508/88 on the implementation of co-financing operations for the purchase of food products or seeds by international bodies or non-governmental organizations

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

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

Whereas Regulations (EEC) No 3972/86⁽²⁾, (EEC) No 2507/88⁽³⁾ and (EEC) No 2508/88⁽⁴⁾ establish that, for the purpose of implementation of some of their provisions, the Commission shall be assisted by a committee;

Whereas Decision 87/373/EEC⁽⁵⁾ laid down the procedures for the exercise of implementing powers conferred on the Commission;

Whereas the procedure for the Food Aid Committee laid down in Regulation (EEC) No 3972/86 does not conform to the rules set out in Decision 87/373/EEC and should consequently be adapted with a view to complying with the said rules;

Whereas the Food Aid Committee should also assist the Commission in the application of Regulations (EEC) No 2507/88 and (EEC) No 2508/88 in accordance with the same procedure; whereas these Regulations should, therefore, be modified accordingly;

Whereas Regulations (EEC) No 3972/86, (EEC) No 2507/88 and (EEC) No 2508/88 are applicable only until 30 June 1990 and should be given permanent effect;

Whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235,

Article 1

Regulation (EEC) No 3972/86 is hereby amended as follows:

1. Article 7 (1) is replaced by the following:

'1. The Commission shall be assisted by a Food Aid Committee, hereinafter referred to as "the Committee", composed of the representatives of the Member States and chaired by the representative of the Commission.'

2. Article 8 is replaced by the following:

Article 8

Where the procedure laid down in this Article is to be followed, 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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission shall defer application of the measures which it has decided for two months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.'

Article 2

1. Regulations (EEC) No 2507/88 and (EEC) No 2508/88 are hereby amended as follows:

(a) in Article 8 (1) of Regulation (EEC) No 2507/88 and Article 3 (1) of Regulation (EEC) No 2508/88, 'shall be taken by the Commission' is replaced by 'are adopted according to the procedure defined in paragraph 2';

⁽¹⁾ Opinion delivered on 15 June 1990 (not yet published in the Official Journal).

⁽²⁾ OJ No L 370, 30. 12. 1986, p. 1 (Corrigendum in OJ No L 42, 12. 2. 1987, p. 54); as amended by Regulation (EEC) No 1750/89 (OJ No L 172, 21. 6. 1989, p. 1).

⁽³⁾ OJ No L 220, 11. 8. 1988, p. 1; as amended by Regulation (EEC) No 1751/89 (OJ No L 172, 21. 6. 1989, p. 2).

⁽⁴⁾ OJ No L 220, 11. 8. 1988, p. 4; as amended by Regulation (EEC) No 1752/89 (OJ No L 172, 21. 6. 1989, p. 3).

⁽⁵⁾ OJ No L 197, 18. 7. 1987, p. 33.

(b) Article 8 (2) and (3) of Regulation (EEC) No 2507/88 and Article 3 (2) and (3) of Regulation (EEC) No 2508/88 is replaced by the following:

'2. The Commission shall be assisted by the Food Aid Committee established by Article 7 (1) of Regulation (EEC) No 3972/86 according to the procedure laid down by Article 8 of the said Regulation.'

2. Paragraph 4 of Article 8 and of Article 3 of, respectively, Regulations (EEC) No 2507/88 and (EEC) No 2508/88 becomes paragraph 3.

Article 3

The second paragraph of Articles 14, 13 and 9 of Regulations (EEC) No 3972/86, (EEC) No 2507/88 and (EEC) No 2508/88, respectively, is deleted.

Article 4

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 Luxembourg, 29 June 1990.

For the Council

The President

M. SMITH

COMMISSION REGULATION (EEC) No 1931/90

of 6 July 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 1340/90 ⁽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 1801/90 ⁽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 5 July 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 1801/90 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 7 July 1990.

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

Done at Brussels, 6 July 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 134, 28. 5. 1990, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 6 July 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	36,66	131,31 ⁽²⁾ ⁽³⁾
0712 90 19	36,66	131,31 ⁽²⁾ ⁽³⁾
1001 10 10	11,90	161,23 ⁽¹⁾ ⁽⁵⁾
1001 10 90	11,90	161,23 ⁽¹⁾ ⁽⁵⁾
1001 90 91	20,22	139,28
1001 90 99	20,22	139,28
1002 00 00	45,72	119,26 ⁽⁶⁾
1003 00 10	36,95	113,85
1003 00 90	36,95	113,85
1004 00 10	28,59	105,84
1004 00 90	28,59	105,84
1005 10 90	36,66	131,31 ⁽²⁾ ⁽³⁾
1005 90 00	36,66	131,31 ⁽²⁾ ⁽³⁾
1007 00 90	53,63	144,00 ⁽⁴⁾
1008 10 00	36,95	38,27
1008 20 00	36,95	85,68 ⁽⁴⁾
1008 30 00	36,95	0,00 ⁽⁷⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	36,95	0,00
1101 00 00	41,31	208,76
1102 10 00	77,01	179,29
1103 11 10	31,45	262,32
1103 11 90	44,61	225,46

⁽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 1932/90

of 6 July 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 1340/90⁽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 1802/90⁽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 5 July 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 7 July 1990.

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

Done at Brussels, 6 July 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 134, 28. 5. 1990, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 6 July 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	1,16	1,16	0
0712 90 19	0	1,16	1,16	0
1001 10 10	0	0	0	6,99
1001 10 90	0	0	0	6,99
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	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	1,16	1,16	0
1005 90 00	0	1,16	1,16	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 1933/90
of 6 July 1990
fixing the import levies on rice and broken rice

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

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

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

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 791/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 1803/90 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 791/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 July 1990.

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

Done at Brussels, 6 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 85, 31. 3. 1990, p. 6.

⁽⁶⁾ OJ No L 167, 30. 6. 1990, p. 14.

ANNEX

to the Commission Regulation of 6 July 1990 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (¹) (²) (³)	Third countries (except ACP or OCT) (³)
1006 10 21	—	—	157,06	321,33
1006 10 23	—	232,63	151,48	310,17
1006 10 25	—	232,63	151,48	310,17
1006 10 27	—	232,63	151,48	310,17
1006 10 92	—	—	157,06	321,33
1006 10 94	—	232,63	151,48	310,17
1006 10 96	—	232,63	151,48	310,17
1006 10 98	—	232,63	151,48	310,17
1006 20 11	—	—	197,23	401,66
1006 20 13	—	290,78	190,25	387,71
1006 20 15	—	290,78	190,25	387,71
1006 20 17	—	290,78	190,25	387,71
1006 20 92	—	—	197,23	401,66
1006 20 94	—	290,78	190,25	387,71
1006 20 96	—	290,78	190,25	387,71
1006 20 98	—	290,78	190,25	387,71
1006 30 21	13,05	—	243,99	511,84
1006 30 23	12,97	464,54	297,81	619,39
1006 30 25	12,97	464,54	297,81	619,39
1006 30 27	12,97	464,54	297,81	619,39
1006 30 42	13,05	—	243,99	511,84
1006 30 44	12,97	464,54	297,81	619,39
1006 30 46	12,97	464,54	297,81	619,39
1006 30 48	12,97	464,54	297,81	619,39
1006 30 61	13,90	—	260,20	545,11
1006 30 63	13,90	497,99	319,64	663,99
1006 30 65	13,90	497,99	319,64	663,99
1006 30 67	13,90	497,99	319,64	663,99
1006 30 92	13,90	—	260,20	545,11
1006 30 94	13,90	497,99	319,64	663,99
1006 30 96	13,90	497,99	319,64	663,99
1006 30 98	13,90	497,99	319,64	663,99
1006 40 00	4,91	—	92,36	190,72

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

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

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

COMMISSION REGULATION (EEC) No 1934/90

of 6 July 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89⁽³⁾, as last amended by Regulation (EEC) No 1804/90⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

Article 2

This Regulation shall enter into force on 9 July 1990.

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

Done at Brussels, 6 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 255, 1. 9. 1989, p. 11.

⁽⁴⁾ OJ No L 167, 30. 6. 1990, p. 16.

ANNEX

to the Commission Regulation of 6 July 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 7	1st period 8	2nd period 9	3rd period 10
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 1935/90

of 3 July 1990

on applications in the form of operational programmes for aid from the Guidance Section of the EAGGF for investments for improving the processing and marketing conditions for agricultural and forestry products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products⁽¹⁾, and in particular Article 23 thereof,

Whereas, in conformity with Article 1 of Council Regulation (EEC) No 867/90 of 29 March 1990 on improving the processing and marketing conditions for forestry products⁽²⁾, the common measure established by Council Regulation (EEC) No 866/90 is extended to the development or rationalization of the marketing and processing of forestry products;

Whereas applications for aid submitted in the form of operational programmes in connection with the common measure should contain all the information needed for examination according to the requirements specified in Regulations (EEC) No 866/90 and (EEC) No 867/90;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for aid from the EAGGF Guidance Section, in the form of operational programmes for investments to improve the conditions under which agricultural and forestry products are processed and marketed shall be submitted in duplicate and shall contain the information and documents specified in the Annex.

2. Applications which do not meet the conditions in paragraph 1 will not be considered.

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, 3 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 91, 6. 4. 1990, p. 1.

⁽²⁾ OJ No L 91, 6. 4. 1990, p. 7.

ANNEX

Code No

(1)

I. GENERAL INFORMATION

1. Operational programme No (1):

2. Member State :

3. Regions covered by this operational programme (2) :

4. Regions (3) : Objective 1 ☐ Objective 5(b) ☐ Other ☐

5. Time period of this operational programme (4) :

6. Definition of the sector(s) covered (5) :

7. Objectives of this operational programme as regards (6) :

7.1. Improvement of processing and marketing structures :

7.2. Technological developments :

7.3. Capacity changes :

8. Conformity

8.1. Conformity with sectoral plan(s) (7) :

8.2. Insertion in sectoral Community support framework(s) :

(1) The operational programme number should be coded as follows :

Year of application 90 Legislative code CT Member State NL Operational programme No 15
e.g.

(2) Specify the administrative regions covered by this operational programme and attach a map which will show the delimitation of these regions.

(3) Tick appropriate box.

(4) Outline projected commencement and completion dates for the operational programme.

(5) Indicate the raw materials which will be utilized and the processed products which will be produced.

(6) Quantify the physical objectives of the programme, where possible.

(7) Explain how the operational programme complies with the relevant sectoral plan(s) in terms of basic production, processing and marketing, capacities, consumption, future developments.

Code No

8.3. Conformity with regional or rural development plan and relevant Community support framework :

8.4. Synergy with other regional and national measures :

9. Costings (national currency/ecu)⁽⁸⁾ :

Objective 1 region	Objective 5 (b) region	Other region	Total
9.1. Total investment foreseen by this operational programme :			
9.2. Beneficiaries' contribution :			
9.3. Contribution of Member State ⁽⁹⁾ :			
9.4. Contribution requested from EAGGF :			
9.5. Contribution requested from other Community sources :			

10. Socioeconomic impact of the operational programme⁽¹⁰⁾ :

11. Designated authorities⁽¹¹⁾ :

11.1 Implementation authority (Article 10 (1) of Regulation (EEC) No 866/90)

11.1.1. Name :

11.1.2. Address :

11.1.3. Tel./Telefax/Telex/Electronic address :

⁽⁸⁾ Where national currency is used state whether current or constant prices are used. For current prices, detail the inflation hypothesis. Where costings are in ecus only specify the exchange rate used. Include a per annum breakdown of expenditure where the programme covers more than one year.

⁽⁹⁾ Specify the nature of the Member State contribution e.g. capital grant or interest subsidy. Where an interest subsidy is being provided give details, its capitalized value and method of calculation of this value. Break contribution into national, regional or local level.

⁽¹⁰⁾ Details such as employment and training implications.

⁽¹¹⁾ Give details of the authority which will implement the programme and the authority for controlling and effecting payments.

Code No

11.2. Payment authority (Article 14 (2) of Regulation (EEC) No 866/90)

11.2.1. Name :

11.2.2. Address :

11.2.3. Tel./Telefax/Telex/Electronic address :

12. Payments :

12.1. Bank :

12.2. Branch address/Branch code :

12.3. Tel./Telefax/Telex/Electronic address :

12.4. Account No :

12.5. Provisional timescales for payments from EAGGF :

II. DETAILS REQUIRED FOR INVESTMENTS $\geq$ ECU 1 500 000 WHICH FORM THIS OPERATIONAL PROGRAMME

1. Investment code No ⁽¹²⁾:

2. Title of investment and sector :

3. Location of investment ⁽¹³⁾ :4. Regions ⁽¹⁴⁾ : Objective 1 ☐ Objective 5 (b) ☐ Other ☐

5. Beneficiary :

6. Status ⁽¹⁵⁾ :7. Description of the investment ⁽¹⁶⁾ :⁽¹²⁾ Number the investment as follows :

Operational programme No : 90.CT.NL.15

Investment code : 001 (number each investment contained in the operational programme)

e.g. : 90.CT.NL.15.001

⁽¹³⁾ Provide the name of the local administrative unit.⁽¹⁴⁾ Tick appropriate box.⁽¹⁵⁾ Indicate :

(a) whether beneficiary is from public, cooperative, or private sector ;

(b) whether beneficiary is a small or medium-sized enterprise (SME) — fulfilling two of the following three criteria :

< ECU 6,2 million balance-sheet total ;

< ECU 12,8 million net annual turnover ;

< 250 employees.

⁽¹⁶⁾ Provide a brief description of the investment, about one page, covering the principal items under :

(a) buildings and equipment — technical description, areas, capacities ;

(b) production processes and functions of investment.

Code No

8. Raw materials ⁽¹⁷⁾:

— links (e.g. contracts) with and benefits to primary producers:

— origins of raw materials (local region, other Member States, third countries); situation before and on completion of the investment:

9. Finished products: marketing outlets, present and proposed, particularly where increased output is concerned ⁽¹⁷⁾:10. Capacity effects ⁽¹⁷⁾:11. Throughputs ⁽¹⁷⁾:

Units/annum		Situation before the investment	On completion of investment
	Inputs ⁽¹⁸⁾		
	Outputs ⁽¹⁸⁾		

⁽¹⁷⁾ For items 8 to 11 provide this information at the plant level. Where one or more separate units within the plant are affected by the investment, provide the information also at this level.

⁽¹⁸⁾ For inputs and outputs supply the details for the five principal products in each case.

Code No

National currency/ECU ⁽¹⁹⁾

12. Total investment costs :
13. Total investment costs on which aid is requested :
14. Beneficiary contribution :
15. Member State contribution (+ nature of this) :
16. Aid requested from EAGGF at ... % rate, based on costs at (13) above :
17. Details of any other Community contributions sought for this investment (e.g. EIB loans, ERDF) :
18. Timetable for execution :
Commencement :
Completion :
19. Drawdown position of applicant for investments previously funded by EAGGF pursuant to Regulations (EEC) No 866/90 and (EEC) No 355/77 ⁽²⁰⁾ :

⁽¹⁹⁾ Where costings are in ecus only specify the exchange rate used.

⁽²⁰⁾ Detail previous EAGGF awards in favour of the beneficiary giving project No, aid awarded and claims status of each award.

Code No

III. SECTORAL SUMMARY AND DETAILS OF INVESTMENTS < ECU 1 500 000 WHICH FORM PART OF THIS OPERATIONAL PROGRAMME

SECTOR ⁽²¹⁾ :

1	2	3	4		5	6	7	8	9		10		
Investment code No (²¹)	Status (²²)	Location of investment		Description of investment (²³)		Effect on capacity (²⁶)	Total cost of investment (National currency/ ECU) (²⁷)	Own funds (National currency/ ECU) (²⁷)	Member State contribution (National currency/ ECU) (²⁷)	EAGGF contribution requested		Timetable	
		Local adminis- trative area	Region (²⁴)	Type of investment	Objectives of investment					%	(National currency/ ECU) (²⁷)	Commen- t	Comple- tion

⁽²¹⁾ Complete a separate sheet for each sector.⁽²²⁾ Use same code numbering system to that at footnote ⁽¹²⁾ above.⁽²³⁾ Indicate status by numbering as follows :

(a) if beneficiary belongs to :

1. Public sector
2. Cooperative sector
3. Private sector

(b) if beneficiary is :

4. SME (see footnote ⁽¹³⁾)

⁽²⁴⁾ Indicate the region by numbering as follows :

- Objective 1 :
- Objective 5 (b) :
- Other regions :

⁽²⁵⁾ Use two or three keywords to summarize the type and objectives of the investment.⁽²⁶⁾ Indicate the effect of the investment on capacity by numbering as follows :

1. Increase of capacity.
2. Modernization or rationalization without increase of capacity.

⁽²⁷⁾ Where costings are in ecus only specify the exchange rate used.

IV. SUMMARY TABLE

Operational programme code No					
Sector (*)		Objective No 1 regions	Objective No 5(b) regions	Other regions	Total
	Total costs (")				
	Aid requested				
	Total costs (")				
	Aid requested				
	Total costs (")				
	Aid requested				
	Total costs (")				
	Aid requested				
Total all sectors	Total costs (")				
	Aid requested				

(*) Provide a summary for each sector which is included in the operational programme.
(") Costings may be in national currency or ecus. Where ecus are used specify the exchange rate.
Where national currency, specify whether current or constant prices. Where current specify inflation hypothesis.

Code No

V. DECLARATION TO BE SUBMITTED WITH THE OPERATIONAL PROGRAMME

The designated authority undertakes the following :

1. To check that the investments will comply with the selection criteria as required by Article 8 of Council Regulation (EEC) No 866/90.
2. To check that the eligible expenditure which will be the subject of the aided investments will comply with Articles 10, 11, 12 and 13, first and second indents, of Council Regulation (EEC) No 866/90.
3. To examine the financial situation of the beneficiary using its audited annual accounts or financial statements so that sufficient evidence is given that the investment will be profitable.
4. To check that the investments comply with Article 13, third indent of Council Regulation (EEC) No 866/90 in that no works have commenced on any of the investments more than six months prior to the date of reception of this operational programme with the Commission.
5. For operational programmes containing investments in the meat sectors, that the competent veterinary authority will certify that the plant within which the investments will be undertaken, will conform with the relevant Council Directives on health problems affecting trade in fresh meat, fresh poultrymeat and meat products.
6. To check that investments will comply with the requirements of the relevant Council Directives concerning the effects on the environment. For investments located in sensitive areas a certificate must be attached for each investment confirming that the information requested in Annex 2 of Commission's letter to the Permanent Representative of each Member State (No 14964 of 19 December 1988) has been verified and demonstrates that the investment will not have a directly adverse effect on the environment.

For investments outside the sensitive areas, but of one of the following types :

Food products industry

- (a) Animal and vegetable fat industries
- (b) Canning of animal and vegetable products
- (c) Manufacture of milk products
- (d) Brewing and malting industry
- (e) Jam and syrup making industries
- (f) Slaughterhouses
- (g) Starch manufacturing industry
- (h) Sugar refineries

Other projects

- (i) Waste purification stations
- (j) Knackery buildings

a declaration should be attached confirming that the investment will not have a significantly detrimental effect on mankind, water, air, earth, countryside, fauna, flora and on the cultural heritage.

7. To check that investments will comply with the provisions for public procurement rules as per Notice C (88) 2510 to the Member States (OJ No C 22, 28. 1. 1989).
8. To check that the national measures for the implementation of the plans, control, prevention and follow-up of irregularities and for monitoring and evaluation procedures as notified in accordance with Article 5 (2) of Council Regulation (EEC) No 866/90 will be followed.

Done at.....

Date (Signature and stamp of the designated authority of the Member State)

**COMMISSION REGULATION (EEC) No 1936/90
of 4 July 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 nomenclature committee has not delivered an opinion within the time limit set by its chairman, as regards product No 2 in the annexed table;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the nomenclature Committee as regards product No 1 in the annexed table,

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, 4 July 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

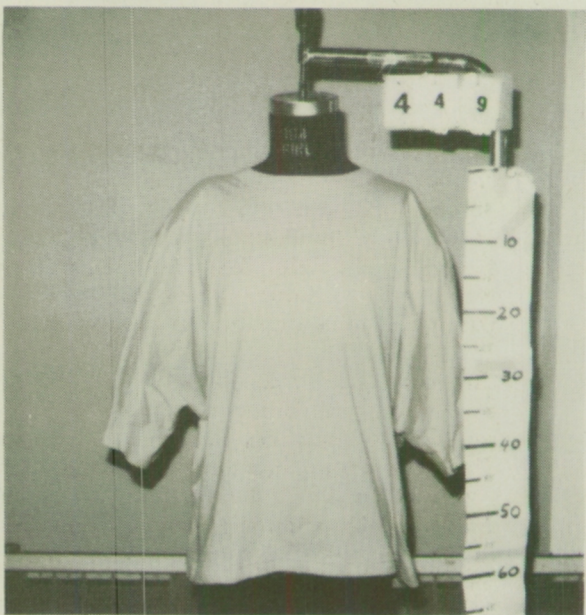
⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 121, 12. 5. 1990, p. 29.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Lightweight knitted garment (100 % synthetic fibres) with narrow shoulder straps covering the body to the crotch. This garment is elasticated at the back at the level of the waist and is fastened at the crotch by means of three press studs. It is also edged with mechanically made lace (see photograph No 440)(*)	6108 92 00	Classification is determined by the provisions of General Rules 1 and 6 for the combined nomenclature and by the texts of CN codes 6108 and 6108 92 00.
2. Lightweight knitted garment (100 % cotton) with sort sleeves intended to cover the upper part of the body reaching down to below the waist. It has a rounded neckline, internal epaulettes and decorations in the form of five pleats at the sleeve ends (see photograph No 449)(*)	6109 10 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, by additional note 2 of Chapter 61 and by the texts of CN codes 6109 and 6109 10 00.

(*) Photographs are of a purely illustrative nature.



COMMISSION REGULATION (EEC) No 1937/90

of 4 July 1990

imposing a provisional anti-dumping duty on imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China, and accepting an undertaking offered by the exporter

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultations within the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

- (1) In September 1989, the Commission received a complaint lodged by the International Association of Users of Yarn of Man-made Fabrics and of Natural Silk (Aiuffass) on behalf of Spinnhütte GmbH & Co., KG Seidentchnik, a company representing the entire Community production of pure silk typewriter ribbon fabrics.

The complaint contained evidence of dumping and of resulting material injury, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of pure silk typewriter ribbon fabrics, falling within CN codes ex 5007 10 00, ex 5007 20 10, and ex 5007 20 21 and originating in the People's Republic of China, and commenced an investigation.

- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant. It sent questionnaires to the parties directly concerned and also gave them the opportunity to make known their views in writing and to request a hearing.
- (3) All of the known interested parties, the Community producer, an independent importer and the exporter, returned the questionnaire duly completed to the Commission. The exporter and the importer also made known their views in

writing. The exporter requested and was granted a hearing.

- (4) The Commission verified the information received to the extent it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following companies :

(a) *Community producer :*

Spinnhütte GmbH & Co., KG Seidentchnik, Celle, Germany ;

(b) *Community importer :*

H. Delacamp GmbH & Co., KG, Hamburg, Germany.

- (5) The investigation of dumping covered the period from 1 January 1989 to 30 September 1989.

B. PRODUCT UNDER CONSIDERATION

- (6) The product subject to investigation is a plain woven silk fabric made out of raw silk of a weight of 40 g/m² or more but not exceeding 50 g/m². The product is used by the office supplies industry for inking and for the further manufacture of typewriter ribbon spools.
- (7) With respect to the physical and technical characteristics, the uses and the markets for this product, the Commission has concluded that the Chinese imports are like products to those produced in the Community, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

C. DUMPING

- (8) In order to establish whether the imports originating in the People's Republic of China were dumped, the Commission had to take account of the fact that this country does not have a market economy and the Commission therefore had to base its determination on the normal value in a market economy country.
- (9) The complainant had claimed that the Community producer and the Chinese producer are the only producers of the product in question in the world. This information has not been contested by any interested party during the investigation and so the normal value was determined, in accordance with Article 2 (5) (c) of Regulation (EEC) No 2423/88, by reference to the prices actually paid or payable in the Community, duly adjusted to include a profit margin of 5 %, considered to be reasonable for this product.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 300, 29. 11. 1989, p. 3.

- (10) Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.
- (11) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability. Such as physical characteristics, payment terms, transport and insurance costs. All comparisons were made at an ex-works level.
- (12) The examination of the facts shows that imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China were being dumped, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community. The weighted average dumping margin for the exporter, as a percentage of the cif price of the product at the Community frontier, was 47,2 %.

D. INJURY

(a) Volume and price of imports

- (13) With regard to the injury, the Commission has established that imports into the Community from the People's Republic of China of pure silk typewriter ribbon fabrics, in volume terms, fell during the period 1986 to 1988 but that in the first nine months of 1989 the level of imports was equivalent to that for all the preceding year 1988. As a result, the market share of the exporter, which had remained almost constant during 1986 to 1988, increased in absolute terms by 6 % during the first nine months of 1989. These products are imported into the Federal Republic of Germany by an importer, who subsequently re-sells throughout the Community, although the Federal Republic of Germany is the main market for these products, representing over 80 % of total Community consumption.
- (14) The weighted average resale prices of these imports undercut the prices of the Community producer during the investigation period by between 10 to 15 % and were lower than those required to cover the costs of the Community producer and to provide a reasonable profit. The level of the import prices also deprived the Community producer of price increases which normally would have occurred during this same time period from the increasing costs of its raw materials.

(b) Impact on the Community industry

- (15) Over the period from 1986 to 1988, production, capacity utilization and sales declined for the Community industry although market share remained stable. However, for the first nine months of 1989, there was a significant deterioration in all

these factors with a reduction of market share of 6 %. The Community producer, which had operated with reasonable profit margins in 1987 and 1988, began to generate financial losses in 1989 and had therefore to reduce its level of employment with the introduction of short time working for its remaining employees.

(c) Causality

- (16) Given the development of the increase in volume and the gain of market share of the dumped imports, the decline in sales and loss of market share of the Community industry during the first nine months of 1989 and the fact that prices of the dumped imports have undercut and suppressed the prices of the Community industry, the Commission has concluded that the injury suffered by the Community industry was caused by the effect of dumped imports, originating in the People's Republic of China, into the Community.
- (17) The Commission examined whether other factors might have been responsible for the injury to the Community industry. There are no imports originating in other third countries. Consumption in the Community of pure silk typewriter ribbon fabrics has been falling steadily in the Community by approximately 10 % per annum. Whereas this trend in consumption can explain the decrease in sales of the Community producer during the period in which injury has been examined, it cannot explain the significant loss of market share in the first nine months of 1989, which is clearly paralleled by an increase in market share by the exporter. Equally the Community producer was profitable in the years 1987 and 1988 when consumption was also declining, and therefore the Commission does not consider that falling consumption has contributed to the injury found.

(d) Conclusion

- (18) In these circumstances, the Commission has concluded that the volume of Chinese dumped imports, and the prices at which they are offered for sale in the Community, taken in isolation, have to be considered as causing material injury to the Community industry concerned.

E. COMMUNITY INTEREST

- (19) Although the requirements of the Community for silk typewriter ribbon are not great and are diminishing, there is and will continue to be a demand for this product in the Community. It would not be in the Community's interest for there to be a sole supplier of this product. The material injury caused to the Community producer by the dumped imports puts its survival at risk. Any protective measures should not however lead to the withdrawal of Chinese imports from the market or

eliminate competition between these imports and Community production. The Community producer is in the weaker competitive position, quite apart from the fact that it is suffering from the dumping from China, since it is dependent on China for its supplies of raw silk. The Commission considers that the Community interest would best be protected by the imposition of a provisional anti-dumping duty and the acceptance of a price undertaking which should ensure the maintenance of effective competition between the two suppliers.

- (20) The Commission considers that the situation warrants the imposition of provisional measures at this stage of the proceeding in order to prevent further injury being caused during the remainder of the proceeding.

F. MEASURES

Price undertaking

- (21) The only known exporter of pure silk typewriter ribbon fabrics, China National Silk Import and Export Corporation — Zhejiang Branch, requested and was informed of the main conclusions of the investigation; it submitted its comments and subsequently offered a price undertaking.
- (22) This undertaking has the effect of raising prices by an amount which in no case exceeds the dumping margin established but which is sufficient to remove the injury caused to the Community industry, since the price of the imports plus the importer's costs and profit is thereby raised to the level of a selling price at which the Community producer can make a reasonable profit. It is, moreover, possible to monitor and control that this undertaking is respected. Under these circumstances, the undertaking offered is considered acceptable and the investigations can be terminated for the exporter concerned without imposing an anti-dumping duty.

In addition, where there is reason to believe that the undertaking has been violated, provisional and definitive duties may be imposed based on the facts established before the acceptance of the undertaking.

This solution met with no objection within the Advisory Committee.

Duty

- (23) On the basis of the information available, the Commission believes that the exporter, who has

offered an undertaking, currently represents all Chinese exports of the pure silk typewriter ribbon fabrics to the Community. However, in order to safeguard the effectiveness of the undertaking and to prevent possible circumvention by the appearance of other exporters in the future, a provisional anti-dumping duty should be imposed.

- (24) The Commission considered that this duty should be based on the facts established in the investigation period for the exporter who fully cooperated in the investigation. Consequently, having regard to the extent of the injury caused, the rate of such a duty should be less than the dumping margin provisionally established but adequate to remove the injury caused. Having taken into account the selling price needed to provide an adequate profit (5 % margin on the sales price for this product) for the Community producer and the purchase price of the Community importer and their costs and profit margin, the Commission determined the amount of duty necessary to eliminate the injury to be 24,6 % of the net free-at-Community-frontier price, not cleared through customs. The Commission considered that, to ensure the effectiveness of the protective measures and to facilitate customs clearance, the provisional duty should take the form of an *ad valorem* duty.

G. TIME LIMIT

- (25) Following the imposition of the provisional anti-dumping duty, a period should be fixed within which the interested parties may make their views known and apply to be heard orally by the Commission.

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of pure silk typewriter ribbon fabrics falling within CN codes ex 5007 10 00 (Taric code: 5007 10 00 91), ex 5007 20 10 (Taric code: 5007 20 10 91) and ex 5007 20 21 (Taric code: 5007 20 21 91) and originating in the People's Republic of China.
2. The rate of duty shall be 24,6 % of the net free-at-Community-frontier price, not cleared through customs (Taric additional code: 8466).
3. The duty shall not apply to the products referred to in paragraph 1, produced and exported by China National Silk Import & Export Corporation — Zhejiang Branch (Taric additional code: 8465).

4. For the purposes of this Regulation, a pure silk typewriter ribbon fabric means a plain woven silk fabric made out of raw silk of a weight of 40 g/m² or more but not exceeding 50 g/m².

5. The provisions in force with regard to customs duties shall apply.

6. The release for free circulation in the Community of the product originating in the People's Republic of China referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

The undertaking offered by China National Silk Import and Export Corporation — Zhejiang Branch, in connection with the anti-dumping proceeding concerning imports of pure silk typewriter ribbon fabrics fallen within CN codes ex 5007 10 00 ex 5007 20 10 and ex 5007 20 21 and originating in the People's Republic of China is hereby accepted.

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

Done at Brussels, 4 July 1990.

Article 3

The investigation in connection with the anti-dumping proceeding referred to in Article 2 is hereby terminated in respect of the Company China National Silk Import & Export Corporation — Zhejiang Branch.

Article 4

Without prejudice to Article 7 (4) (b) of Regulation (EEC) No 2423/88, the parties concerned may make their views known in writing and request a hearing from the Commission within one month from the entry into force of this Regulation.

Article 5

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1938/90

of 5 July 1990

concerning the stopping of fishing for herring by vessels flying the flag of Denmark

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for herring quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, the quota of herring in the waters of ICES divisions IV c (excluding Blackwater stock), VII d

allocated to Denmark for 1990 is exhausted owing to a transfer of this quota,

HAS ADOPTED THIS REGULATION:

Article 1

The quota of herring in the waters of ICES divisions IV c (excluding Blackwater stock), VII d allocated to Denmark for 1990 is deemed to be exhausted.

Fishing for herring in the waters of ICES divisions IV c (excluding Blackwater stock), VII d by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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, 5 July 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 1939/90

of 5 July 1990

concerning the stopping of fishing for hake by vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for hake quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of hake in the waters of ICES

division VIII a, b, d and e by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for 1990;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of hake in the waters of ICES division VIII a, b, d and e by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the quota allocated to the Netherlands for 1990.

Fishing for hake in the waters of ICES division VIII a, b, d and e by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 5 July 1990.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 1940/90

of 6 July 1990

amending Regulation (EEC) No 3587/86 fixing the conversion factors to be applied to the buying-in prices for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1193/90⁽²⁾, and in particular Article 16 (4) thereof,Whereas Commission Regulation (EEC) No 3587/86⁽³⁾, as last amended by Regulation (EEC) No 3593/89⁽⁴⁾, fixes the conversion factors permitting the calculation of the prices at which products with characteristics different from those of products used for the fixing of the basic and buying-in prices are bought in ;

Whereas with respect to table grapes the conversion factors shall, in accordance with Article 16 (4) of Regulation (EEC) No 1035/72, be so fixed as to maintain a balance between the price at which the product is bought in under Article 19 and the price obtained for grapes produced with a view to the obligatory distillation of wine made from table grapes ; that in order to satisfy the objective, it is suitable to adapt the coefficient fixed for this product ;

Whereas it is necessary to revise the conversion factor for apples of the 'Jonagored' variety as a result of the trend in

prices of the Community representative markets in recent seasons ;

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3587/86 is hereby amended as follows :

1. The first indent of point (b) in Annex IX is replaced by the following :
'—II. 0,40' ;
2. In Annex X, under point (a) first indent the name 'Jonagored' is included after the name 'Jonagold'.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 6 July 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 119, 11. 5. 1990, p. 43.⁽³⁾ OJ No L 334, 27. 11. 1986, p. 1.⁽⁴⁾ OJ No L 350, 1. 12. 1989, p. 60.

COMMISSION REGULATION (EEC) No 1941/90

of 6 July 1990

amending Regulation (EEC) No 223/90 as regards the rates of Community part-financing applicable to certain measures referred to in Regulation (EEC) No 797/85

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 752/90⁽²⁾, and in particular Article 26 (2) thereof,

Whereas Commission Regulation (EEC) No 223/90 of 26 January 1990 fixing the rates of Community part-financing for the measures referred to in Council Regulations (EEC) No 797/85, (EEC) No 1096/88, (EEC) No 1360/78, (EEC) No 389/82 and (EEC) No 1696/71⁽³⁾ should be supplemented by inserting therein the rates of Community part-financing applicable to the set aside measures referred to in Title 01 of Regulation (EEC) No 797/85;

Whereas certain rates of Community part-financing fixed by Regulation (EEC) No 223/90 should be rectified to keep them at the level applying before the entry into force of Council Regulation (EEC) No 3808/89⁽⁴⁾;

Whereas the measures provided for this Regulation are in accordance with the opinion of the Committee on Agricultural Structure and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 223/90 is hereby amended as follows:

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

Done at Brussels, 6 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

1. The following paragraph is added to Article 1:

'The rates of Community part-financing applicable to the set-aside measures referred to in Title 01 of Regulation (EEC) No 797/85 shall be as listed in Annex III.'

2. The two indents of point 1 (b) of Annex II are replaced by the following:

— in all areas, aids referred to in Articles 7 and 7a,

— in less-favoured areas within the meaning of Council Directive 75/268/EEC⁽¹⁾

— aids referred to in Articles 3 and 4 and granted in the less-favoured areas of the Italian Mezzogiorno and not covered by Objective 1,

— aids referred to in Article 14, 17, 20a and 21 and granted in the less-favoured areas of Italy which are not covered by Objective 1,

— aids referred to in Articles 3, 4, 14, 17, 20a and 21 and granted in the less-favoured areas of Spain which are marked with an asterisk in the Annex to Directive 86/466/EEC⁽²⁾ and which are not covered by Objective 1.'

3. The Annex to this Regulation is added as Annex III.

Article 2

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

Article 1 (1) shall apply to expenditure relating to land set aside from 1 January 1990.

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 1.

⁽³⁾ OJ No L 22, 27. 1. 1990, p. 62.

⁽⁴⁾ OJ No L 371, 20. 12. 1989, p. 1.

ANNEX

ANNEX III

Rates of Community part-financing applicable to set-aside measures referred to Title 01 of Regulation (EEC) No 797/85

<i>Types of measures and amount of aid</i>	<i>rate</i>
1. Measures referred to in the first subparagraph of Article 1a (3)	
(a) for that part of the aid which does not exceed ECU 300/ha/year	60%
(b) for that part of the aid which exceeds ECU 300/ha/year but does not exceed ECU 600/ha/year	25%
2. Measures referred to in the third subparagraph of Article 1a (3)	
(a) for that part of the aid which does not exceed ECU 150/ha/year	60%
(b) for that part of the aid which exceeds ECU 150/ha/year but does not exceed ECU 300/ha/year	25%

COMMISSION REGULATION (EEC) No 1942/90

of 6 July 1990

amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EEC) No 1744/90 ⁽⁴⁾, opens buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and the first indent of (5) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the

Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 10 July 1990.

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

Done at Brussels, 6 July 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 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 161, 27. 6. 1990, p. 38.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ Ι — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el
apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten
Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1
παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er},
paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1 lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do
artigo 1.º

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
	U	R	O	U	R	O
Belgique/België		x	x			
Danmark		x	x			
Deutschland	x	x				
España	x	x	x			
France	x	x	x			x
Italia			x			
Luxembourg			x			
Nederland		x				

COMMISSION REGULATION (EEC) No 1943/90**of 6 July 1990****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1811/90 ⁽³⁾, as amended by Regulation (EEC) No 1885/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1811/90 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1811/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 1990.

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

Done at Brussels, 6 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 39.

⁽⁴⁾ OJ No L 171, 4. 7. 1990, p. 21.

ANNEX

to the Commission Regulation of 6 July 1990 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3574	—
1702 20 90	0,3574	—
1702 30 10	—	45,61
1702 40 10	—	45,61
1702 60 10	—	45,61
1702 60 90	0,3574	—
1702 90 30	—	45,61
1702 90 60	0,3574	—
1702 90 71	0,3574	—
1702 90 90	0,3574	—
2106 90 30	—	45,61
2106 90 59	0,3574	—

COMMISSION REGULATION (EEC) No 1944/90
of 6 July 1990
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1812/90 ⁽³⁾, as last amended by Regulation (EEC) No 1923/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1812/90 to the information 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 referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 1990.

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

Done at Brussels, 6 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 41.

⁽⁴⁾ OJ No L 173, 6. 7. 1990, p. 44.

ANNEX

to the Commission Regulation of 6 July 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	31,79 ⁽¹⁾
1701 11 90	31,79 ⁽¹⁾
1701 12 10	31,79 ⁽¹⁾
1701 12 90	31,79 ⁽¹⁾
1701 91 00	35,74
1701 99 10	35,74
1701 99 90	35,74 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting discharge to the Commission in respect of the implementation of the general budget of the European Communities for the financial year 1988 concerning Sections I — Parliament, II — Council, III — Commission, IV — Court of Justice and V — Court of Auditors

(90/354/Euratom, ECSC, EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Coal and Steel Community and in particular Article 78g thereof,
- having regard to the Treaty establishing the European Economic Community and in particular Article 206b thereof,
- having regard to the Treaty establishing the European Atomic Energy Community and in particular Article 180b thereof,
- having regard to the budget for the financial year 1988,
- having regard to the revenue and expenditure accounts and the balance sheet relating to the financial year 1988,
- having regard to the report of the Court of Auditors concerning the financial year 1988 accompanied by the replies of the institutions⁽¹⁾,
- having regard to the Council recommendation of 12 March 1990 (Doc. C 3-83/90),
- having regard to the report of the Committee on Budgetary Control and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Energy, Research and Technology, the Committee on Social Affairs, Employment and the Working Environment, the Committee on Regional Policy and Regional Planning, the Committee on the Environment, Public Health and Consumer Protection, the Committee on Youth, Culture, Education, the Media and Sport, the Committee on Development and Cooperation, the Committee on Women's Rights, the Committee on External Economic Relations and the Committee on Transport and Tourism (presented orally) (Doc. A 3-67/90),

1. Notes that authorized revenue and expenditure for the financial year 1988 totalled:

	(ECU)	(ECU)
— Revenue		43 844 949 426
— Appropriations for commitments:		
— Appropriations authorized in the general budget	45 344 151 524	
— Appropriations remaining from the financial year 1987 or made available as a result of cancellations of commitments in the financial year 1988	712 608 215	
— Appropriations corresponding to revenue from services rendered to third parties	30 951 397	
		46 087 711 136
— Appropriations for payments		43 844 949 426

⁽¹⁾ OJ No C 312, 12. 12. 1989, p. 1.

2. Grants discharge to the Commission in respect of the implementation of the budget on the basis of the following amounts :

	(ECU)	(ECU)
(a) Revenue		
— Own resources	40 288 384 747	
— Financial contributions	211 379 795	
— Other revenue	1 343 652 575	
		41 843 417 117
(b) Expenditure		
— Payments made for the financial year	40 301 897 311	
— Appropriations carried over to 1989	819 039 725	41 120 937 036
(c) Balance for the financial year 1988		+ 1 140 058 832
Calculated as follows :		
— Revenue for the financial year		41 843 417 117
— Payments from the appropriations for the financial year	40 301 897 311	
— Appropriations carried over to 1989	819 039 725	— 41 120 937 036
Difference		722 480 081
— Appropriations carried over from 1987 which have lapsed		+ 381 493 640
— Exchange difference in the financial year 1988		+ 36 085 111
Balance for the financial year 1988		1 140 058 832
This balance reflects the accounting situation only and does not include expenditure actually incurred during this financial year		
(d) Utilization of appropriations for commitments		43 358 290 261
(e) Balance sheet as at 31 December 1988 :		(ECU)

ASSETS		LIABILITIES	
Fixed assets	10 020 908 237	Fixed capital	12 386 459 644
Inventories	67 823 372	Current liabilities	4 732 228 899
Current assets	2 281 652 314	Cash accounts	433 311 894
Cash accounts	5 134 945 078	Accrued expenses	387 170 385
Prepaid expenses	433 841 821		
Total	17 939 170 822	Total	17 939 170 822

3. Records its comments in a resolution which forms an integral part of this Decision ;
4. Instructs its President to forward this Decision and the resolution embodying its comments to the Commission, the Council, the Court of Justice, the Court of Auditors, the European Investment Bank and the bodies responsible for budgetary control in the national parliaments and to have them published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General
Enrico VINCI

The President
Enrique BARÓN CRESPO

RESOLUTION

embodying the comments which form an integral part of the decision granting a discharge in respect of the implementation of the general budget of the European Communities for the financial year 1988

THE EUROPEAN PARLIAMENT,

- having regard to Article 206b of the Treaty establishing the European Economic Community,
- having regard to Article 85 of the Financial Regulation of 21 December 1977 pursuant to which the Community institutions must take all appropriate steps to act on the comments appearing in the discharge decisions,
- whereas the same Article also requires the institutions to report, at the request of the European Parliament, on the measures taken in the light of Parliament's comments and, in particular, on the instructions given to those of their departments responsible for the implementation of the budget,
- having regard to the Council recommendation of 12 March 1990 (C 3-83/90),
- having regard to the report of the Committee on Budgetary Control and the other documents referred to in the discharge decision (Doc. A 3-67/90),

A. whereas the accounts for the financial year 1988 must be assessed in the light of the European Council decisions of 11 to 13 February 1988; whereas these decisions, which are of fundamental importance for the Community, created a framework for overcoming the grave crisis which had affected the Community's finances since 1982 and whereas the Commission, without detracting from the role of Parliament, the Council and the Member States, has played its full part in initiating action;

B. whereas these decisions have radically altered the conditions governing the drawing-up, implementation and control of the budget, in particular by strengthening the implementing powers of the Commission and whereas control by Parliament must therefore be stepped up, where appropriate in liaison with the national parliaments;

C. whereas the system of financial perspectives establishes for each financial year objectives linked to completion of the single market and economic cohesion; whereas the achievement of these objectives constitutes a yardstick for granting the discharge and assessing the manner in which the Commission has exercised its responsibilities within the meaning of Article 205 of the EEC Treaty,

I. Comments on the implementation of the budget, follow-up and control of actions financed

Problems in the implementation of the budget

1. Notes that the Commission has managed to take advantage of the more stringent provisions of the Financial Regulation concerning the annuality of appropriations which came into force in 1988 in that its management has resulted in a higher utilization rate for appropriations for commitments and for payments (with the exception of appropriations under the EAGGF Guarantee Section);
2. Stresses however that the reform, insofar as it imposes strict limits on the carry-over of appropriations, has resulted in an increase in cancellations of both appropriations for payment (more than ECU 800 million) and of commitment appropriations made available as a result of decommitments (more than ECU 700 million);
3. Considers that these cancellations highlight:
 - (a) management problems at national and Community level;
 - (b) the risk that the Community will fail to achieve the multiannual objectives laid down in the financial perspective, particularly as regards cohesion, should current trends persist;
 - (c) the need for the budgetary authority and the Commission to ensure that the financial perspectives are met in implementing the budget and, where appropriations are cancelled, to make the necessary adjustments pursuant to Articles 10 and 11 of the Interinstitutional Agreement;
4. Calls on the Commission to ensure the transparency of decisions on the carry-over of appropriations and the restoration of commitment appropriations, by setting out the reasons for such decisions;
5. Points out that too many budget headings, often amended by Parliament, have not been implemented satisfactorily and calls on the Commission to look into the reasons for this underutilization in order to improve not only global implementation of the budget but also the implementation of individual headings;
6. Asks its committees responsible to carry out ongoing checks during each financial year on the budget headings which concern them;

7. Deplores the fact that ECU 15 billion has been tied up as outstanding commitment appropriations, in many cases for very old projects, thereby denying funds to worthwhile projects; calls on the Commission;

- (a) to strengthen and systematize its procedures for monitoring and closing files, particularly in the area of the Structural Funds, research and cooperation;
- (b) to ensure the widespread application of Article 1 of the Financial Regulation as regards the duration of commitments entered into for multiannual projects, by keeping the possibilities of derogation to an absolute minimum;

8. Considers that although the balance of ECU 1 140 million has been calculated on the basis of the existing regulations it cannot be regarded as a true reflection of the implementation of the budget since it fails to take account of the late payment of ECU 1 638 million which should have been made by two Member States pursuant to the Interinstitutional Agreement of 1988;

9. Regrets that the Commission has not proposed that the positive balance for the financial year should be used for the early repayment of debts incurred in connection with the disposal of butter stocks, by amending Council Regulation (EEC) No 801/87⁽¹⁾ and revising the financial perspective and calls on the Commission in future to submit proposals before the end of the financial year earmarking the balance for the early repayment of any debts falling due;

Problems of monitoring and control

10. Takes the view that gradual decentralization of management which the Commission has been introducing for a number of years, is not acceptable unless the Commission retains overall responsibility and takes the necessary action to ensure the uniformity and effectiveness of the projects financed;

11. Frequently notes in this connection that to date the decentralization of management has resulted in less stringent monitoring and control of actions managed at national level, as regards:

- (a) the common agricultural policy where the early warning system and procedures for clearance of accounts are not yet meeting all the objectives assigned to them;
- (b) the structural policies, owing to shortcomings in assessment, monitoring and control on the spot and coordination with the national authorities;
- (c) research, which is sometimes impeded by difficulties in monitoring the implementation of scientific

programmes and adjusting projects to new developments;

- (d) development aid where procedures are cumbersome or there are no standard procedures for monitoring or closing files;
- (e) own resources, where shortcomings in monitoring the application of the Sixth Directive and inadequate checks on claims arising from VAT and on the national accounts for traditional own resources have resulted in amounts due to the Community being written off;

12. Considers that the fact of the Commission abdicating its responsibilities as regards implementation and management of the budget, as was the case for quotas and levies in the dairy sector, could jeopardize the achievement of the objectives of market integration and economic cohesion set for 1993;

13. Proposes that if the principle of subsidiarity is to continue to be interpreted as subordination to national policies and authorities, it should be replaced by the concept of partnership which implies that the Commission has full responsibility for actions covered by decentralized management;

14. Takes the view that the use of Community funds in third countries which do not have adequate administrative structures should be subject to concomitant checks by the Court of Auditors; takes the view that this requirement must be enshrined in the agreements concluded by the European Community and the third countries concerned; directs the Court of Auditors to report to it semiannually on implementation of aid to Eastern Europe;

II. Comments on the management of individual sectors

Own resources

15. Stresses that the inertia or weakness of the Commission in cases where which Community regulations have been incorrectly applied at national level amount to an abdication of its responsibilities pursuant to Article 205 of the Treaty and insists therefore that the Commission take recourse to necessary actions within the legal framework of the institutions;

16. Deplores the serious shortcomings found in the sector of VAT and traditional own resources, such as:

- (a) the inadequate system for checking whether national legislation complies with the Sixth VAT Directive;
- (b) the delays in taking appropriate action in the event of disagreement with a Member State as regards the existence and establishment of amounts deriving from VAT, inadequate checks on the amounts paid follo-

⁽¹⁾ OJ No L 79, 22. 3. 1987, p. 14.

- wing rectifications, delays in imposing interest on late payments or failure to issue recovery orders ;
- (c) the lack of a monitoring programme for the recovery of traditional own resources ; inadequate coordination between national and Community checks ;
 - (d) lack of information on the establishment and making available of own resources ;
 - (e) shortcomings in the Community transit system where there are no criteria for checking goods subject to tariffs and the operating rules are not applied by the Member States or the custom authorities ;
 - (f) problems of applying Community rules on repayments and remissions of import or export duties, incomplete customs declarations and the inward processing arrangements ;

17. Calls on the Commission to take into account the provisions of Annex VII of Parliament's Rules of Procedure and inform Parliament of any differences, problems and infringements that occur so that the Committee on Budgetary Control may draw the relevant conclusions ;

18. Deplores the fact that as a result of these shortcomings the Commission is unable to ensure that the own resources made available to the Community correspond to the amounts due to it ;

19. Calls on the Commission correctly to assess the amount of own resources which must be made available, propose any corrections that may be necessary and justify such deviations from the normal method of calculation ;

20. Demands that the Commission shows outstanding debtors of own resources on the Community's balance sheet, indicating Member State (or States) involved ;

21. Stresses that the adoption of Regulation (EEC) No 1552/89 on the application of Decision 88/376/EEC, Euratom on the Community system of own resources ⁽¹⁾ will, for the first time, allow autonomous inspections to be conducted in the Member States and more detailed information to be forwarded to the Community on cases of fraud and irregularities and the measures taken by national authorities ; urges the Commission, furthermore, to increase the overall effectiveness of controls and systematically to audit the financial results of inspections ;

22. Points out that the two proposals for Council regulations on measures to simplify the Community transit system should make it easier to recover customs duties by abolishing the transit advice note and calls on the Council to accept their responsibility and adopt the regulations on measures to simplify the Community transit system ;

23. Calls on the Commission to include in its proposal for a European customs code provisions on the standardi-

zation of customs formalities, the simplification of procedures and measures required to combat irregularities and fraud ;

24. Calls on the Commission to ensure that the adoption of these new legal bases are accompanied by uniform and complete translation of Community law into national, legal and administrative provisions, an improvement in the quantity and quality of accounting and financial data forwarded by the Member States and the introduction of procedures capable of ensuring that the Communities' own resources are properly established, collected and taken into account and in this regard instructs the Commission to report to the Committee on Budgetary Control by 1 November 1990 on the legal steps taken to fulfil the demands of the European Parliament ; calls on the Commission to pursue its efforts to establish a common and more transparent budgetary nomenclature and to ensure that the accountancy data concerning own resources which the Member States forward to the Commission is presented in a more detailed manner ;

EAGGF Guarantee Section : problems across the board

25. Notes with satisfaction that the introduction of agricultural stabilizers and the special scheme for disposal of butter stocks brought about a sharp reduction in the book value of stocks ;

26. Believes, however, that the overall savings achieved in the EAGGF Guarantee Section in 1988 are due as much to favourable circumstances (change in the US dollar-ecu exchange rate and world market trends) as to the effect of the newly introduced budget discipline measures ;

27. Calls on the Commission, therefore, to take the following measures to tighten the control of agricultural spending :

- (a) the monthly reports submitted under the early warning system should be supplemented by short and medium-term forecasts of production and market trends so that action can be taken rapidly where there is any risk of forecasts being exceeded ;
- (b) the Commission is invited to submit proposals to strengthen its powers relating to agricultural stabilizers ;
- (c) the Commission must take action in response to any persistent deviation from the expenditure profile by chapter, as set out in Article 6 of Council Decision 88/377/EEC of 24 June 1988 on budgetary discipline ⁽²⁾ ; management confined to ensuring that the agricultural guideline is respected as a whole, thus

⁽¹⁾ OJ No L 155, 7. 6. 1989, p. 1.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 29.

enabling imbalances in certain sectors to be offset by savings in other areas, would be in breach of Article 39 of the Treaty, which cites stabilizing markets as one of the objectives of the CAP;

28. Intends to carry out a detailed investigation of the reasons for the shortcomings and delays in the procedure for clearance of EAGGF Guarantee Section accounts;

29. Notes the sharp increase in irregularities and fraud reported by the Member States and the proportionate fall in the amounts recovered;

30. Deplores the fact that the Commission does not provide adequate information on the financial implications of its investigations, particularly as regards the recovery of amounts improperly paid;

31. Calls on the Unit for the coordination of fraud prevention to continue the work it has undertaken in 1989 at four levels:

- (a) checks, by increasing the number of investigations carried out pursuant to Article 9 of Council Regulation (EEC) No 729/70⁽¹⁾;
- (b) standardization proposals; submission of a European customs code, review of the provisions for the control of export refunds, adoption of a regulation on checks on commercial documents of beneficiaries and debtors of the EAGGF Guarantee Section;
- (c) administrative rationalization: simplification of the system of different refunds and review of the proof of arrival of agricultural products at their final destination;
- (d) regulations: insists that the Commission draw up proposals for regulations which provide a deterrent to fraud in the form of administrative penalties and in any case insists that the Commission uses the powers at its disposal to deduct amounts due to the Community budget from allocations to be paid to Member States as penalties for abuse of the Community funds;

32. Calls on the Council to adopt the Community Crimes Treaty which has been before Council since 1976 and which would go some way toward protecting the Community's financial interests and combatting fraud and asks the Council to commence examination of the following outstanding legislation:

- draft for a Treaty amending the Treaties establishing the European Communities so as to permit the adoption of common rules on the protection under criminal law of the financial interests of the Commu-

nities and the prosecution of infringements of the provisions of those Treaties,

- draft for a Treaty amending the Treaty establishing a single Council and a single Commission of the European Communities so as to permit the adoption of common rules on the liability and protection under criminal law of officials and other servants of the European Communities,
- proposal for a Council Regulation (EEC) on the strengthening of controls on the application of Community rules on agricultural products,
- amendment to the proposal for a Council Regulation (EEC) on the strengthening of controls on the application of Community rules on agricultural products;

EAGGF Guarantee Section: problems in specific sectors

33. Calls on the Commission to report to Parliament by 1 October 1990 on:

- (a) the economic impact of co-responsibility levies in the cereals sector with regard to the objectives of stabilizing budgetary expenditure which they were intended to meet;
- (b) the problems created for accounting and budgetary administration by the fact that these levies have the status of negative expenditure;
- (c) trends in expenditure in the sector since the introduction of the levies, and in the economic parameters which are the cause of such expenditure (production, stocks, exports, etc.);
- (d) the date of collection of co-responsibility levies in the various Member States;

34. Approves the efforts made by the Commission and the national authorities to tighten controls, apply sanctions and to recover amounts wrongly paid out in connection with production aid for durum wheat, and calls on the Commission to adjust the level of production aid to the state of the market;

35. Intends to review the question of the financial neutrality of the sugar sector in the light of the communications from the Commission and the Court of Auditors;

36. Notes the alarming deterioration seen in recent months with respect to the artificial trade patterns affecting sugar exports which exploit different methods of customs control and fluctuations in exchange rates; notes that such diversions of trade both distort the conditions of competition and result in losses to the Community budget which the Court of Auditors estimates at ECU 10 million for the sugar sector; calls, therefore, on the Commission to take energetic action to end this phenomenon;

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

37. Is highly alarmed by the fact that sample checks carried out by the Commission concerning the quality of olive oil in intervention revealed that in 93 % of the cases examined the quality found was lower than that which was declared and calls on the Commission to ensure that the quality control tests on olive oil taken into intervention are carried out on entry to the storage facilities ;

38. Asks the Commission to use subsidies and guaranteed prices to restore equilibrium to the tobacco market where there is overproduction of varieties for which there is no demand ;

39. Calls on the Commission to submit proposals amending the common organization of the market in the fruit and vegetables sector to encourage organizations to make efforts to seek outlets for their production on national and international markets rather than relying on withdrawals from the market ;

40. Asks the Commission to review the price system for the distillation of wine to curb the growth in stocks ;

41. Condemns the Commission's attitude to the problems of milk quotas and the serious infringements noted in the financial years 1984/85 and 1985/86 ; considers that the decision not to pursue the actions against five Member States out of six and the adoption of Regulations excusing retroactively the infringements which have been established meant :

- (a) a loss of ECU 520 million, which was borne by adjustments which the Commission planned to make in clearance of the 1986 accounts and which represent the budgetary impact of the incorrect application of the quota regulation ;
- (b) violation of the principle of equal treatment for all Member States and all categories of purchasers and producers concerned ;

42. Calls on the Commission, once the Council has adopted the two proposals concerning the amounts granted on export of agricultural products in general and the adoption of new rules governing export refunds for beef and veal, to implement the new control measures in the beef and veal sector and to report to Parliament in due course on their effectiveness ;

43. Calls on the Commission to take the necessary measures to tighten up controls on the ewe premium and to report to Parliament ;

Structural policy: Structural funds, borrowing and lending operations, transport policy and sexual equality

44. Takes the view that, in the process of carrying through the structural fund reform, the Commission will encounter the same problems which typified structural

operations up until 1988, such as the fact that fund resources are spread too thinly and that, overall, the funding has little impact on the economies of the regions concerned, inadequate selection, monitoring and checking procedures in respect of operations leading to an increase in outstanding commitments, the cancellation of appropriations and irregularities ; the lack of additionality and lack of real impact of funding on decisions to invest ;

45. Calls upon the Commission to make full use of the scope afforded by the new rules (laying down of strategic objectives ; project selection, monitoring and checking on the basis of the partnership arrangements, Community support frameworks and operational programmes ; collaboration with the Court of Auditors to lay down criteria for ex post assessments) in order to ensure that the Community's structural operations are a genuinely effective means of realizing objectives with regard to cohesion ;

46. Suggests to the Commission that monitoring and checks carried out as part of the reform of the funds should be based on the following criteria ;

- (a) progress will have to be assessed with regard not only to implementation of a programme as a whole, but also to the regularity of all the operations financed under a given programme ;
- (b) the Commission should define more clearly the monitoring criteria to be applied by the committees provided for in Title VIII of the coordination regulation and should ensure that these committees are closely involved in monitoring Community support frameworks ;
- (c) the provisions of Article 1 (3) (a) of the Financial Regulation (time-limit for the implementation of legal commitments for measures extending over more than one financial year) should be enforced to prevent funds from being tied up in the future ;
- (d) the Commission should take advantage of the scope provided by Article 23 of the coordination regulation to carry out on-the-spot checks without advance notice ;
- (e) particular attention should be paid to coordinating the various subsidies and coordinating the latter with lending instruments ;

47. Calls on the Court of Auditors to submit a special report on the application of the principle of additionality to the Structural Funds ;

48. Will monitor how the assistance programmes for the development of the Portuguese economy are managed (pre-accession aid, Pedap, Pedip) to ensure that the action taken is consistent with objectives and that the Portuguese economy is fully integrated into the European market ;

49. Believes that the instances of cancellation of commitments entered into in 1988 under the Social Fund, involving a total of some ECU 500 million, underline the seriousness of the management problems affecting the Fund at both national and Community level, in particular where project selection and monitoring are concerned;

50. Urges the Commission to reduce the period required to recover advances wrongly paid by the Social Fund and to charge interest when repayment is delayed, pursuant to Article 24 of Council Regulation (EEC) No 4253/88⁽¹⁾;

51. Notes that the programme approach to the implementation of specific Social Fund projects has failed and considers that this failure cast serious doubt on the Commission's ability to use the broader programme-based approach provided for within the framework of the reform of the Fund;

52. Deplores the failure of the overall programme for the psychiatric hospital on Leros and calls on the Commission:

- (a) to report within six months on progress in the implementation of Greece's general health reform programme;
- (b) to request the Greek authorities to reimburse all Community payments made in error for a project not carried out on Leros;
- (c) to make any further grants to the health reform programme conditional upon the setting-up of monitoring committees as provided for under Council Regulation (EEC) No 4130/88⁽²⁾ and on the implementation of the revised psychiatric programme;

53. Instructs its Committee on Budgetary Control to carry out, in collaboration with the other committees responsible, concurrent monitoring as to how the reform is put into effect and to conduct an assessment of the first stage of this reform as soon as the Commission has submitted the report referred to in Article 16 of the framework Regulation on the Structural Funds;

54. Will analyse the simplified nomenclature introduced by the Commission for headings relating to the Structural Funds to ensure the transparency of implementation of the budget within the framework of the reform;

55. Underlines that closer coordination between aid and loans will guarantee the greatest possible synergistic effect in implementing structural policy but considers that to this end rationalization is required in the borrowing and lending sector; notes with satisfaction that some measure of progress has been achieved, namely:

- (a) an agreement between the Court of Auditors and the EIB with regard to the audit of NCI operations in the countries of the recipients;
- (b) an agreement between the Commission and the EIB relieving the Community budget of any risks relating to the differences between the NCI Treasury's credit and debit balances;
- (c) improvement in the efficiency and transparency of the management of borrowings in a number of fields (internal rules, management methodology, internal control, procedures for calling for tenders and for the negotiation of borrowings and refinancing);

56. Will keep careful track of the implementation of the Commission's future measures to improve the regularity and transparency of the structures assigned to the management of loans;

57. Will consider the possibility of improving the budgetary structure of the various financial instruments in accordance with more directly political criteria;

58. Awaits the study which the Commission is to submit on the entering of loans and borrowings in the budget and the Commission's proposals;

59. Calls on the Commission to promote a Community transport policy underpinned by adequate budget appropriations and by the creation of a legal basis to finance major European transport routes and coordinating transport policy with the regional and structural policy priorities of the Community;

60. Calls on the Court of Auditors to draw up a separate report on Community expenditure on women's rights and to include a chapter on it every year in its annual report; calls on the Commission to publish annually a report on this;

Research, energy, environment

61. Notes that the greater degree of annuality of the budget did not adversely affect implementation of the research budget in terms of commitment appropriations; points out, however, that ECU 59 300 000 of the year's payment appropriations was cancelled and calls on the Commission to implement a more dynamic form of budgetary management to ensure that the greatest possible volume of available appropriations is used by the end of a financial year;

62. Believes that the long-standing difficulty in ensuring full outturn of the appropriations entered in Chapter 73 stems from the difficulty of reconciling the annuality of the budget with the multiannual nature of the research framework programme; calls therefore, on the Commission to obviate this problem by means of transfers of allocations within the financial perspective, as provided for in Article 11 of the Interinstitutional Agreement;

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 1.

63. Calls on the Commission to take steps to reduce the growing weight of outstanding commitments, evidence of the failure to keep funded projects under proper review; calls in particular on the Commission to monitor all phases of implementation of a funded scientific programme, withholding funding from all projects which, once under way, prove unsatisfactory and adapting the conditions of funding of each project to take account of its scientific and operational development;

64. Believes that the volume of work carried out by the JRC for third parties will testify to the excellence of the Centre's activities but fears that it is highly unlikely that the goal of generating ECU 130 million in revenue in the period from 1988 to 1991 can be attained; calls on the Commission to provide the JRC with enough qualified staff to develop its marketing strategy;

65. Will keep the restructuring of the Joint Research Centre, which began late in 1988, under close review and calls on the Commission to place the new institute-based management system on a footing of institute accountability, by means of continuous monitoring of management to identify discrepancies between forecasts and work carried out, on the basis of direct charging of costs to each institute; calls, to that end, on the JRC management to probe more deeply in its study of the organization of budgetary management, using computerization where appropriate;

66. Will examine the communication to be submitted by the Commission to Parliament and the Council on the measures to be taken to improve management efficiency and points out, even at this stage, that a series of measures will have to be taken to tackle the deficiencies affecting indirect-action research as regards the protracted decision-making process, the legal treatment of ownership, overlapping between the Directorates-General responsible for research, comitology, project monitoring, and payment;

67. Believes that fraud or irregularities are possible in the research sector too, in particular as a result of artificial inflation of costs, and calls, therefore, on the Commission to draw up a typology of costs to enable the units negotiating a contract to determine the actual costs of the projects;

68. Calls on the Commission to charge the management costs for environment budget headings to its operating budget;

69. Calls on the Court of Auditors to draw up a special report on Community spending in the environment sector and to devote a special chapter of its annual report to this field; calls on the Commission to publish an annual report on the environment;

Information policy

70. Calls on the Commission to draw up a single operational programme covering all the information,

communications and cultural activities as part of a document listing all the relevant budget headings to be submitted to Parliament, which will make an assessment within the framework of the budgetary and discharge procedures;

71. Considers that coordination between the various Commission Directorates-General engaged in information activities and between the central administration and the external offices is vital to prevent duplication of work and to strengthen existing forms of collaboration;

72. Calls on the Commission to undertake a cost-benefit analysis for information programmes to which financial resources are committed and to include the findings in the preliminary draft budget and in its operational programme;

Development aid and food aid

73. Deplores the significant increase in outstanding commitments under Title 9 of the budget and calls on the Commission to adopt a more dynamic financial management, in particular by making systematic use of the procedure for automatic closure of dormant files used for projects under Chapter 93;

74. Notes that the budgetary management of Chapter 93 for aid to Latin American and Asian developing countries has seen serious delays in the funding of projects and calls on the Commission to take the following action to remedy the situation:

- (a) redeployment of delegation staff (still inadequate) and central staff (often overlapping of work);
- (b) changeover from committee procedures which result in major operational delays to a system of advisory committees;
- (c) investigation of the possibility of reducing the excessive number of annual projects funded and drawing up multiannual programmes;

75. Calls on the Commission to pay greater attention to sound budgetary management of Article 936 (aid to refugees), by drawing up rules for the selection, management and monitoring of projects;

76. Calls on the Commission to submit within six months of the date of the discharge decision, an analysis of the impact of the new mobilization scheme for food aid;

77. Considers that the declaration of the three institutions annexed to the revised Financial Regulation could provide the basis for a much-needed and lasting solution to the problem of the pipeline between Chapters 29 and 92 of the budget;

78. Deplores the fact that the management and utilization problems which have arisen with the counterpart funds have not yet been solved and that proceeds from sales, often less than the actual value of the aid, are sometimes used to finance public sector deficits; consequently calls on the Commission to tighten up the clauses in the agreements concerning deadlines to ensure that the commercial value of the aid is charged to specific accounts;

Administrative expenditure

79. Notes that there were major cancellations in the budgets of the Court of Auditors and the Court of Justice and calls on these institutions to make more accurate forecasts of their budgets;

80. Strongly urges the institutions with a permanent seat to purchase their buildings;

81. Notes that the Court of Justice has begun the procedure for filling the new post of Deputy Financial Controller entered in the 1990 establishment plan;

82. Considers it vital to carry out a study of the degree of independence enjoyed by the financial controllers of the institutions in exercising their duties and calls on the Court of Auditors, for this purpose, to provide Parliament with an analytical table of all the decisions to overrule a refusal to approve expenditure in each institution for the period 1984 to 1988 inclusive; requests that such a table should henceforward be sent to Parliament each year, for the previous financial year, before the beginning of the discharge procedure; insists that, for any case where the visa of the Financial Controller of any institution is refused, and where the President of that institution overrules the refusal, all supporting documents, including the reasons for refusal, provided by the Financial Controller, be submitted to its Committee on Budgetary Control;

83. Asks the Commission to report at the earliest opportunity on the forthcoming reform of the Joint Sickness Insurance Scheme; also asks that negotiations be opened with medical associations in Brussels, Luxembourg and Ispra on rules relating to fees;

84. Calls on the Court of Auditors to notify Parliament of the action taken to ensure independent monitoring of the mission expenses of its Members;

Problems across the board

System of internal control

85. Will continue its study of the suggestions made by the Court of Auditors concerning internal control by the

institutions so as to draw conclusions for any future revision of the Financial Regulation;

Flow of information to the discharge authority

86. Calls on the Court of Auditors in its annual report to devote:

- (a) at least one paragraph of each chapter to an analysis of the implementation of the budget in the sector concerned;
- (b) one chapter to each of the areas included in the Court's annual programme of work, so that all Community policies within a period not exceeding the period needed to implement a four-year working programme are subject to an audit by the Court;

87. Requests the court of Auditors to draw up a special report on expenditure on environmental policy;

88. Calls on the Commission to include in Volume I of its revenue and expenditure account (financial analysis) a detailed analysis of the state of implementation of appropriations and the reasons for underutilization;

Relations with the national parliaments

89. Considers that it is vital to establish a system of coordination with the national parliaments in order to identify common problems and to pursue parallel action at the level of the Community system and the internal legal and administrative systems of the Member States in a number of areas of common interest such as:

- (a) the transposition of Community legislation into national law;
- (b) the management and control of administrative machinery set up at national level to implement Community policies;
- (c) preparatory work (selection and proposal) carried out by the national authorities when considering the projects and programmes to be submitted for Community funding.

European Schools and European University Institute

90. Thinks that its Committee on Budgetary Control should examine the relationship between the Joint Sickness Insurance Scheme of the European Communities and the sickness insurance applied to teachers at the European School and at the European University Institute in Florence;

91. Calls on the Commission and the Board of Governors to intervene urgently with the Italian authorities so as to arrive at a solution designed to make available without further delay the funds needed for repair and maintenance of buildings at the European School in Varese.

DECISION OF THE EUROPEAN PARLIAMENT**of 3 April 1990****granting a discharge to the Commission in respect of the financial management of the fourth European Development Fund during the 1988 financial year**

(90/355/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
 - having regard to the first ACP-EEC Lomé Convention ⁽¹⁾,
 - having regard to the balance sheets and accounts of the fourth, fifth and sixth European Development Funds for the 1988 financial year (COM(89) 204 final),
 - having regard to the report of the Court of Auditors concerning the financial year 1988 together with the institutions' replies ⁽²⁾,
 - having regard to the Council recommendation of 12 March 1990 relating to the granting of this discharge (C 3-84/90),
 - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant a discharge in respect of the Community's financial activities,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),
1. Grants a discharge to the Commission in respect of the financial management of the fourth European Development Fund during the 1988 financial year on the basis of the following amount :
 - payments: ECU 38 439 596,34 ;
 2. Records its observations in the resolution accompanying this Decision ⁽³⁾;
 3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to ensure that they are published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARON CRESPO

⁽¹⁾ OJ No L 25, 30. 1. 1976, p. 1.⁽²⁾ OJ No C 312, 12. 12. 1989, p. 1.⁽³⁾ See page 55 of this Official Journal.

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting a discharge to the Commission in respect of the financial management
of the fifth European Development Fund during the 1988 financial year

(90/356/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
 - having regard to the second ACP-EEC Lomé Convention ⁽¹⁾,
 - having regard to the balance sheets and accounts of the fourth, fifth and sixth European Development Funds for the 1988 financial year (COM(89) 204 final),
 - having regard to the report of the Court of Auditors concerning the financial year 1988 together with the institutions' replies ⁽²⁾,
 - having regard to the Council recommendation of 12 March 1990 relating to the granting of this discharge (C 3-86/90),
 - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant a discharge in respect of the Community's financial activities,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),
1. Grants a discharge to the Commission in respect of the financial management of the fifth European Development Fund during the 1988 financial year on the basis of the following amount:
 - revenue : ECU 1 000 426 637,95 ;
 - payments : ECU 350 175 018,87 ;
 2. Records its observations in the resolution accompanying this Decision ⁽³⁾;
 3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to ensure that they are published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARON CRESPO

⁽¹⁾ OJ No L 347, 22. 12. 1980, p. 1.⁽²⁾ OJ No C 312, 12. 12. 1989, p. 1.⁽³⁾ See page 55 of this Official Journal.

DECISION OF THE EUROPEAN PARLIAMENT**of 3 April 1990****granting a discharge to the Commission in respect of the financial management
of the sixth European Development Fund during the 1988 financial year**

(90/357/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community,
 - having regard to the third ACP-EEC Lomé Convention ⁽¹⁾,
 - having regard to the balance sheets and accounts of the fourth, fifth and sixth European Development Funds for the 1988 financial year (COM(89) 204 final),
 - having regard to the report of the Court of Auditors concerning the financial year 1988 together with the institutions' replies ⁽²⁾,
 - having regard to the Council recommendation of 12 March 1990 relating to the granting of this discharge (C 3-84/90),
 - whereas the Treaty of 22 July 1975 empowers the European Parliament to grant a discharge in respect of the Community's financial activities,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),
1. Grants a discharge to the Commission in respect of the financial management of the fifth European Development Fund during the 1988 financial year on the basis of the following amount :
 - revenue : ECU 4 314 771,68 ;
 - payments : ECU 807 705 131,85 ;
 2. Records its observations in the resolution accompanying this Decision ⁽³⁾ ;
 3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors and the European Investment Bank and to ensure that they are published in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARÓN CRESPO

⁽¹⁾ OJ No L 86, 31. 3. 1986, p. 1.⁽²⁾ OJ No C 312, 12. 12. 1989, p. 1.⁽³⁾ See page 55 of this Official Journal.

RESOLUTION

containing the observations accompanying the Decisions granting a discharge in respect of the financial management of the fourth, fifth and sixth European Development Funds during the 1988 financial year

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community and in particular Article 137 and 2066 thereof,
- whereas, pursuant to Articles 67, 70 and 73 respectively of the financial regulations applicable to the fourth, fifth and sixth European Development Funds, the Commission is required to take all appropriate steps to act on the observations appearing in the discharge decision;
- whereas, pursuant to the Articles referred to, the Commission is also required to report, at the request of the European Parliament, on the measures taken in the light of Parliament's observations and, in particular, on the instructions given to those of its departments responsible for the management of the European Development Funds;
- deciding to present the observations referred to in the abovementioned Articles 67, 70 and 73 in this resolution which accompanies each discharge decision relating to the financial management of the European Development Funds for the 1988 financial year;
- adopting this resolution on the basis also of the powers which are essential if it is to fulfil its supervisory duties with a view to remedying the shortcomings noted during the discharge procedure and to improving the management of the European Development Funds;
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Development and Cooperation (Doc. A 3-72/90),

Rate of implementation of the EDFs

1. Notes that, at the end of the 13th year of implementation, 98,5 % of the total allocation of the fourth EDF had been committed (compared with 98 % in 1987) and 94 % had been paid out (as against 91 % in 1987); notes that, during the last three financial years, the corresponding level of payments was between 3 and 1 % of the total allocation whilst the volume of new commitments was even lower; asks the Commission to speed up completion of the operations financed so that the fourth EDF can be wound up before the entry into force of the fourth Lomé Convention;
2. Takes the view that the provisions for closing the accounts of an EDF which has expired should be re-

vised in the financial regulation for the next EDF in order to reduce the cost of operating the accounting system;

3. Notes that, at the end of the eighth year of implementation, the rate of disbursement for the fifth EDF (70,8 %) was nearly five points lower than that for the fourth EDF at the same stage;

4. Is concerned at the slow rate of implementation of the sixth EDF in terms of secondary commitments and payments which is reflected in the fact that, at the end of the third year of implementation, there is a significant delay in the level of disbursement of programmable aid; 5,6 % of the initial allocation as against 10,7 % for the fourth EDF and 11,8 % for the fifth EDF;

5. Draws the Commission's attention to the slow-down in the rate of payment of aid under successive EDFs; believes that the increasingly slow rate of implementation of payments is partly due to the switch of emphasis towards policies of rural development and securing food supplies; asks the Commission to review the procedures for preparing and approving projects to be financed in order to speed up the implementation of operations and allow a larger and more regular take-up of programmable aid under the sixth EDF;

6. Believes that satisfactory progress has been made in 1988 in launching import programmes, particularly under the special programme to tackle the indebtedness of sub-Saharan Africa; asks the Commission to take the measures necessary to speed up implementation of the rapid-payment import programmes; also asks the Commission to assess the effectiveness of these programmes for the autonomous development of the countries concerned and to report to Parliament;

Shortcomings in financial management and accounting

7. Considers that rapidity and flexibility in the implementation of emergency aid should be coupled with appropriate accounting documentation of the commitment decisions; asks the Commission to make as much use as possible of secondary commitments in order to improve both transparency and the monitoring of current operations;
8. Is of the opinion that implementation of a speeded-up procedure for semi-direct payments which excludes any prior intervention by the Commission's central departments is not in conformity with the Financial Regulation of the sixth EDF; asks the Commission to ensure that the Court of Auditors and Parliament are informed of the lessons drawn from this pilot experiment;

9. Believes it to be essential that supporting documents for payments should be accessible to the Court of Auditors on request; also asks the Commission to specify the nature of the supporting documents to be attached to the payment order according to the type of operation;

10. Draws the Commission's attention to the fact that any change in the provisions governing relations between the Commission and the European Association for Cooperation, which stipulate that supporting documents must be submitted on a quarterly basis, would undermine its effective scope for monitoring operations managed by the EAC and would reduce its responsibility in this area;

11. Asks the Commission to ensure that bank guarantees for advances do not expire before the contractual obligations have been fulfilled or before the advance granted has been wholly charged against the part-payments due to the co-contractor; also asks the Commission to take the appropriate steps as far as bank guarantees are concerned to safeguard the initial value of advances granted from EDF funds;

12. Draws the Commission's attention to the importance of obtaining from co-contractors accurate and valid supporting documents for the amounts actually paid in connection with operations for the supply of emergency aid;

13. Asks the Commission to improve the EDF's cash management:

- (a) by drawing up for the financial year profiles of the quarterly payments to be made;
- (b) by adjusting the calls for contributions to these profiles, bearing in mind the need for a minimum cash balance to be determined in the light of experience;
- (c) by demanding from the EIB an estimated schedule of expenditure per project;

14. Believes that the proliferation of bank accounts risks jeopardizing or even precluding the effective management of EDF funds; urges that the number of bank accounts opened in the name of the EDF be curtailed to the necessary minimum; asks that, with a view to guaranteeing more transparent and effective management of banking operations, the Commission should look into the possibility of obtaining uniform terms for the remuneration of credit balances;

15. Asks the Commission to improve the accounting arrangements relating to banking transactions;

16. Takes the view that, given the present state of management procedures with regard to accounting, the EDF balance sheet does not give a true picture of the situation at 31 December; notes that there are significant delays in entering bank transactions and in clearing accounts; asks the Commission to lay down clear accounting instructions to ensure that the EDF accounts are kept

up to date and there is no discrepancy between the financial statements and the true state of the operations carried out;

17. Asks the Commission to assume fully its responsibilities for checking the statements of account rendered by banks;

18. Will define its position on the question of the separation of the duties of authorizing officer and of accounting officer within the framework of the general observations to be formulated on the internal audit arrangements of the institutions;

Programming of aid under the third Lomé Convention

19. Believes that attainment of the objectives in the area of cooperation with the ACP countries requires both the impact of projects and action programmes on the beneficiary countries to be maximized and the efficient financial management of EDF resources; is of the opinion that these two tasks underpin each other and that the programming method plays a role of the first magnitude; emphasizes here the low rate of implementation of payments of programmable aid under the sixth EDF calls into question the Community's ability at present to establish and adhere to a system of programming;

20. Emphasizes that the quantification of programmed objectives is an essential preliminary for monitoring, during implementation, discrepancies between achievements and forecasts; is aware that the collection of relevant statistical data often encounters serious difficulties in the beneficiary countries; asks the Commission to ensure that the projects and programmes to be carried out under the identified sectoral policy are quantified both in physical and financial terms;

21. Asks the Commission to step up the drive to improve the statistical data available from the beneficiary countries and to carry out sectoral assessments and impact studies of projects and programmes;

22. Asks the Commission to ensure that particular attention is paid when programming the fourth Lomé Convention to the following aspects;

- (a) strengthening coordination at Community level and with all donors;
- (b) encouragement of investment in projects aimed at stimulating sustainable development in the sense used in the Brundtland report;
- (c) encouragement of directly productive investment;
- (d) making better use of locally available economic factors and appropriate technologies;
- (e) covering recurrent costs;

23. Asks the Commission to report on the measures taken to follow up the observations contained in the discharge decisions.

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its appropriations for the 1988 financial year

(90/358/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community and in particular Article 206b thereof,
- having regard to the revenue and expenditure accounts of the European Centre for the Development of Vocational Training for the 1988 financial year and the report of the Court of Auditors on these accounts,
- having regard to the Council Decision of 12 March 1990,
- having regard to the report of the Committee on Budgetary Control (DOC. A3-69/90),
- 1. Notes the following figures for the accounts of the European Centre for the Development of Vocational Training,

1988 Financial year

<i>Revenue</i>	<i>(in ecus)</i>
1. Subsidy from the Commission	7 116 520,27
2. Bank interest	18 621,06
3. Exchange rate gains	0,00
4. Other	8 764,48

Expenditure

1. Final budget appropriations	7 318 000,00
2. Commitments	7 133 118,41
3. Unused appropriations (1 - 2)	184 881,59
4. Payments	5 831 561,54
5. Carry-overs from 1987 to 1988	1 221 527,02
6. Payments against appropriations carried over	1 054 402,86
7. Appropriations carried over and cancelled (5 - 6)	167 124,16
8. Carry-overs from 1988 to 1989	1 301 556,87
9. Cancellations (1 - 4 - 8)	184 881,59

2. Calls for modification without delay of the Centre's Financial Provisions as required by the revised Financial Regulation applicable to the general budget of the European Communities;

3. Takes note of the Court of Auditors' recommendation that the Centre should move to a system of analytical accounting by research objectives and requests that the Centre conduct a pilot exercise to ascertain the usefulness of such a method of accounting;

4. Notes that, in response to the recommendation by the Court of Auditors, the European Centre for the Development of Vocational Training has already commissioned a report by an external consultant on the upgrading of its computing facilities and that the report justifies the decisions taken by the Management Board;

5. Grants discharge to the Management Board of the European Centre for the Development of Vocational Training, on the basis of the report of the Court of Auditors, in respect of the accounts for the 1988 financial year;

6. Instructs its President to communicate this Decision to the Management Board of the European Centre for Development of Vocational Training, the Council, the Commission and the Court of Auditors and to arrange for its publication in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARON CRESPO

DECISION OF THE EUROPEAN PARLIAMENT

of 3 April 1990

granting discharge to the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions in respect of the implementation of its appropriations for the 1988 financial year

(90/359/EEC)

THE EUROPEAN PARLIAMENT,

- having regard to the Treaty establishing the European Economic Community and in particular Article 206b thereof,
- having regard to the revenue and expenditure accounts of the European Foundation for the Improvement of Living and Working Conditions for the 1988 financial year and the report of the Court of Auditors on these accounts,
- having regard to the Council Decision of 12 March 1990 (DOC C3 — 85/90),
- having regard to the report of the Committee on Budgetary Control (Doc. A3-69/90),
- 1. Notes the following figures for the accounts of the European Foundation for the Improvement of Living and Working Conditions :

1988 Financial year

(in ecus)

Revenue

	6 507 935,03
1. Subsidy from the Commission	6 385 990,78
2. Bank interest	57 215,21
3. Other	64 789,04

Expenditure

- | | |
|--|--------------|
| 1. Final budget appropriations | 6 900 000,00 |
| 2. Commitments | 6 707 024,12 |
| 3. Unused appropriations (1 — 2) | 192 975,88 |
| 4. Payments | 5 253 399,02 |
| 5. Carry-overs from 1987 to 1988 | 1 593 544,91 |
| 6. Payments against appropriations carried over | 1 373 908,09 |
| 7. Appropriations carried over and cancelled (5 — 6) | 219 636,82 |
| 8. Carry-overs from 1988 to 1989 | 1 453 625,10 |
| 9. Cancellations (1 — 4 — 8) | 192 975,88 |
- 2. Calls for modification without delay of the Foundation's Financial Provisions as required by the revised Financial Regulation applicable to the general budget of the European Communities ;
 - 3. Notes the Court of Auditors' recommendation that the Foundation should move to a system of analytical accounting by research objectives and requests that the Foundation conduct a pilot exercise to ascertain the usefulness of such a method of accounting ;
 - 4. Welcomes the comprehensive report submitted by the Foundation in response to the decision granting discharge in respect of the 1987 financial year ;
 - 5. Looks forward to a recommendation from the Administrative Board as regards the most suitable division between printing in-house and printing by outside contract ;

6. Grants discharge to the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions, on the basis of the report of the court of Auditors, in respect of the accounts for the 1988 financial year ;
7. Instructs its President to communicate this Decision to the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions, the Council, the Commission and the Court of Auditors and to arrange for its publication in the *Official Journal of the European Communities* (L series).

Done at Strasbourg, 3 April 1990.

The Secretary-General

Enrico VINCI

The President

Enrique BARON CRESPO

COMMISSION

COMMISSION DECISION

of 29 June 1990

authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 July 1990 to 28 February 1991

(Only the Portuguese text is authentic)

(90/360/EEC)

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, hereinafter referred to as 'the Act', and in particular the third subparagraph of Article 303 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Articles 13 (2) and 16 (7) and the second subparagraph of Article 39 thereof,

Whereas, pursuant to the first and second subparagraphs of Article 303 of the Act, the maximum quantities of raw sugar to be imported at a reduced levy from certain ACP States, together with the relevant periods of application in order to supply the Portuguese refineries, have been determined by Commission Regulation (EEC) No 600/86⁽³⁾;

Whereas the third subparagraph of Article 303 of the Act provides in particular that, where, during the specified periods of application, the Community forward estimate for raw sugar for a given marketing year or part thereof shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third countries under the marketing year or part thereof concerned, the quantities which it is estimated are lacking, under the same conditions regarding the reduced levy as those provided for in respect of the quantities to be imported from the ACP States in question; whereas the forward estimate, for the period from 1 July 1990 to 30 June 1991, of Community raw sugar available for refining does not at this stage enable the quantities that the Portuguese

refineries are lacking to be determined with any accuracy; whereas to ensure adequate supplies in these circumstances there should be fixed as a first step a quantity to be imported from third countries at a reduced levy for a specified period enabling the actual availabilities of Community raw sugar, particularly as regards the production of the French overseas department of Réunion, to be known accurately and therefore to be able to fix as a second step the final quantities lacking;

Whereas, in order to ensure sound management of the markets in the sector and, in particular, effective control of operations, it is necessary firstly to apply to the sugar concerned the normal rules for performance of the customs formalities for import and, secondly, to provide for notification by Portugal of the quantities of raw sugar imported and refined within the meaning of this Decision;

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

HAS ADOPTED THIS DECISION:

Article 1

Portugal is hereby authorized to import from third countries during the period 1 July 1990 to 28 February 1991 a quantity of raw sugar not exceeding the equivalent of 15 000 tonnes of white sugar, at the reduced levy determined in accordance with Article 1 of Regulation (EEC) No 600/86.

Article 2

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 30 June 1991.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 20.

2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal, during the 1990/91 marketing year, and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantity of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

Except in cases of *force majeure* if the sugar in question is not refined within the prescribed time limit the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

In cases of *force majeure*, the competent authority in Portugal shall adopt the measures that it considers necessary, in the light of the circumstances worked by the interested party.

3. The application for the import licence and the licence itself shall include in box 12 the following:

‘import of raw sugar at reduced levy in accordance with Decision 90/360/EEC’.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at 0,25 ECU for each 100 kilograms of sugar net.

Article 3

If the volume of applications for licences exceeds the quantity provided for in Article 1, Portugal shall proceed

with a fair apportionment of this quantity among the applicants concerned.

Article 4

Portugal shall communicate to the Commission each month in respect of the previous month:

- (a) the quantities of raw sugar expressed by weight ‘tel quel’ for which the licences referred to in Article 2 have been issued;
- (b) the quantities of raw sugar, expressed by weight ‘tel quel’ actually imported under the licences referred to in Article 2;
- (c) the total quantities of sugar in question, by weight ‘tel quel’ and expressed as white sugar, which have been refined.

Article 5

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 29 June 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 2 July 1990

approving the Netherlands Programme of Agricultural Income Aid for arable farmers

(Only the Dutch text is authentic)

(90/361/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 agricultural income ⁽¹⁾, and in particular Article 7 (3) thereof,

Having regard to Commission Regulation (EEC) No 3813/89 of 19 December 1989 laying down detailed rules for the application of the system of transitional aids to agricultural income ⁽²⁾, as amended by Regulation (EEC) No 1279/90 ⁽³⁾, and in particular Article 10 ⁽³⁾ thereof;

Whereas on 4 May 1990, the Netherlands notified the Commission of its intention to introduce a programme of agricultural income aid for arable farmers; whereas additional information concerning this programme was received by the Commission from the Netherlands authorities on 31 May 1990;

Following the consultation of the Management Committee for Agricultural Income Aids on 19 June 1990 on the measures provided for in this Decision;

Following the consultation of the EAGGF Committee on 20 June 1990 on the maximum amounts that may be charged annually to the Community budget as a result of approving the programme,

HAS ADOPTED THIS DECISION:

Article 1

The programme of agricultural income aid for arable farmers notified to the Commission by the Netherlands authorities on 4 May 1990 is hereby approved.

Article 2

The maximum amounts that may be charged annually to the Community budget as a result of this Decision shall be as follows:

(in million ECU)

Year	Maximum amount
1991	1,1
1992	1,0
1993	0,8
1994	0,6
1995	0,4

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 2 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 29. 3. 1989, p. 8.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 17.

⁽³⁾ OJ No L 126, 16. 5. 1990, p. 20.

90/355/EEC :	
* Decision of the European Parliament of 3 April 1990 granting a discharge to the Commission in respect of the financial management of the fourth European Development Fund during the 1988 financial year	52
90/356/EEC :	
* Decision of the European Parliament of 3 April 1990 granting a discharge to the Commission in respect of the financial management of the fifth European Development Fund during the 1988 financial year	53
90/357/EEC :	
* Decision of the European Parliament of 3 April 1990 granting a discharge to the Commission in respect of the financial management of the sixth European Development Fund during the 1988 financial year	54
Resolution containing the observations accompanying the Decisions granting a discharge in respect of the financial management of the fourth, fifth and sixth European Development Funds during the 1988 financial year	55
90/358/EEC :	
* Decision of the European Parliament of 3 April 1990 granting discharge to the Management Board of the European Centre for the Development of Vocational Training in respect of the implementation of its appropriations for the 1988 financial year	57
90/359/EEC :	
* Decision of the European Parliament of 3 April 1990 granting discharge to the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions in respect of the implementation of its appropriations for the 1988 financial year	59
Commission	
90/360/EEC :	
* Commission Decision of 29 June 1990 authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 July 1990 to 28 February 1991	61
90/361/EEC :	
* Commission Decision of 2 July 1990 approving the Netherlands Programme of Agricultural Income Aid for arable farmers	63