

Official Journal

of the European Communities

ISSN 0378-6978

L 219

Volume 33

14 August 1990

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2365/90**of 13 August 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 2205/90⁽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 10 August 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 14 August 1990.

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

Done at Brussels, 13 August 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 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX...

to the Commission Regulation of 13 August 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	143,86 ⁽²⁾ ⁽³⁾
0712 90 19	36,66	143,86 ⁽²⁾ ⁽³⁾
1001 10 10	14,02	181,64 ⁽¹⁾ ⁽²⁾
1001 10 90	14,02	181,64 ⁽¹⁾ ⁽²⁾
1001 90 91	21,81	154,63
1001 90 99	21,81	154,63
1002 00 00	47,31	123,47 ⁽⁴⁾
1003 00 10	38,54	135,70
1003 00 90	38,54	135,70
1004 00 10	30,18	118,37
1004 00 90	30,18	118,37
1005 10 90	36,66	143,86 ⁽²⁾ ⁽³⁾
1005 90 00	36,66	143,86 ⁽²⁾ ⁽³⁾
1007 00 90	53,63	152,38 ⁽⁴⁾
1008 10 00	38,54	44,75
1008 20 00	38,54	99,70 ⁽⁴⁾
1008 30 00	38,54	7,00 ⁽⁷⁾
1008 90 10	(7)	(7)
1008 90 90	38,54	7,00
1101 00 00	43,70	229,65
1102 10 00	79,41	186,03
1103 11 10	34,80	294,61
1103 11 90	47,01	247,84

(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 2366/90

of 13 August 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 2205/90 ⁽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 10 August 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 14 August 1990.

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

Done at Brussels, 13 August 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 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 13 August 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	8	9	10	11
0709 90 60	0	0,27	0,27	0,88
0712 90 19	0	0,27	0,27	0,88
1001 10 10	0	3,72	3,72	3,72
1001 10 90	0	3,72	3,72	3,72
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	0,68	0,68	2,04
1004 00 90	0	0,68	0,68	2,04
1005 10 90	0	0,27	0,27	0,88
1005 90 00	0	0,27	0,27	0,88
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	20,34	20,34	27,12
1008 90 90	0	20,34	20,34	27,12
1101 00 00	0	0	0	0

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	8	9	10	11	12
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 2367/90

of 25 July 1990

on the notifications, time limits and hearings provided for in Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings⁽¹⁾, and in particular Article 23 thereof,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty⁽²⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 24 thereof,

Having regard to Council Regulation (EEC) No 1017/68 of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway⁽³⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 29 thereof,

Having regard to Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport⁽⁴⁾, and in particular Article 26 thereof,

Having regard to Council Regulation (EEC) No 3975/87 of 14 December 1987 laying down detailed rules for the application of the competition rules to undertakings in air transport⁽⁵⁾, and in particular Article 19 thereof,

Having consulted the Advisory Committee on Concentrations, as well as the Advisory Committees on Restrictive Practices and Monopolies in the Transport Industry, in Maritime Transport and in Air Transport,

to notify renders the parties liable to a fine and may also entail civil law disadvantages for them; whereas it is therefore necessary in the interests of legal certainty to define precisely the subject matter and content of the information to be provided in the notification;

3. Whereas it is for the parties concerned to make full and honest disclosure to the Commission of the facts and circumstances which are relevant for taking a decision on the notified concentration;
4. Whereas in order to simplify and expedite examination of the notification it is desirable to prescribe that a form be used;
5. Whereas since notification sets in motion legal time limits for initiating proceedings and for decisions, the conditions governing such time limits and the time when they become effective must also be determined;
6. Whereas rules must be laid down in the interests of legal certainty for calculating the time limits provided for in Regulation (EEC) No 4064/89; whereas in particular the beginning and end of the period and the circumstances suspending the running of the period must be determined; whereas the provisions should be based on the principles of Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits⁽⁶⁾, subject to certain adaptations made necessary by the exceptionally short legal time limits referred to above;
7. Whereas the provisions relating to the Commission's procedure must be framed in such way as to safeguard fully the right to be heard and the rights of defence;
8. Whereas the Commission will give the parties concerned, if they so request, an opportunity before notification to discuss the intended concentration informally and in strict confidence; whereas in addition it will, after notification, maintain close contact with the parties concerned to the extent necessary to discuss with them any practical or legal problems which it discovers on a first examination of the case and if possible to remove such problems by mutual agreement;

⁽¹⁾ OJ No L 395, 30. 12. 1989, p. 1.

⁽²⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽³⁾ OJ No L 175, 23. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 378, 31. 12. 1986, p. 4.

⁽⁵⁾ OJ No L 374, 31. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 124, 8. 6. 1971, p. 1.

9. Whereas in accordance with the principle of the right to be heard, the parties concerned must be given the opportunity to submit their comments on all the objections which the Commission proposes to take into account in its decisions;
10. Whereas third parties having sufficient interest must also be given the opportunity of expressing their views where they make a written application;
11. Whereas the various persons entitled to submit comments should do so in writing, both in their own interest and in the interest of good administration, without prejudice to their right to request an oral hearing where appropriate to supplement the written procedure; whereas in urgent cases, however, the Commission must be able to proceed immediately to oral hearings of the parties concerned or third parties; whereas in such cases the persons to be heard must have the right to confirm their oral statements in writing;
12. Whereas it is necessary to define the rights of persons who are to be heard, to what extent they should be granted access to the Commission's file and on what conditions they may be represented or assisted;
13. Whereas it is also necessary to define the rules for fixing and calculating the time limits for reply fixed by the Commission;
14. Whereas the Advisory Committee on Concentrations shall deliver its opinion on the basis of a preliminary draft decision; whereas it must therefore be consulted on a case after the inquiry in to that case has been completed; whereas such consultation does not, however, prevent the Commission from re-opening an inquiry if need be,

HAS ADOPTED THIS REGULATION:

SECTION I

NOTIFICATIONS

Article 1

Persons entitled to submit notifications

1. Notifications shall be submitted by the persons or undertakings referred to in Article 4 (2) of Regulation (EEC) No 4064/89.
2. Where notifications are signed by representatives of persons or of undertakings, such representatives shall produce written proof that they are authorized to act.

3. Joint notifications should be submitted by a joint representative who is authorized to transmit and to receive documents on behalf of all notifying parties.

Article 2

Submission of notifications

1. Notifications shall be submitted in the manner prescribed by form CO as shown in Annex I. Joint notifications shall be submitted on a single form.
2. Twenty copies of each notification and fifteen copies of the supporting documents shall be submitted to the Commission at the address indicated in form CO.
3. The supporting documents shall be either originals or copies of the originals; in the latter case the notifying parties shall confirm that they are true and complete.
4. Notifications shall be in one of the official languages of the Community. This language shall also be the language of the proceeding for the notifying parties. Supporting documents shall be submitted in their original language. Where the original language is not one of the official languages, a translation into the language of the proceeding shall be attached.

Article 3

Information to be provided

1. Notifications shall contain the information requested by form CO. The information must be correct and complete.
2. Material changes in the facts specified in the notification which the notifying parties know or ought to have known must be communicated to the Commission voluntarily and without delay.
3. Incorrect or misleading information shall be deemed to be incomplete information.

Article 4

Effective date of notifications

1. Subject to paragraph 2 notifications shall become effective on the date on which they are received by the Commission.
2. Subject to paragraph 3, where the information contained in the notification is incomplete in a material respect, the Commission shall without delay inform the notifying parties or the joint representative in writing and shall fix an appropriate time limit for the completion of the information; in such cases, the notification shall become effective on the date on which the complete information is received by the Commission.

3. The Commission may dispense with the obligation to provide any particular information requested by form CO where the Commission considers that such information is not necessary for the examination of the case.

4. The Commission shall without delay acknowledge in writing to the notifying parties or the joint representative receipt of the notification and of any reply to a letter sent by the Commission pursuant to paragraph 2 above.

Article 5

Conversion of notifications

1. Where the Commission finds that the operation notified does not constitute a concentration within the meaning of Article 3 of Regulation (EEC) No 4064/89 it shall inform the notifying parties or the joint representative in writing. In such a case, the Commission may, if requested by the notifying parties, as appropriate and subject to paragraph 2 below, treat the notification as an application within the meaning of Article 2 or a notification within the meaning of Article 4 of Regulation No 17, as an application within the meaning of Article 12 or a notification within the meaning of Article 14 of Regulation (EEC) No 1017/68, as an application within the meaning of Article 12 of Regulation (EEC) No 4056/86 or as an application within the meaning of Article 3 (2) or of Article 5 of Regulation (EEC) No 3975/87.

2. In cases referred to in paragraph 1, second sentence, the Commission may require that the information given in the notification be supplemented within an appropriate time limit fixed by it in so far as this is necessary for assessing the operation on the basis of the abovementioned Regulations. The application or notification shall be deemed to fulfil the requirements of such Regulations from the date of the original notification where the additional information is received by the Commission within the time limit fixed.

SECTION II

TIME LIMITS FOR INITIATING PROCEEDINGS AND FOR DECISIONS

Article 6

Beginning of the time limit

1. The periods referred to in Article 10 (1) of Regulation (EEC) No 4064/89 shall start at the beginning of the day following the effective date of the notification, within the meaning of Article 4 (1) and (2) of this Regulation.

2. The period referred to in Article 10 (3) of Regulation (EEC) No 4064/89 shall start at the beginning of the day following the day on which proceedings were initiated.

3. Where the first day of a period is not a working day within the meaning of Article 19, the period shall start at the beginning of the following working day.

Article 7

End of the time limit

1. The period referred to in the first subparagraph of Article 10 (1) of Regulation (EEC) No 4064/89 shall end with the expiry of the day which in the month following that in which the period began falls on the same date as the day from which the period runs. Where such a day does not occur in that month, the period shall end with the expiry of the last day of that month.

2. The period referred to in the second subparagraph of Article 10 (1) of Regulation (EEC) No 4064/89 shall end with the expiry of the day which in the sixth week following that in which the period began is the same day of the week as the day from which the period runs.

3. The period referred to in Article 10 (3) of Regulation (EEC) No 4064/89 shall end with the expiry of the day which in the fourth month following that in which the period began falls on the same date as the day from which the period runs. Where such a day does not occur in that month, the period shall end with the expiry of the last day of that month.

4. Where the last day of the period is not a working day within the meaning of Article 19, the period shall end with the expiry of the following working day.

5. Paragraphs 2 to 4 above shall be subject to the provisions of Article 8.

Article 8

Addition of holidays

Where public holidays or other holidays of the Commission as defined in Article 19 fall within the periods referred to in Article 10 (1) and in Article 10 (3) of Regulation (EEC) No 4064/89, these periods shall be extended by a corresponding number of days.

Article 9

Suspension of the time limit

1. The period referred to in Article 10 (3) of Regulation (EEC) No 4064/89 shall be suspended where the Commission, pursuant to Articles 11 (5) or 13 (3) of the same Regulation, has to take a decision because:

- (a) Information which the Commission has requested pursuant to Article 11 (2) of Regulation (EEC) No 4064/89 from an undertaking involved in a concentration is not provided or not provided in full within the time limit fixed by the Commission;
- (b) an undertaking involved in the concentration has refused to submit to an investigation deemed necessary by the Commission on the basis of Article 13 (1) of Regulation (EEC) No 4064/89 or to cooperate in the carrying out of such an investigation in accordance with the abovementioned provision;
- (c) the notifying parties have failed to inform the Commission of material changes in the facts specified in the notification.

2. The period referred to in Article 10 (3) of Regulation (EEC) No 4064/89 shall be suspended:

- (a) in the cases referred to in subparagraph 1 (a) above, for the period between the end of the time limit fixed in the request for information and the receipt of the complete and correct information required by decision;
- (b) in the cases referred to in subparagraph 1 (b) above, for the period between the unsuccessful attempt to carry out the investigation and the completion of the investigation ordered by decision;
- (c) in the cases referred to in subparagraph 1 (c) above, for the period between the occurrence of the change in the facts referred to therein and the receipt of the complete and correct information requested by decision or the completion of the investigation ordered by decision.

3. The suspension of the time limit shall begin on the day following that on which the event causing the suspension occurred. It shall end with the expiry of the day on which the reason for suspension is removed. Where such day is not a working day within the meaning of Article 19, the suspension of the time limit shall end with the expiry of the following working day.

Article 10

Compliance with the time limit

The time limits referred to in Article 10 (1) and (3) of Regulation (EEC) No 4064/89 shall be met where the Commission has taken the relevant decision before the end of the period. Notification of the decision to the undertakings concerned must follow without delay.

SECTION III

HEARING OF THE PARTIES AND OF THIRD PARTIES

Article 11

Decisions on the suspension of concentrations

1. Where the Commission intends to take a decision under Article 7 (2) of Regulation (EEC) No 4064/89 or a decision under Article 7 (4) of that Regulation which adversely affects the parties, it shall, pursuant to Article 18 (1) of that Regulation, inform the parties concerned in writing of its objections and shall fix a time limit within which they may make known their views.

2. Where the Commission pursuant to Article 18 (2) of Regulation (EEC) No 4064/89 has taken a decision referred to in paragraph 1 provisionally without having given the parties concerned the opportunity to make known their views, it shall without delay and in any event before the expiry of the suspension send them the text of the provisional decision and shall fix a time limit within which they may make known their views.

Once the parties concerned have made known their views, the Commission shall take a final decision annul-

ling, amending or confirming the provisional decision. Where the parties concerned have not made known their view within the time limit fixed, the Commission's provisional decision shall become final with the expiry of that period.

3. The parties concerned shall make known their views in writing or orally within the time limit fixed. They may confirm their oral statements in writing.

Article 12

Decisions on the substance of the case

1. Where the Commission intends to take a decision pursuant to Article 8 (2), second subparagraph, Article 8 (3) (4) and (5), Article 14 or Article 15 of Regulation (EEC) No 4064/89, it shall, before consulting the Advisory Committee on Concentrations, hold a hearing of the parties concerned pursuant to Article 18 of that Regulation.

2. The Commission shall inform the parties concerned in writing of its objections. The communication shall be addressed to the notifying parties or to the joint representative. The Commission shall, when giving notice of objections, fix a time limit within which the parties concerned may inform the Commission of their views.

3. Having informed the parties of its objections, the Commission shall upon request give the parties concerned access to the file for the purposes of preparing their observations. Documents shall not be accessible in so far as they contain business secrets of other parties concerned or of third parties, or other confidential information including sensitive commercial information the disclosure of which would have a significant adverse effect on the supplier of such information or where they are internal documents of the authorities.

4. The parties concerned shall, within the time limit fixed, make known in writing their views on the Commission's objections. They may in their written comments set out all matters relevant to the case and may attach any relevant documents in proof of the facts set out. They may also propose that the Commission hear persons who may corroborate those facts.

Article 13

Oral hearings

1. The Commission shall afford parties concerned who have so requested in their written comments the opportunity to put forward their arguments orally, if those persons show a sufficient interest or if the Commission proposes to impose a fine or periodic penalty payment on them. It may also in other cases afford the parties concerned the opportunity of expressing their views orally.

2. The Commission shall summon the persons to be heard to attend on such date as it shall appoint.

3. It shall forthwith transmit a copy of the summons to the competent authorities of the Member States, who may appoint an official to take part in the hearing.

*Article 14***Hearings**

1. Hearings shall be conducted by persons appointed by the Commission for that purpose.

2. Persons summoned to attend shall either appear in person or be represented by legal representatives or representatives authorized by their constitution. Undertakings and associations of undertakings may be represented by a duly authorized agent appointed from among their permanent staff.

3. Persons heard by the Commission may be assisted by lawyers or university teachers who are entitled to plead before the Court of Justice of the European Communities in accordance with Article 17 of the Protocol on the Statute (EEC) of the Court of Justice, or by other qualified persons.

4. Hearings shall not be public. Persons shall be heard separately or in the presence of other persons summoned to attend. In the latter case, regard shall be had to the legitimate interest of the undertakings in the protection of their business secrets.

5. The statements made by each person heard shall be recorded.

*Article 15***Hearing of third parties**

1. If natural or legal persons showing a sufficient interest, and especially members of the administrative or management organs of the undertakings concerned or recognized workers' representatives of those undertakings, apply in writing to be heard pursuant to the second sentence of Article 18 (4) of Regulation (EEC) No 4064/89, the Commission shall inform them in writing of the nature and subject matter of the procedure and shall fix a time limit within which they may make known their views.

2. The third parties referred to in paragraph 1 above shall make known their views in writing or orally within the time limit fixed. They may confirm their oral statements in writing.

3. The Commission may likewise afford to any other third parties the opportunity of expressing their views.

SECTION IV**MISCELLANEOUS PROVISIONS***Article 16***Transmission of documents**

1. Transmission of documents and summonses from the Commission to the addressees may be effected in any of the following ways:

- (a) delivery by hand against receipt;
- (b) registered letter with acknowledgement of receipt;
- (c) telefax with a request for acknowledgement of receipt;
- (d) telex.

2. Subject to Article 18 (1), paragraph 1 above also applies to the transmission of documents from the parties concerned or from third parties to the Commission.

3. Where a document is sent by telex or by telefax, it shall be presumed that it has been received by the addressee on the day on which it was sent.

*Article 17***Setting of time limits**

1. In fixing the time limits provided for in Articles 4 (2), 5 (2), 11 (1) and (2), 12 (2) and 15 (1), the Commission shall have regard to the time required for preparation of statements and to the urgency of the case. It shall also take account of public holidays in the country of receipt of the Commission's communication.

2. The day on which the addressee received a communication shall not be taken into account for the purpose of fixing time limits

*Article 18***Receipt of documents by the Commission**

1. Subject to Article 4 (1), notifications must be delivered to the Commission at the address indicated in form CO or have been dispatched by registered letter before expiry of the period referred to in Article 4 (1) of Regulation (EEC) No 4064/89. Additional information requested to complete notifications pursuant to Article 4 (2) or to supplement notifications pursuant to Article 5 (2) of this Regulation must reach the Commission at the aforesaid or have been dispatched by registered letter before the expiry of the time limit fixed in each case. Written comments on Commission communications pursuant to Articles 11 (1) and (2), 12 (2) and 15 (1) must be delivered to the Commission at the aforesaid address before the time limit fixed in each case.

2. Where the last day of a period referred to in paragraph 1 is a day by which documents must be received and that day is not a working day within the meaning of Article 19, the period shall end with the expiry of the following working day.

3. Where the last day of a period referred to in paragraph 1 is a day by which documents must be dispatched and that day is a Saturday, Sunday or public holiday in the country of dispatch, the period shall end with the expiry of the following working day in that country.

*Article 19***Definition of Commission working days**

The term 'working days' in Articles 6 (3), 7 (4), 9 (3) and 18 (2) means all days other than Saturdays, Sundays, public holidays set out in Annex II and other holidays as determined by the Commission and published in the

Official Journal of the European Communities before the beginning of each year.

*Article 20***Entry into force**

This Regulation shall enter into force on 21 September 1990.

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

Done at Brussels, 25 July 1990.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I**FORM CO RELATING TO THE NOTIFICATION OF A CONCENTRATION PURSUANT TO
COUNCIL REGULATION (EEC) No 4064/89****A. Introduction**

This form specifies the information to be provided by an undertaking or undertakings when notifying the Commission of a concentration with a Community dimension. A 'concentration' is defined in Article 3 and 'Community dimension' by Article 1 of Regulation (EEC) No 4064/89.

Your attention is particularly drawn to Regulation (EEC) No 4064/89 and to Commission Regulation (EEC) No 2367/90. In particular you should note that:

- (a) all information requested by this form must be provided. However if, in good faith, you are unable to provide a response to a question or can only respond to a limited extent on the basis of available information, indicate this and give reasons. If you consider that any particular information requested by this form may not be necessary for the Commission's examination of the case, you may ask the Commission to dispense with the obligation to provide that information, under Article 4 (3) of Regulation (EEC) No 2367/90;
- (b) unless all sections are completed in full or good reasons are given explaining why it has not been possible to complete unanswered questions (for example, because of the unavailability of information on a target company during a contested bid) the notification will be incomplete and will only become effective on the date on which all the information is received. The notification will be deemed to be incomplete if information is incorrect or misleading;
- (c) incorrect or misleading information where supplied intentionally or negligently could make you liable to a fine.

B. Who must notify

In the case of a merger (within the meaning of Article 3 (1) (a) of Regulation (EEC) No 4064/89 or the acquisition of joint control in a undertaking within the meaning of Article 3 (1) (b) of Regulation (EEC) No 4064/89, the notification shall be completed jointly by the parties to the merger or by those acquiring joint control as the case may be.

In the case of the acquisition of a controlling interest in an undertaking by another, the acquirer must complete the notification.

In the case of a public bid to acquire an undertaking, the bidder must complete the notification.

Each party completing the notification is responsible for the accuracy of the information which it provides.

For the purposes of this form 'the parties to the concentration' ('the parties') includes the undertaking in which a controlling interest is being acquired or which is the subject of a public bid.

C. Supporting documentation

The completed notification must be accompanied by the following:

- (a) copies of the final or most recent versions of all documents bringing about the concentration, whether by agreement between the parties concerned, acquisition of a controlling interest or a public bid;
- (b) in a public bid, a copy of the offer document. If unavailable on notification it should be submitted as soon as possible and not later than when it is posted to shareholders;
- (c) copies of the most recent annual reports and accounts of all the parties to the concentration;
- (d) copies of reports or analyses which have been prepared for the purposes of the concentration and from which information has been taken in order to provide the information requested in sections 5 and 6;

- (e) a list and short description of the contents of all other analyses, reports, studies and surveys prepared by or for any of the notifying parties for the purpose of assessing or analysing the proposed concentration with respect to competitive conditions, competitors (actual and potential), and market conditions. Each item in the list must include the name and position held of the author.

D. How to notify

The notification must be completed in one of the official languages of the European Community. This language shall thereafter be the language of the proceeding for all notifying parties.

The information requested by this form is to be set out using the sections and paragraph numbers of the form.

Supporting documents shall be submitted in their original language ; where this is not an official language of the Community they shall be translated, into the language of the proceeding (Article 2 (4) of Regulation (EEC) No 2367/90).

The supporting documents may be originals or copies of the originals. In the latter case the notifying party shall confirm that they are true and complete.

The financial data requested in Section 2.4 below must be provided in Ecus at the average conversion rates prevailing for the years or other period in question.

Twenty copies of each notification and fifteen copies of all supporting documents must be provided.

The notification should be sent to :

Commission of the European Communities,
Directorate General for Competition (DG IV),
Merger Task Force (Cort. 150),
200, rue de la Loi,
B-1049 Brussels ;

or be delivered by hand during normal Commission working hours at the following address :

Commission of the European Communities,
Directorate General for Competition (DG IV),
Merger Task Force,
150, avenue de Cortenberg,
B-1040 Brussels.

E. Secrecy

Article 214 of the Treaty and Article 17 (2) of Regulation (EEC) No 4064/89 require the Commission and the Member States, their officials and other servants not to disclose information they have acquired through the application of the Regulation of the kind covered by the obligation of professional secrecy. The same principle must also apply to protect confidentiality as between notifying parties.

If you believe that your interests would be harmed if any of the information you are asked to supply was to be published or otherwise divulged to other parties, submit this information separately with each page clearly marked 'Business secrets'. You should also give reasons why this information should not be divulged or published.

In the case of mergers or joint acquisitions, or in other cases where the notification is completed by more than one of the parties, business secrets may be submitted under separate cover, and referred to in the notification as an annex. In such cases the notification will be considered complete on receipt of all the annexes.

F. References

All references contained in this form are to the relevant articles and paragraphs of Council Regulation (EEC) No 4064/89.

SECTION 1

1.1. *Information on notifying party (or parties)*

Give details of :

- 1.1.1. name and address of undertaking,
- 1.1.2. nature of the undertaking's business,
- 1.1.3. name, address, telephone, fax and/or telex of, and position held by, the person to be contacted.

1.2. *Information on other parties to the concentration⁽¹⁾ ⁽²⁾*

For each party to the concentration (except the notifying party) give details of :

- 1.2.1. name and address of undertaking,
- 1.2.2. nature of the undertaking's business,
- 1.2.3. name, address, telephone, fax and/or telex of, and in position held by, the person to be contacted.

1.3. *Address for service*

Give an address in Brussels if available to which all communications may be made and documents delivered in accordance with Article 1 (4) of Commission Regulation (EEC) No 2367/90.

1.4. *Appointment of representatives*

Article 1 (2) of Commission Regulation (EEC) 2367/90 states that where notifications are signed by representatives of undertakings, such representatives shall produce written proof that they are authorized to act. Such written authorization must accompany the notification and the following details of the representatives of the notifying party or parties and other parties to the concentration are to be given below :

- 1.4.1. is this a joint notification ?
- 1.4.2. if 'yes', has a joint representative been appointed ?
 - if 'yes', please give the details requested in 1.4.3 to 1.4.6 below ;
 - if 'no', please give details of the representatives who have been authorized to act for each of the parties to the concentration indicating who they represent ;
- 1.4.3. name of representative ;
- 1.4.4. address of representative ;
- 1.4.5. name of person to be contacted (and address if different from 1.4.4) ;
- 1.4.6. telephone, telefax and/or telex.

SECTION 2

Details of the concentration

- 2.1. Briefly describe the nature of the concentration being notified. In doing so state :
 - whether the proposed concentration is a full legal merger, an acquisition, a concentrative joint venture or a contract or other means conferring direct or indirect control within the meaning of Article 3 (3) ;
 - whether the whole or parts of parties are subject to the concentration ;
 - whether any public offer for the securities of one party by another has the support of the former's supervisory boards of management or other bodies legally representing the party concerned.
- 2.2. List the economic sectors involved in the concentration.
- 2.3. Give a brief explanation of the economic and financial details of the concentration. In doing so provide, where relevant, information about the following :
 - any financial or other support received from whatever source (including public authorities) by any of the parties and the nature and amount of this support,
 - the proposed or expected date of any major events designed to bring about the completion of the concentration,
 - the proposed structure of ownership and control after the completion of the concentration.

⁽¹⁾ A concentration is defined in Article 3.

⁽²⁾ This includes the target company in the case of a contested bid, in which case the details should be completed as far as is possible.

- 2.4. For each of the parties, the notifying party shall provide the following data for the last three financial years :
- 2.4.1. worldwide turnover ⁽¹⁾,
 - 2.4.2. Community-wide turnover ⁽¹⁾ ⁽²⁾,
 - 2.4.3. turnover in each Member State ⁽¹⁾ ⁽²⁾,
 - 2.4.4. the Member State, if any, in which more than two-thirds of Community-wide turnover is achieved ⁽¹⁾ ⁽²⁾,
 - 2.4.5. profits before tax worldwide ⁽³⁾,
 - 2.4.6. number of employees worldwide ⁽⁴⁾.

SECTION 3

Ownership and control ⁽⁵⁾

For each of the parties provide a list of all undertakings belonging to the same group. This list must include :

- 3.1. all undertakings controlled by the parties, directly or indirectly, within the meaning of Article 3 (3) ;
- 3.2. all undertakings or persons controlling the parties directly or indirectly within the meaning of Article 3 (3) ;
- 3.3. for each undertaking or person identified in 3.2 above, a complete list of all undertakings controlled by them directly or indirectly, within the meaning of Article 3 (3).

For each entry to the list the nature and means of control shall be specified ;

- 3.4. provide details of acquisitions made during the last three years by the groups identified above, of undertakings active in affected markets as defined in section 5 below.

The information sought in this section may be illustrated by the use of charts or diagrams where this helps to give a better understanding of the pre-concentration structure of ownership and control of the undertakings.

SECTION 4

Personal and financial links

With respect to each undertaking or person disclosed in response to Section 3 provide :

- 4.1. a list of all other undertakings which are active on affected markets (affected markets are defined in section 5) in which the undertakings of the group hold individually or collectively 10 % or more of the voting rights or issued share capital. In each case state the percentage held ;
- 4.2. a list of all other undertakings which are active on affected markets in which the persons disclosed in response to Section 3 hold 10 % or more of the voting rights or issued share capital. In each case state the percentage held ;
- 4.3. a list for each undertaking of the members of their boards of management who are also members of the boards of management or of the supervisory boards of any other undertaking, which is active on affected markets ; and (where applicable) for each undertaking a list of the members of their supervisory boards who are also members of the boards of management of any other undertaking which is active on affected markets ;

in each case stating the name of the other undertaking and the position held.

Information provided here may be illustrated by the use of charts or diagrams where this helps to give a better understanding.

⁽¹⁾ See Article 5 for the definition of turnover and note the special provisions for credit, insurance, other financial institutions and joint undertakings.

For insurance undertakings, credit and other financial institutions, Community-residents and residents of a Member State are defined as natural or legal persons having their residence in a Member State, thereby following the respective national legislation. The corporate customer is to be treated as resident in the country in which it is legally incorporated.

For the calculation of turnover, the notifying party should also refer to the examples : guidance note I for credit and other financial institutions ; guidance note II for insurance undertakings ; guidance note III for joint undertakings.

⁽²⁾ See guidance note IV for the calculation of turnover in one Member State with respect to Community-wide turnover.

⁽³⁾ 'Profits before tax' shall comprise profit on ordinary activities before tax on profit.

⁽⁴⁾ Employees shall comprise all persons employed in the enterprise who have a contract of employment and receive remuneration.

⁽⁵⁾ See Article 3 (3) to (5).

SECTION 5

Information on affected markets

The notifying party shall provide the data requested having regard to the following definitions:

PRODUCT MARKETS

A relevant product market comprises all those products and/or services which are regarded as interchangeable or substitutable by the consumer, by reason of the products' characteristics, their prices and their intended use.

A relevant product market may in some cases be composed of a number of individual product groups. An individual product group is a product or small group of products which present largely identical physical or technical characteristics and are fully interchangeable. The difference between products within the group will be small and usually only a matter of brand and/or image. The product market will usually be the classification used by the undertaking in its marketing operations.

RELEVANT GEOGRAPHIC MARKET

The relevant geographic market comprises the area in which the undertakings concerned are involved in the supply of products or services, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas because, in particular, conditions of competition are appreciably different in those areas.

Factors relevant to the assessment of the relevant geographic market include the nature and characteristics of the products or services concerned, the existence of entry barriers or consumer preferences, appreciable differences of the undertakings' market shares between neighbouring areas or substantial price differences.

AFFECTED MARKETS

Affected markets consist of relevant product markets or individual product groups, in the Common Market or a Member State or, where different, in any relevant geographic market where:

- (a) two or more of the parties (including undertakings belonging to the same group as defined in Section 3) are engaged in business activities in the same product market or individual product group and where the concentration will lead to a combined market share of 10 % or more. These are horizontal relationships; or
- (b) any of the parties (including undertakings belonging to the same group as defined in Section 3) is engaged in business activities in a product market which is upstream or downstream of a product market or individual product group in which any other party is engaged and any of their market shares is 10 % or more, regardless of whether there is or is not any existing supplier/customer relationship between the parties concerned. These are vertical relationships.

I. Explanation of the affected relevant product markets

- 5.1. Describe each affected relevant product market and explain why the products and/or services in these markets are included (and why others are excluded) by reason of their characteristics, their prices and their intended use.
- 5.2. List the individual product groups defined internally by your undertaking for marketing purposes which are covered by each relevant product market described under 5.1 above.

II. Market data on affected markets

For each affected relevant product market and, where different, individual product group, for each of the last three financial years:

- (a) for the Community as a whole;
- (b) individually for each Member State where the parties (including undertakings belonging to the same group as defined in Section 3) do business;

- (c) and where different, for any relevant geographic market, provide the following :
- 5.3. an estimate of the value of the market and, where appropriate, of the volume (for example in units shipped or delivered) of the market ⁽¹⁾. If available, include statistics prepared by other sources to illustrate your answers. Also provide a forecast of the evolution of demand on the affected markets ;
 - 5.4. the turnover of each of the groups to which the parties belong (as defined in Section 3) ;
 - 5.5. an estimate of the market share of each of the groups to which the parties belong ;
 - 5.6. an estimate of the market share (in value and where appropriate volume) of all competitors having at least 10 % of the geographic market under consideration. Provide the name, address and telephone number of these undertakings ;
 - 5.7. a comparison of prices charged by the groups to which the parties belong in each of the Member States and a similar comparison of such price levels between the Community and its major trading partners (eg the United States, Japan and EFTA) ;
 - 5.8. an estimate of the value (and where appropriate volume) and source of imports to the relevant geographic market ;
 - 5.9. the proportion of such imports that are derived from the groups to which the parties belong ;
 - 5.10. an estimate of the extent to which any of these imports are affected by any tariff or non-tariff barriers to trade.

III. *Market data on conglomerate aspects*

In the absence of horizontal or vertical relationships, where any of the parties (including undertakings belonging to the same group as defined in Section 3) holds a market share of 25 % or more for any product market or individual product group, provide the following information :

- 5.11. a description of each relevant product market and explain why the products and/or services in these markets are included (and why others are excluded) by reason of their characteristics, their prices and their intended use ;
- 5.12. a list of the individual product groups defined internally by your undertaking for marketing purposes which are covered by each relevant product market described ;
- 5.13. an estimate of the value of the market and the market shares of each of the groups to which the parties belong for each affected relevant product market and, where different, individual product group, for the last financial year :
 - (a) for the Community as a whole ;
 - (b) individually for each Member State where the groups to which the parties belong do business ;
 - (c) and where different, for any relevant geographic market.

In each response in Section 5 the notifying party shall explain the basis of the estimates used or assumptions made.

SECTION 6

General conditions in affected markets

The following information shall be provided in relation to the affected relevant product markets and, where different, affected individual product groups :

RECORD OF MARKET ENTRY

- 6.1. Over the last five years (or a longer period if this is more appropriate) has there been any significant entry to these markets in the Community? If the answer is 'yes', provide information on these entrants, estimating their current market shares.

⁽¹⁾ The value and volume of a market should reflect output less exports plus imports for the geographic market under consideration.

- 6.2. In the opinion of the notifying party are there undertakings (including those at present operating only in extra-Community markets) that could enter the Community's markets? If the answer is 'yes', provide information on these potential entrants.
- 6.3. In the opinion of the notifying party what is the likelihood of significant market entry over the next five years?

FACTORS INFLUENCING MARKET ENTRY

- 6.4. Describe the various factors influencing entry into affected markets that exist in the present case, examining entry from both a geographical and product viewpoint. In so doing take account of the following where appropriate:
- the total costs of entry (capital, promotion, advertising, necessary distribution systems, servicing etc.) on a scale equivalent to a significant viable competitor, indicating the market share of such a competitor;
 - to what extent is entry to the markets influenced by the requirement of government authorization or standard setting in any form? Are there any legal or regulatory controls on entry to these markets?
 - to what extent is entry to the markets influenced by the availability of raw materials?
 - to what extent is entry to the markets influenced by the length of contracts between an undertaking and its suppliers and/or customers?
 - describe the importance of licensing patents, know-how and other rights in these markets.

VERTICAL INTEGRATION

- 6.5. Describe the nature and extent of vertical integration of each of the parties.

RESEARCH AND DEVELOPMENT

- 6.6. Give an account of the importance of research and development in the ability of a firm operating on the relevant market to compete in the long term. Explain the nature of the research and development in affected markets carried out by the undertakings to the concentration.

In so doing take account of the following where appropriate:

- the research and development intensities⁽¹⁾ for these markets and the relevant research and development intensities for the parties concerned;
- the course of technological development for these markets over an appropriate time period (including developments in products and/or services, production processes, distribution systems etc);
- the major innovations that have been made in these markets over this time period and the undertakings responsible for these innovations;
- the cycle of innovation in these markets and where the parties are in this cycle of innovation;
- describe the extent to which the parties concerned are licensees or licensors of patents, know-how and other rights in affected markets.

DISTRIBUTION AND SERVICE SYSTEMS

- 6.7. Explain the distribution channels and service networks that exist on the affected markets. In so doing take account of the following where appropriate:
- the distribution systems prevailing on the market and their importance. To what extent is distribution performed by third parties and/or undertakings belonging to the same group as the parties as disclosed in Section 3?
 - the service networks (for example maintenance and repair) prevailing and their importance in these markets. To what extent are such services performed by third parties and/or undertakings belonging to the same group as the parties as disclosed in Section 3?

⁽¹⁾ Research and development intensity is defined as research and development expenditure as a proportion of turnover.

COMPETITIVE ENVIRONMENT

- 6.8. Give details (names, addresses and contacts) of the five largest suppliers to the notifying parties and their individual share of the purchases of the notifying parties.
- 6.9. Give details (names, addresses and contacts) of the five largest customers of the notifying parties and their individual share of the sales of the notifying parties.
- 6.10. Explain the structure of supply and demand in affected markets. This explanation should allow the Commission further to appreciate the competitive environment in which the parties carry out their business. In so doing take account of the following where appropriate :
- the phases of the markets in terms of, for example, take-off, expansion, maturity and decline. In the opinion of the notifying party, where are the affected products in these phases?
 - the structure of supply. Give details of the various identifiable categories that comprise the supply side and describe the 'typical supplier' of each category;
 - the structure of demand. Give details of the various identifiable groups that comprise the demand side and describe the 'typical customer' of each group;
 - whether public authorities, government agencies or state enterprises or similar bodies are important participants as sources of supply or demand. In any instance where this is so give details of this participation;
 - the total Community-wide capacity for the last three years. Over the period what proportion of this capacity is accounted for by the parties and what have been their rates of capacity utilization?

COOPERATIVE AGREEMENTS

- 6.11. To what extent do cooperative agreements (horizontal and/or vertical) exist in the affected markets?
- 6.12. Give details of the most important cooperative agreements engaged in by the parties in the affected markets, such as licensing agreements, research and development, specialization, distribution, long-term supply and exchange of information agreements.

TRADE ASSOCIATIONS

- 6.13. List the names and addresses of the principal trade associations in the affected markets.

WORLDWIDE CONTEXT

- 6.14. Describe the worldwide context of the proposed concentration indicating the position of the parties in this market.

SECTION 7**General matters**

- 7.1. Describe how the proposed concentration is likely to affect the interests of intermediate and ultimate consumers, and the development of technical progress.
- 7.2. In the event that the Commission finds that the operation notified does not constitute a concentration within the meaning of Article 3 of Regulation (EEC) No 4064/89, do you request that it be treated as an application within the meaning of Article 2 or a notification within the meaning of Article 4 of Regulation No 17, as an application within the meaning of Article 12 or a notification within the meaning of Article 14 of Regulation (EEC) No 1017/68, as an application within the meaning of Article 12 of Regulation (EEC) No 4056/86 or as an application within the meaning of Article 3 (2) or Article 5 of Regulation (EEC) No 3975/87?

SECTION 8**Declaration**

The notification must conclude with the following declaration which is to be signed by or on behalf of all the notifying parties.

The undersigned declare that the information given in this notification is correct to the best of their knowledge and belief, that all estimates are identified as such and are their best estimates of the underlying facts and that all the opinions expressed are sincere.

They are aware of the provisions of Article 14 (1) b of Regulation (EEC) No 4064/89.

Place and date :

Signatures :

GUIDANCE NOTE I (*)

CALCULATION OF TURNOVER FOR CREDIT AND OTHER FINANCIAL INSTITUTIONS

(Article 5 (3) (a))

For the calculation of turnover for credit institutions and other financial institutions, we give the following example (proposed merger between bank A and bank B):

I. Consolidated balance sheets

<i>(in million ecu)</i>		
Assets	Bank A	Bank B
Loans and advances to credit institutions	20 000	1 000
— to credit institutions within the Community:	(10 000)	(500)
— to credit institutions within one (and the same) Member State X:	(5 000)	(500)
Loans and advances to customers	60 000	4 000
— to Community residents:	(30 000)	(2 000)
— to residents of one (and the same) Member State X:	(15 000)	(500)
Other assets:	20 000	1 000
Total assets:	100 000	6 000

II. Calculation of turnover

In place of turnover, the following figures shall be used:

	<i>Bank A</i>	<i>Bank B</i>
1. <i>Aggregate worldwide turnover</i>		
is replaced by one-tenth of total assets:	10 000	600
the total sum of which is more than ECU 5 000 million.		
2. <i>Community-wide turnover</i>		
is replaced by, for each bank, one-tenth of total assets multiplied by the ratio between loans and advances to credit institutions and customers within the Community; to the total sum of loans and advances to credit institutions and customers.		
	<i>Bank A</i>	<i>Bank B</i>
This is calculated as follows:		
one-tenth of total assets:	10 000	600
which is multiplied for each bank by the ratio between:		
loans and advances to credit institutions and customers	10 000	500
within the Community	30 000	2 000
	40 000	2 500
and		
the total sum of loans and advances to credit institutions and customers	20 000	1 000
	60 000	4 000
	80 000	5 000
For		
Bank A: 10 000 multiplied by (40 000 : 80 000) = 5 000		
Bank B: 600 multiplied by (2 500 : 5 000) = 300		
which exceeds ECU 250 million for each of the banks.		

(*) In the following guidance notes, the terms 'institution' or 'undertaking' are used subject to the exact delimitation in each case.

3. *Total turnover within one (and the same) Member State X*

is replaced by one-tenth of total assets :

	<i>Bank A</i>	<i>Bank B</i>
	10 000	600

which is multiplied for each bank by the ratio between loans and advances to credit institutions and customers within one and the same Member State X ; to the total sum of loans and advances to credit institutions and customers.

This is calculated as follows :

	<i>Bank A</i>	<i>Bank B</i>
loans and advances to credit institutions and customers	5 000	500
within one (and the same) Member State X	15 000	500
	20 000	1 000
and		
the total sum of loans and advances to credit institutions and customers	80 000	5 000

For

Bank A : 10 000 multiplied by (20 000 : 80 000) = 2 500

Bank B : 600 multiplied by (1 000 : 5 000) = 120

Result :

50 % of bank A's and 40 % of bank B's Community-wide turnover are achieved in one (and the same) Member State X.

III. **Conclusion :**

Since

- (a) the aggregate worldwide turnover of bank A plus bank B is more than ECU 5 000 million ;
 - (b) the Community-wide turnover of each of the banks is more than ECU 250 million ; and
 - (c) each of the banks achieve less than two-thirds of its Community-wide turnover in one (and the same) Member State,
- the proposed merger would fall under the scope of the Regulation.

GUIDANCE NOTE II

CALCULATION OF TURNOVER FOR INSURANCE UNDERTAKINGS

(Article 5 (3) (a))

For the calculation of turnover for insurance undertakings, we give the following example (proposed concentration between insurances A and B) :

I. **Consolidated profit and loss account**

<i>(in million ecu)</i>		
Income	Insurance A	Insurance B
Gross premiums written	5 000	300
— gross premiums received from Community residents :	(4 500)	(300)
— gross premiums received from residents of one (and the same) Member State X : —	(3 600)	(270)
Other income :	500	50
Total income :	5 500	350

II. **Calculation of turnover**1. *Aggregate worldwide turnover*

is replaced by the value of gross premiums written worldwide, the sum of which is ECU 5 300 million.

2. *Community-wide turnover*

is replaced, for each insurance undertakings, by the value of gross premiums written with Community residents. For each of the insurance undertakings, this amount is more than ECU 250 million.

3. *Turnover within one (and the same) Member State X*

is replaced, for insurance undertakings, by the value of gross premiums written with residents of one (and the same) Member State X.

For insurance A, it achieves 80 % of its gross premiums written with Community residents within Member State X, whereas for insurance B, it achieves 90 % of its gross premiums written with Community residents in that Member State X.

III. Conclusion

Since

- (a) the aggregate worldwide turnover of insurances A and B, as replaced by the value of gross premiums written worldwide, is more than ECU 5 000 million;
 - (b) for each of the insurance undertakings, the value of gross premiums written with Community residents is more than ECU 250 million; but
 - (c) each of the insurance undertakings achieves more than two-thirds of its gross premiums written with Community residents in one (and the same) Member State X,
- the proposed concentration would not fall under the scope of the Regulation.

GUIDANCE NOTE III

CALCULATION OF TURNOVER FOR JOINT UNDERTAKINGS

A. CREATION OF A JOINT UNDERTAKING (Article 3 (2))

In a case where two (or more) undertakings create a joint undertaking that constitutes a concentration, turnover is calculated for the undertakings concerned.

B. EXISTENCE OF A JOINT UNDERTAKING (Article 5 (5))

For the calculation of turnover in case of the existence of a joint undertaking C between two undertakings A and B concerned in a concentration, we give the following example :

I. Profit and loss accounts

<i>(in million ecu)</i>		
Turnover	Undertaking A	Undertaking B
Sales revenues worldwide	10 000	2 000
— Community	(8 000)	(1 500)
— Member State Y	(4 000)	(900)

<i>(in million ecu)</i>	
Turnover	Joint undertaking C
Sales revenues worldwide	100
— with undertaking A	(20)
— with undertaking B	(10)
Turnover with third undertakings	70
— Community-wide	(60)
— in Member State Y	(50)

II. Consideration of the joint undertaking

- (a) The undertaking C is jointly controlled (in the meaning of Article 3 (3) and (4)) by the undertakings A and B concerned by the concentration, irrespective of any third undertaking participating in that undertaking C.
- (b) The undertaking C is not consolidated by A and B in their profit and loss accounts.
- (c) The turnover of C resulting from operations with A and B shall not be taken into account.
- (d) The turnover of C resulting from operations with any third undertaking shall be apportioned equally amongst the undertakings A and B, irrespective of their individual shareholdings in C.
- (e) Any joint undertaking existing between one of the undertakings concerned and any third undertaking shall (unless already consolidated) not be taken into account.

III. Calculation of turnover

- (a) Undertaking A's aggregate worldwide turnover shall be calculated as follows: ECU 10 000 million and 50 % of C's worldwide turnover with third undertakings (i. e. ECU 35 million), the sum of which is ECU 10 035 million.

Undertaking B's aggregate worldwide turnover shall be calculated as follows: ECU 2 000 million and 50 % of C's worldwide turnover with third undertakings (i. e. ECU 35 million), the sum of which is ECU 2 035 million.

- (b) The aggregate worldwide turnover of the undertakings concerned is ECU 12 070 million.
- (c) Undertaking A achieves ECU 4 025 million within Member State Y (50 % of C's turnover in this Member State taken into account), and a Community-wide turnover of ECU 8 030 million (including 50 % of C's Community-wide turnover);

and undertaking B achieves ECU 925 million within Member State Y (50 % of C's turnover in this Member State taken into account), and a Community-wide turnover of ECU 1 530 million (including 50 % of C's Community-wide turnover).

IV. Conclusion

Since

- (a) the aggregate worldwide turnover of undertakings A and B is more than ECU 5 000 million,
- (b) each of the undertakings concerned by the concentration achieves more than ECU 250 million within the Community,
- (c) each of the undertakings concerned (undertaking A 50,1 % and undertaking B 60,5 %) achieves less than two-thirds of its Community-wide turnover in one (and the same) Member State Y,
- the proposed concentration would fall under the scope of the Regulation.

GUIDANCE NOTE IV**APPLICATION OF THE TWO-THIRDS RULE**

(Article 1)

For the application of the two-thirds rule for undertakings, we give the following examples (proposed concentration between undertakings A and B):

I. Consolidated profit and loss accounts**EXAMPLE 1**

(in million ecu)

Turnover	Undertaking A	Undertaking B
Sales revenues worldwide	10 000	500
— within the Community:	(8 000)	(400)
— in Member State X:	(6 000)	(200)

EXAMPLE 2 (a)

(in million ecu)

Turnover	Undertaking A	Undertaking B
Sales revenues worldwide	4 800	500
— within the Community:	(2 400)	(400)
— in Member State X:	(2 100)	(300)

EXAMPLE 2 (b)

same figures as in example 2 (a), BUT undertaking B achieves ECU 300 million in Member State Y.

II. Application of the two-thirds rule

EXAMPLE 1

1. Community-wide turnover

is, for undertaking A, ECU 8 000 million and for undertaking B ECU 400 million.

2. Turnover in one (and the same) Member State X

is, for undertaking A (ECU 6 000 million), 75 % of its Community-wide turnover and is, for undertaking B (ECU 200 million), 50 % of its Community-wide turnover.

3. Conclusion

In this case, although undertaking A achieves more than two-thirds of its Community-wide turnover in Member State X, the proposed concentration would fall under the scope of the Regulation due to the fact that undertaking B achieves less than two-thirds of its Community-wide turnover in Member State X.

EXAMPLE 2 (a)

1. Community-wide turnover

of undertaking A is ECU 2 400 million and of undertaking B, ECU 400 million.

2. Turnover in one (and the same) Member State X

is, for undertaking A, ECU 2 100 million (i. e. 87,5 % of its Community-wide turnover); and, for undertaking B, ECU 300 million (i. e. 75 % of its Community-wide turnover).

3. Conclusion

In this case, each of the undertakings concerned achieves more than two-thirds of its Community-wide turnover in one (and the same) Member State X; the proposed concentration would not fall under the scope of the Regulation.

EXAMPLE 2 (b)

Conclusion

In this case, the two-thirds rule would not apply due to the fact that undertakings A and B achieve more than two-thirds of their Community-wide turnover in different Member States X and Y. Therefore, the proposed concentration would fall under the scope of the Regulation.

ANNEX II

Holidays in 1990

			B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
New Year :	1.	1.	x	x	x	x	x	x	x	x	x	x	x	x
New Year :	2.	1.												x ⁽¹⁾
Carnival Monday :	26.	2.				x								
St. Patrick :	19.	3.							x					x ⁽²⁾
Maundy Thursday :	12.	4.		x			x							
Good Friday :	13.	4.		x	x	x	x		x			x	x	x
Easter Monday :	16.	4.	x	x	x	x		x	x	x	x	x		x
Anniversary of the Liberation :	25.	4.								x				
Liberty Day :	25.	4.											x	
The Queen's Birthday :	30.	4.										x		
Labour Day :	1.	5.	x		x	x	x	x		x	x		x	
May holiday :	7.	5.												x
Armistice 1945 :	8.	5.						x						
General Prayer Day :	11.	5.		x										
Ascension :	24.	5.	x	x	x			x			x	x		
Spring holiday :	28.	5.												x
Whit Monday :	4.	6.	x	x	x	x		x	x		x	x		
Constitution Day :	5.	6.		x										
Corpus Christi :	14.	6.			x ⁽³⁾								x	
Orangeman's Day :	12.	7.												x ⁽²⁾
St. James :	24.	7.					x							
First Monday in August :	6.	8.							x					x ⁽¹⁾
Friedensfest :	8.	8.			x ⁽⁴⁾									
Assumption :	15.	8.	x		x ⁽⁵⁾	x	x	x		x	x		x	
Summer Bank holiday :	27.	8.												x
Republic Day :	5.	10.											x	
National holiday :	12.	10.					x							
Bank holiday :	29.	10.							x					
All Saints :	1.	11.	x		x ⁽⁶⁾		x	x		x	x		x	
All Souls :	2.	11.	x											
Dynasty Day :	15.	11.	x											
Repentance Day :	21.	11.			x									
Constitution Day :	6.	12.					x							
Christmas :	25.	12.	x	x	x	x	x	x	x	x	x	x	x	x
Second day of Christmas :	26.	12.	x	x	x	x			x	x	x	x		x

⁽¹⁾ Scotland.⁽²⁾ Northern Ireland.⁽³⁾ Baden-Württemberg, Bayern, Hessen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland.⁽⁴⁾ City of Augsburg (Bayern).⁽⁵⁾ Saarland and Bayern, Bayern, public holiday in administrative districts with a predominantly Catholic population.⁽⁶⁾ Baden-Württemberg, Bayern, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland.

Commission

New Year's Day	1 January
Day after New Year's Day	2 January
Holy/Maundy Thursday	12 April
Good Friday	13 April
Easter Monday	16 April
Labour Day	1 May
Anniversary of the declaration by Robert Schuman	9 May
Ascension Day	24 May
Day after Ascension Day	25 May
Whit Monday	4 June
Assumption Day	15 August
All Saints Day	1 November
All Souls Day	2 November
Christmas	24 December
	25 December
	26 December
	27 December
	28 December
	29 December
	30 December
	31 December

COMMISSION REGULATION (EEC) No 2368/90

of 9 August 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 thereof,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

*Article 2*This Regulation shall enter into force on the 21st day after its publication in the *Official Journal of the European Communities*.

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

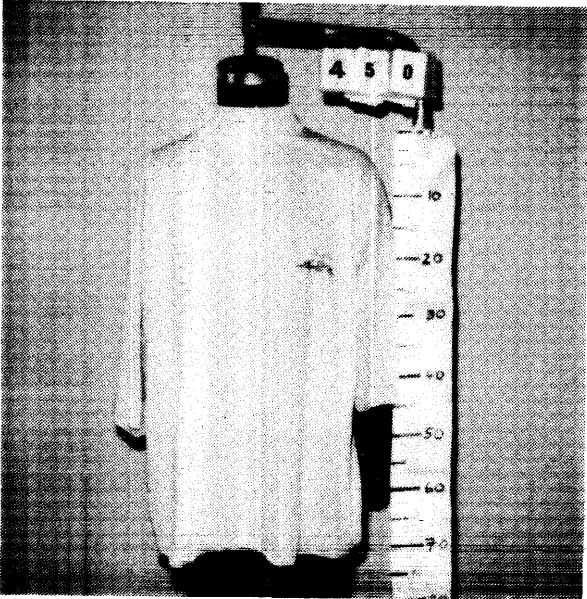
Done at Brussels, 9 August 1990.

For the Commission

Jean DONDELINGER

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 % cotton), loose-fitting, with short sleeves, covering the upper part of the body and reaching down to below the waist. It has at the level of the neckline a sewn-on ribbing forming a close-fitting high collar without an opening. It also has decorations at the back and at the level of the chest as well as a hem at the sleeve-ends and at the base (see photograph No 450) (*) 	6110 20 99	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature and by the texts of CN codes 6110, 6110 20 and 6110 20 99 as well as by the Explanatory Notes for CN code 6110

(*) Photographs are of a purely illustrative nature.

COMMISSION REGULATION (EEC) No 2369/90

of 10 August 1990

on the supply of refined rape seed oil to non-governmental organizations (NGOs) as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decision of 3 March 1989 on the supply of food aid to NGOs, the Commission allocated to the those organizations 450 tonnes of refined rape seed oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rape seed oil to NGOs in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexes hereto.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 10 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation Nos** ⁽¹⁾: 866 to 871/89 and 875 to 878/89
2. **Programme**: 1989 (390 tonnes) 1988 (60 tonnes)
3. **Recipient**: Euronaid, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾ ⁽⁷⁾ ⁽¹¹⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 450 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁹⁾ ⁽¹⁰⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under I.3.3):
 - metal cans of five kilograms
 - the cans must carry the following wording: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 25. 9 to 6. 11. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** ⁽⁸⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 28. 8. 1990. Tenders shall be valid until 12 midnight on 29. 8. 1990
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 11. 9. 1990. Tenders shall be considered valid until 12 midnight on 12. 9. 1990
 - (b) period for making the goods available at the port of shipment: 9. 10 to 20. 11. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁶⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer**: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer: see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (⁴) Radiation certificate for Sudan should contain the following information:
 - (a) the amount of radiation of caesium-134 and -137;
 - (b) iodine-131.Radiation certificate must be issued by official authorities and be legalized for Sudan.
- (⁵) The supplier should send a duplicate of the original invoice to:
MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
- (⁶) The successful tenderer shall give the beneficiaries' representative a health certificate at the time of delivery.
- (⁷) The successful tenderer shall give the beneficiaries' representative a certificate of origin at the time of delivery.
- (⁸) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (⁹) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (¹⁰) To be delivered on standardized pallets wrapped in shrinked plastic/under plastic cover.
- (¹¹) As regards packaging and storage, the provisions on butteroil in point I.3.3 of the Commission notice in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 7 shall apply. However hermetic sealing in an atmosphere of nitrogen shall not be required.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II —
ANEXO II

Designación de la partida Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation de la partie Designazione della partita Aanduiding van de partij Designação da parte	Cantidad total de la partida (en toneladas) Totalmængde (i tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale de la partie (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
I	450	30	CRS	El Salvador	Acción nº 866/89 / aceite vegetal / El Salvador / Cathwel / 90128 / San Salvador vía Acajutla / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		30	CRS	Guatemala	Acción nº 867/89 / aceite vegetal / Guatemala / Cathwel / 90127 / Santo Tomás de Castilla / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		45	Caritas B	Guatemala	Acción nº 868/89 / aceite vegetal / Guatemala / Caritas Bélgica / 90256 / Guatemala City vía Puerto Quetzal / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		15	CAM	Guatemala	Acción nº 869/89 / aceite vegetal / Guatemala / Cam / 92040 / San Pedro de Carcha vía Santo Tomás de Castilla / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		30	Oxfam B	Nicaragua	Acción nº 870/89 / aceite vegetal / Oxfam B / 90845 / Corinto / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		45	DIA	Nicaragua	Acción nº 871/89 / aceite vegetal / Nicaragua / Día / 91129 / Managua vía Corinto / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		60	Oxfam B	Sudan	Action No 875/89 / Sudan / 90840 / Port Sudan
		60	Oxfam UK	Sudan	Action No 876/89 / Sudan / 90906 / Port Sudan
		90	DIA	Sudan	Action No 877/89 / Sudan / 91124 / Port Sudan
		45	DIA	Sudan	Action No 878/89 / Sudan / 91127 / Port Sudan

COMMISSION REGULATION (EEC) No 2370/90

of 13 August 1990

fixing the maximum buying-in price and the quantities of beef bought in for the
28th partial invitation to tender under Regulation (EEC) No 1627/89

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, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, as last amended by Regulation (EEC) No 2271/90 ⁽⁴⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EEC) No 2319/90 ⁽⁶⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted;

Whereas, after the tenders submitted for the 28th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

Whereas, moreover, since the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 are met in respect of certain Member States or regions of Member States and certain quality groups, all

the tenders relating thereto which do not exceed 80 % of the intervention price should be accepted;

Whereas the scale of the quantities awarded in Great Britain warrants the application of the possibility provided for in Article 13 (2) of Regulation (EEC) No 859/89 of extending the period during which the intervention products are to be delivered by one week;

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

For the 28th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 270 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 14 246 tonnes; the quantities offered at a price equal to or greater than ECU 268 per 100 kilograms are hereby reduced by 90 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price of less than ECU 268, and equal to or greater than ECU 264 per 100 kilograms are reduced by 75 %; quantities offered at a price of less than ECU 264 per 100 kilograms are reduced by 50 %;

(b) for category C:

- (i) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:
 - the maximum buying-in price is hereby fixed at ECU 271 per 100 kilograms of carcasses or half-carcasses of quality R3,
 - the maximum quantity accepted is hereby fixed at 183 tonnes; the quantities offered at a price equal to or greater than ECU 268 per 100 kilograms are hereby reduced by 90 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price of less than ECU 268, and equal to or greater than ECU 264, per 100 kilograms are reduced by 75 %; quantities offered at a price of less than ECU 264 per 100 kilograms are reduced by 50 %;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 204, 2. 8. 1990, p. 45.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 208, 7. 8. 1990, p. 23.

(ii) in the Member States or regions of Member States which meet the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 :

- the maximum buying-in price is hereby fixed at ECU 274,4 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted is hereby fixed at 13 902 tonnes.

Article 2

By way of derogation from the first sentence of Article 13 (2) of Regulation (EEC) No 859/89, the delivery period for the intervention products is hereby extended by one week in Great Britain.

Article 3

This Regulation shall enter into force on 14 August 1990.

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

Done at Brussels, 13 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2371/90**of 13 August 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 2355/90 ⁽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 14 August 1990.

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

Done at Brussels, 13 August 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 215, 10. 8. 1990, p. 23.

ANNEX

to the Commission Regulation of 13 August 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,70 ⁽¹⁾
1701 11 90	36,70 ⁽¹⁾
1701 12 10	36,70 ⁽¹⁾
1701 12 90	36,70 ⁽¹⁾
1701 91 00	39,45
1701 99 10	39,45
1701 99 90	39,45 ⁽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.

COMMISSION REGULATION (EEC) No 2372/90
of 13 August 1990
fixing the import levies on milk and milk products

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

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1593/90 ⁽³⁾, as last amended by Regulation (EEC) No 2225/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1593/90 to the prices 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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 August 1990.

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

Done at Brussels, 13 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 151, 15. 6. 1990, p. 15.

⁽⁴⁾ OJ No L 202, 31. 7. 1990, p. 35.

ANNEX

to the Commission Regulation of 13 August 1990 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		19,95
0401 10 90		18,74
0401 20 11		27,15
0401 20 19		25,94
0401 20 91		32,51
0401 20 99		31,30
0401 30 11		82,34
0401 30 19		81,13
0401 30 31		157,22
0401 30 39		156,01
0401 30 91		262,46
0401 30 99		261,25
0402 10 11	(*)	146,88
0402 10 19	(*)	139,63
0402 10 91	(1) (*)	1,3963/kg + 25,56
0402 10 99	(1) (*)	1,3963/kg + 18,31
0402 21 11	(*)	208,30
0402 21 17	(*)	201,05
0402 21 19	(*)	201,05
0402 21 91	(*)	244,84
0402 21 99	(*)	237,59
0402 29 11	(1) (*) (*)	2,0105/kg + 25,56
0402 29 15	(1) (*)	2,0105/kg + 25,56
0402 29 19	(1) (*)	2,0105/kg + 18,31
0402 29 91	(1) (*)	2,3759/kg + 25,56
0402 29 99	(1) (*)	2,3759/kg + 18,31
0402 91 11	(*)	28,57
0402 91 19	(*)	28,57
0402 91 31	(*)	35,71
0402 91 39	(*)	35,71
0402 91 51	(*)	157,22
0402 91 59	(*)	156,01
0402 91 91	(*)	262,46
0402 91 99	(*)	261,25
0402 99 11	(*)	49,40
0402 99 19	(*)	49,40
0402 99 31	(1) (*)	1,5359/kg + 21,94
0402 99 39	(1) (*)	1,5359/kg + 20,73
0402 99 91	(1) (*)	2,5883/kg + 21,94
0402 99 99	(1) (*)	2,5883/kg + 20,73

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 11		29,56
0403 10 13		34,92
0403 10 19		84,75
0403 10 31	(¹)	0,2352/kg + 24,35
0403 10 33	(¹)	0,2888/kg + 24,35
0403 10 39	(¹)	0,7871/kg + 24,35
0403 90 11		146,88
0403 90 13		208,30
0403 90 19		244,84
0403 90 31	(¹)	1,3963/kg + 25,56
0403 90 33	(¹)	2,0105/kg + 25,56
0403 90 39	(¹)	2,3759/kg + 25,56
0403 90 51		29,56
0403 90 53		34,92
0403 90 59		84,75
0403 90 61	(¹)	0,2352/kg + 24,35
0403 90 63	(¹)	0,2888/kg + 24,35
0403 90 69	(¹)	0,7871/kg + 24,35
0404 10 11		29,20
0404 10 19	(¹)	0,2920/kg + 18,31
0404 10 91	(²)	0,2920/kg
0404 10 99	(²)	0,2920/kg + 18,31
0404 90 11		146,88
0404 90 13		208,30
0404 90 19		244,84
0404 90 31		146,88
0404 90 33		208,30
0404 90 39		244,84
0404 90 51	(¹)	1,3963/kg + 25,56
0404 90 53	(¹) (²)	2,0105/kg + 25,56
0404 90 59	(¹)	2,3759/kg + 25,56
0404 90 91	(¹)	1,3963/kg + 25,56
0404 90 93	(¹) (²)	2,0105/kg + 25,56
0404 90 99	(¹)	2,3759/kg + 25,56
0405 00 10		270,91
0405 00 90		330,51
0406 10 10	(⁴)	244,71
0406 10 90	(⁴)	292,67
0406 20 10	(³) (⁴)	400,27
0406 20 90	(⁴)	400,27
0406 30 10	(³) (⁴)	194,68
0406 30 31	(³) (⁴)	182,40
0406 30 39	(³) (⁴)	194,68
0406 30 90	(³) (⁴)	291,40
0406 40 00	(³) (⁴)	148,14
0406 90 11	(³) (⁴)	233,70

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	(3) (*)	190,61
0406 90 15	(3) (*)	190,61
0406 90 17	(3) (*)	190,61
0406 90 19	(3) (*)	400,27
0406 90 21	(3) (*)	233,70
0406 90 23	(3) (*)	195,95
0406 90 25	(3) (*)	195,95
0406 90 27	(3) (*)	195,95
0406 90 29	(3) (*)	195,95
0406 90 31	(3) (*)	195,95
0406 90 33	(*)	195,95
0406 90 35	(3) (*)	195,95
0406 90 37	(3) (*)	195,95
0406 90 39	(3) (*)	195,95
0406 90 50	(3) (*)	195,95
0406 90 61	(*)	400,27
0406 90 63	(*)	400,27
0406 90 69	(*)	400,27
0406 90 71	(*)	244,71
0406 90 73	(*)	195,95
0406 90 75	(*)	195,95
0406 90 77	(*)	195,95
0406 90 79	(*)	195,95
0406 90 81	(*)	195,95
0406 90 83	(*)	195,95
0406 90 85	(*)	195,95
0406 90 89	(3) (*)	195,95
0406 90 91	(*)	244,71
0406 90 93	(*)	244,71
0406 90 97	(*)	292,67
0406 90 99	(*)	292,67
1702 10 10		35,96
1702 10 90		35,96
2106 90 51		35,96
2309 10 15		107,14
2309 10 19		139,26
2309 10 39		130,23
2309 10 59		106,85
2309 10 70		139,26
2309 90 35		107,14
2309 90 39		139,26
2309 90 49		130,23
2309 90 59		106,85
2309 90 70		139,26

-
- (1) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
 - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this subheading is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (3) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

COMMISSION REGULATION (EEC) No 2373/90

of 13 August 1990

introducing a countervailing charge on table grapes originating in Cyprus

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 Regulation (EEC) No 1035/72 of the Council 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 the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 891/90 of 6 April 1990 fixing for the 1990 marketing year the reference prices for table grapes⁽³⁾ fixed the reference price for products of class I at ECU 51,92 per 100 kilograms net for the period 20 July to 31 August 1990; whereas this price was adjusted by Commission Regulation (EEC) No 1484/90⁽⁴⁾;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74 of the Commission⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 1,40 per 100 kilograms net is applied to table grapes (CN codes 0806 10 15 and 0806 10 19) originating in Cyprus.

Article 2

This Regulation shall enter into force on 15 August 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 92, 7. 4. 1990, p. 33.

⁽⁴⁾ OJ No L 140, 1. 6. 1990, p. 90.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 13 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2374/90
of 13 August 1990
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2350/90 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 2240/90 ⁽⁷⁾, as last amended by Regulation (EEC) No 2354/90 ⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has not yet been fixed; whereas the amount of the subsidy for the 1990/91 marketing year has been calculated provisionally

on the basis of the abatement for the 1989/90 marketing year;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2240/90 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

4. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for colza, rape and sunflower will be confirmed or replaced as from 14 August 1990 to take into account the application of the system of maximum guaranteed quantities for this marketing year.

Article 2

This Regulation shall enter into force on 14 August 1990.

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

Done at Brussels, 13 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 215, 10. 8. 1990, p. 8.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1988, p. 11.

⁽⁷⁾ OJ No L 203, 1. 8. 1990, p. 28.

⁽⁸⁾ OJ No L 215, 10. 8. 1990, p. 19.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)	5th period 1 (1)
1. Gross aids (ECU):						
— Spain	1,750	1,750	1,750	1,750	1,750	23,365
— Portugal	0,000	0,000	0,000	0,000	0,000	26,275
— Other Member States	25,221	25,172	25,024	24,616	24,891	24,875
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	59,05	58,93	58,58	57,63	58,27	58,36
— Netherlands (Fl)	66,53	66,40	66,01	64,93	65,66	65,77
— BLEU (Bfrs/Lfrs)	1 217,85	1 215,48	1 208,33	1 188,63	1 201,91	1 201,93
— France (FF)	198,03	197,65	196,48	193,28	195,44	195,31
— Denmark (Dkr)	225,23	224,79	223,47	219,82	222,28	222,14
— Ireland (£ Irl)	22,041	21,998	21,868	21,512	21,752	21,738
— United Kingdom (£)	19,474	19,435	19,291	18,926	19,141	19,020
— Italy (Lit)	44 179	44 093	43 834	43 119	43 601	43 573
— Greece (Dr)	5 307,95	5 290,47	5 224,55	5 096,53	5 156,92	5 047,82
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	267,57	267,57	267,57	267,57	267,57	3 658,46
— in another Member State (Pta)	3 732,54	3 725,46	3 700,25	3 636,11	3 677,91	3 658,46
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	5 401,30
— in another Member State (Esc)	5 515,64	5 505,53	5 475,00	5 379,27	5 436,17	5 401,30

(1) Subject to the abatement resulting from the system of maximum guaranteed quantities for the 1990/91 marketing year.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)	5th period 1 (1)
1. Gross aids (ECU):						
— Spain	4,250	4,250	4,250	4,250	4,250	25,865
— Portugal	2,500	2,500	2,500	2,500	2,500	28,775
— Other Member States	27,721	27,672	27,524	27,116	27,391	27,375
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	64,90	64,78	64,44	63,48	64,13	64,22
— Netherlands (Fl)	73,12	72,99	72,60	71,53	72,25	72,37
— BLEU (Bfrs/Lfrs)	1 338,56	1 336,20	1 329,05	1 309,35	1 322,63	1 322,65
— France (FF)	217,66	217,28	216,11	212,91	215,07	214,94
— Denmark (Dkr)	247,55	247,11	245,79	242,15	244,60	244,46
— Ireland (£ Irl)	24,225	24,183	24,053	23,697	23,937	23,923
— United Kingdom (£)	21,422	21,384	21,240	20,875	21,090	20,969
— Italy (Lit)	48 558	48 472	48 213	47 498	47 980	47 952
— Greece (Dr)	5 851,31	5 833,83	5 767,91	5 639,89	5 700,28	5 591,18
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	649,81	649,81	649,81	649,81	649,81	4 040,70
— in another Member State (Pta)	4 114,78	4 107,70	4 082,49	4 018,35	4 060,15	4 040,70
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	517,26	517,26	517,26	517,26	517,26	5 918,56
— in another Member State (Esc)	6 032,89	6 022,78	5 992,25	5 896,52	5 953,43	5 918,56

(1) Subject to the abatement resulting from the system of maximum guaranteed quantities for the 1990/91 marketing year.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 8 (°)	1st period 9 (°)	2nd period 10 (°)	3rd period 11 (°)	4th period 12 (°)
1. Gross aids (ECU):					
— Spain	8,600	8,600	8,600	8,600	8,600
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	34,091	33,573	33,620	33,951	34,282
2. Final aids:					
(a) Seed harvested and processed in (°):					
— Federal Republic of Germany (DM)	79,81	78,60	78,71	79,48	80,26
— Netherlands (Fl)	89,93	88,56	88,68	89,56	90,43
— BLEU (Bfrs/Lfrs)	1 646,15	1 621,14	1 623,41	1 639,39	1 655,37
— France (FF)	267,68	263,61	263,98	266,58	269,18
— Denmark (Dkr)	304,43	299,81	300,23	303,18	306,14
— Ireland (£ Irl)	29,792	29,339	29,381	29,670	29,959
— United Kingdom (£)	26,376	25,965	25,975	26,196	26,455
— Italy (Lit)	59 716	58 809	58 891	59 471	60 051
— Greece (Dr)	7 224,87	7 098,41	7 075,00	7 118,35	7 191,10
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 314,91	1 314,91	1 314,91	1 314,91	1 314,91
— in another Member State (Pta)	4 574,65	4 499,77	4 502,31	4 545,16	4 595,45
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	7 980,79	7 871,55	7 881,46	7 939,38	8 009,41
— in another Member State (Esc)	7 806,36	7 699,50	7 709,20	7 765,86	7 834,35
3. Compensatory aids:					
— in Spain (Pta)	4 549,26	4 474,38	4 476,92	4 519,77	4 570,06
4. Special aid:					
— in Portugal (Esc)	7 806,36	7 699,50	7 709,20	7 765,86	7 834,35

(°) Subject to the abatement resulting from the system of maximum guaranteed quantities for the 1990/91 marketing year.

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

ANNEX IV

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

(value of ECU 1)

	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
DM	2,067640	2,064100	2,060780	2,057590	2,057590	2,049010
Fl	2,329850	2,325950	2,322200	2,318570	2,318570	2,308300
Bfrs/Lfrs	42,558700	42,518500	42,479100	42,430700	42,430700	42,294800
FF	6,929450	6,926290	6,923540	6,921720	6,921720	6,913120
Dkr	7,899260	7,897150	7,895250	7,892440	7,892440	7,882400
£Irl	0,771238	0,771033	0,771281	0,771279	0,771279	0,773065
£	0,698978	0,701724	0,704259	0,706659	0,706659	0,713454
Lit	1 513,67	1 515,09	1 516,12	1 517,19	1 517,19	1 520,88
Dr	203,19300	204,66200	206,96400	208,93800	208,93800	215,80000
Esc	182,46900	182,91500	183,36200	184,15700	184,15700	186,20700
Pta	127,15200	127,60900	128,03100	128,45500	128,45500	129,58600

COMMISSION REGULATION (EEC) No 2375/90

of 13 August 1990

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2160/90⁽⁷⁾, as last amended by Regulation (EEC) No 2311/90⁽⁸⁾;

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

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

- ⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
- ⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.
- ⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
- ⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.
- ⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
- ⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.
- ⁽⁷⁾ OJ No L 197, 27. 7. 1990, p. 36.
- ⁽⁸⁾ OJ No L 206, 4. 8. 1990, p. 20.
- ⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.
- ⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 10 August 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2160/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 14 August 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 13 August 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 13 August 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1102 90 30	60,20	215,57	221,61
1103 12 00	60,20	215,57	221,61
1103 29 30	60,20	215,57	221,61
1104 12 10	33,71	122,16	125,18
1104 12 90	66,22	239,52	245,56
1104 22 10*10 (*)	33,71	122,16	125,18
1104 22 10*90 (*)	57,18	215,57	218,59
1104 22 30	57,18	215,57	218,59
1104 22 50	51,16	191,62	194,64
1104 22 90	33,71	122,16	125,18

(*) Taric code: clipped oats.

(*) Taric code: CN code 1104 22 10, other than 'clipped oats'.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 27 July 1990

amending Annex II to Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in list I of the Annex to Directive 76/464/EEC

(90/415/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community⁽¹⁾, and in particular Articles 6 and 12 thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas, in order to protect the aquatic environment of the Community against pollution by certain dangerous substances, Article 3 of Directive 76/464/EEC introduces a system of prior authorization laying down emission standards for discharges of the substances in List I in the Annex thereto; whereas Article 6 of the said Directive provides that limit values shall be laid down for such emission standards and quality objectives for the aquatic environment affected by discharges of the substances;

Whereas Member States are required to apply the limit values except in cases where they may employ quality objectives;

Whereas Directive 86/280/EEC⁽⁵⁾, as amended by Directive 88/347/EEC⁽⁶⁾, will have to be amended and supplemented, on proposals from the Commission, in line with developments in scientific knowledge relating principally to the toxicity, persistence and accumulation of the substances referred to in living organisms and sediments, or in the event of an improvement in the best technical means available; whereas it is necessary, for that purpose, to provide for additions to the said Directive, relating to measures in respect of other dangerous substances, and for amendments to the content of Annex II;

Whereas Article 5 of Directive 86/280/EEC provides that, in the case of certain significant sources of pollution by these substances other than sources subject to Community limit values or national emission standards, specific programmes should be devised to eliminate the pollution;

Whereas it is appropriate that small discharges which are subject to the provisions of Article 5 of Directive 86/280/EEC may be exempted from the requirements of Article 3 of Directive 76/464/EEC;

Whereas, on the basis of the criteria laid down in Directive 76/464/EEC, 1-2-dichloroethane, trichloroethylene, perchloroethylene and trichlorobenzene should be made subject to the provisions of Directive 86/280/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 86/280/EEC is hereby amended as set out in the Annex hereto.

⁽¹⁾ OJ No L 129, 18. 5. 1976, p. 23.

⁽²⁾ OJ No C 253, 29. 9. 1988, p. 4.

⁽³⁾ OJ No C 96, 17. 4. 1989, p. 188.

⁽⁴⁾ OJ No C 23, 30. 1. 1989, p. 4.

⁽⁵⁾ OJ No L 181, 4. 7. 1986, p. 16.

⁽⁶⁾ OJ No L 158, 25. 6. 1988, p. 35.

Article 2

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

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 27 July 1990.

For the Council

The President

E. RUBBI

⁽¹⁾ This Directive was notified to the Member States on 31 July 1990.

ANNEX

AMENDMENTS TO ANNEX II TO DIRECTIVE 86/280/EEC

1. The following is added below the title :

- '8. Relating to 1,2-dichloroethane (EDC)
- 9. Relating to trichloroethylene (TRI)
- 10. Relating to perchloroethylene (PER)
- 11. Relating to trichlorobenzene (TCB)'

2. The following section is added :

'VIII.: Specific provisions relating to 1,2-dichloroethane (EDC) (No 59) (*)

CAS — No 107-06-2

(*) Article 5 of Directive 86/280/EEC applies in particular to EDC used as a solvent away from a production or processing site if annual discharges amount to less than 30 kg/year. Such small discharges may be exempted from the requirements of Article 3 of Directive 76/464/EEC. Notwithstanding Article 5 (3) of Directive 86/280/EEC, Member States must implement their specific programmes no later than 1 January 1993. They must communicate them to the Commission at the same time.

Heading A (59): Limit values for emission standards ()*

Type of industrial plant (¹)	Type of average value	Limit values expressed as		To be complied with as from
		weight (g/tonne) (²)	concentration (mg/litre) (³)	
(a) Production only of 1,2-dichloroethane (without processing or use on the same site)	Monthly	4	2	1. 1. 1993
	Daily	2,5	1,25	1. 1. 1995
		8	4	1. 1. 1993
		5	2,5	1. 1. 1995
(b) Production of 1,2-dichloroethane, and processing or use at the same site, except for the use defined in (c) below (⁴)	Monthly	12	6	1. 1. 1993
	Daily	5	2,5	1. 1. 1995
		24	12	1. 1. 1993
		10	5	1. 1. 1995
(c) Processing of 1,2-dichloroethane into substances other than vinyl chloride (⁵)	Monthly	2,5	1	1. 1. 1993
	Daily	5	2	1. 1. 1993
(d) Use of EDC for degreasing metals (away from an industrial site covered by (b)) (⁶)	Monthly	—	0,1	1. 1. 1993
	Daily	—	0,2	1. 1. 1993
(e) Use of EDC in the production of ion exchangers (¹⁰)	Monthly	—	—	—
	Daily	—	—	—

(¹) In view of the volatility of EDC and in order to ensure compliance with Article 3 (6) of Directive 86/280/EEC, where the process used involves open-air agitation of the effluents containing EDC, Member States must require compliance with the limit values upstream of the plants concerned; they must ensure that all waters likely to be polluted are properly taken into account.

(²) The purified EDC production capacity includes that fraction of the EDC which is not cracked in the vinyl chloride (VC) production unit associated with the EDC production unit and which is recycled to the EDC purification section of the plant.

Production or processing capacity is the capacity authorized by the administration or, failing that, the highest annual quantity produced or processed over the four years prior to the granting or review of the authorization. The capacity authorized by the administration should not differ greatly from actual production.

(³) A simplified monitoring procedure may be introduced where annual discharges do not exceed 30 kg/year.

(⁴) These limit values relate:

- for sectors (a) and (b), to purified EDC production capacity expressed in tonnes,
- for sector (c), to EDC processing capacity expressed in tonnes.

However, in the case of sector (b), if the processing and utilization capacity is greater than the production capacity, the limit values shall be applied in relation to the global processing and utilization capacity. If there are several plants on the same site, the limit values shall apply to the plants taken together.

(⁵) Without prejudice to the provisions of heading A (4) in Annex I, these concentration limits relate to the following reference volumes:

- (a) 2 m³/tonne of purified EDC production capacity;
- (b) 2,5 m³/tonne of purified EDC production capacity;
- (c) 2,5 m³/tonne of EDC processing capacity.

(⁶) The limit values take account of all diffuse internal sources and/or of EDC used as a solvent within the industrial production site; this will ensure a reduction in EDC discharges of more than 99 %.

Nevertheless, the combination of the best available technology and the absence of any diffuse internal source enables reduction amounts greater than 99,9 % to be achieved.

On the basis of the experience acquired in the application of the present measures, the Commission will present to the Council in good time proposals for more severe limit values to be applied from 1998.

(⁷) Where a Member State takes the view that, owing to the integration of EDC production with the manufacture of other chlorinated hydrocarbons, an EDC production process is unlikely to comply with these limit values by the 1 January 1993 deadline, it must advise the Commission thereof before 1 January 1991. A programme for the reduction of EDC discharges which will enable these limit values to be complied with by 1 January 1997 will be submitted to the Commission no later than 31 December 1993. The following limit value must, meanwhile, be complied with as at 1 January 1993:

- 40 g EDC/tonne of purified EDC production capacity (monthly and daily averages).

The limit value expressed as concentration is deduced on the basis of the volume of water discharged by the plant(s) concerned.

(⁸) The production of the following substances specifically is involved here: ethylene diamine, ethylene polyamine, 1,1,1-trichloroethane, trichloroethylene and perchloroethylene.

(⁹) These limit values apply only to plants the annual discharges from which exceed 30 kg/year.

(¹⁰) It is not possible at present to adopt limit values for this sector. The Council shall adopt such limit values at a later stage, acting on a proposal from the Commission. In the meantime, Member States will apply national limit values in accordance with Annex I, heading A, point 3.

Heading B (59): quality objectives

Environment	Quality objectives (µg/litre)	To be complied with as from
Inland surface waters	10	1. 1. 1993
Estuary waters		
Inland coastal waters other than estuary waters		
Territorial waters		

The Commission will compare the results of the monitoring carried out, in accordance with the third indent of Article 13 (1) of Directive 76/464/EEC, with an indicative concentration of 2,5 µg/litre.

The Commission will, by 1998, re-examine the quality objectives on the basis of the experience acquired in the application of the present measures.

Heading C (59): reference method of measurement

1. The reference method of measurement to be used for determining the presence of 1,2-dichloroethane in effluents and the water environment is gas chromatography with electron capture detection after extraction by means of an appropriate solvent or gas chromatography following isolation by means of the "purge and trap" process and trapping by using a cryogenically cooled capillary trap. The limit of determination is 10 µg/litre for effluents and 1 µg/litre for the water environment.
2. The accuracy and precision of the method must be plus or minus 50 % at a concentration which represents twice the value of the limit of determination.
3. Member States may determine concentrations of EDC by reference to the quantity of AOX, EOX or VOX, provided that the Commission is first satisfied that these methods give equivalent results and until the general solvent Directive is adopted.

The Member States concerned will establish regularly the relationship in concentration between EDC and the parameter used.

IX. Specific provisions relating to trichloroethylene (TRI) (No 121) (*)

CAS 79.01.6

- (*) Article 5 of Directive 86/280/EEC applies in particular to TRI used as a solvent for dry-cleaning, for the extraction of grease or odours and for degreasing metals where annual discharges amount to less than 30 kg/year. Such small discharges may be exempted from the requirements of Article 3 of Directive 76/464/EEC. Notwithstanding Article 5 (3) of Directive 86/280/EEC, Member States must implement their specific programmes no later than 1 January 1993. They must communicate them to the Commission at the same time.

Heading A (121): limit values for emission standards⁽¹⁾

Type of industrial plants (²)	Type of average value	Limit values expressed as		To be complied with as from
		weight (g/tonne) (³)	concentration (mg/litre) (⁴)	
(a) Trichloroethylene (TRI) and perchloroethylene (PER) production	Monthly	10	2	1. 1. 1993
		2,5	0,5	1. 1. 1995
	Daily	20	4	1. 1. 1993
		5	1	1. 1. 1995
(b) Use of TRI for degreasing metals (⁵)	Monthly		0,1	1. 1. 1993
	Daily		0,2	1. 1. 1993

- (¹) In view of the volatility of trichloroethylene and in order to ensure compliance with Article 3 (6) of Directive 86/280/EEC, where the process used involves open-air agitation of the effluents containing trichloroethylene, Member States must require compliance with the limit values upstream of the plants concerned; they must ensure that all waters likely to be polluted are properly taken into account.

- (²) A simplified monitoring procedure may be introduced where annual discharges do not exceed 30 kg/year.
- (³) For sector (a), limit values for TRI discharges relate to overall TRI + PER production capacity. For existing plant using dehydrochlorination of tetrachloroethane, the capacity of production is equivalent to the capacity of TRI-PER production, the ratio of TRI-PER production taken at one third.
- Production or processing capacity is the capacity authorized by the administration or, failing that, the highest annual quantity produced or processed over the four years prior to the granting or review of the authorization. The capacity authorized by the administration should not differ greatly from actual production.
- (⁴) Without prejudice to the provisions of heading A (4) in Annex I, TRI limit concentrations relate to the following reference values:
- sector (a), 5 m³/tonne of TRI + PER production.
- (⁵) These limit values apply only to industrial plants the annual discharges from which exceed 30 kg/year.

Heading B (121): quality objectives

Environment	Quality objective (µg/litre)	To be complied with as from
Inland surface waters	10	1. 1. 1993
Estuary waters		
Inland coastal waters other than estuary waters		
Territorial waters		

The Commission will compare the results of the monitoring carried out, in accordance with the third indent of Article 13 (1) of Directive 76/464/EEC, with an indicative concentration of 2,5 µg/litre.

The Commission will, by 1988, re-examine the quality objectives on the basis of the experience acquired in the application of the present measures.

Heading C (121): reference method of measurement

- The reference method of measurement to be used for determining the presence of trichloroethylene (TRI) in effluents and the water environment is gas chromatography with electron capture detection after extraction by means of an appropriate solvent.

The limit of determination for TRI is 10 µg/litre for effluents and 0,1 µg/litre for the water environment.

- The accuracy and precision of the method must be plus or minus 50 % at a concentration which represents twice the value of the limit of determination.
- Member States may determine concentrations of TRI by reference to the quantity of AOX, EOX or VOX provided that the Commission is first satisfied that these methods give equivalent results and until the general solvent Directive is adopted.

The Member States concerned will establish regularly the relationship in concentration between TRI and the parameter used.

X. Specific provisions relating to perchloroethylene (PER) (No 111) (*)

CAS-127-18-4

- (*) Article 5 of Directive 86/280/EEC applies in particular to PER used as a solvent for dry-cleaning, for the extraction of grease or odours and for degreasing metals where annual discharges amount to less than 30 kg/year. Such small discharges may be exempted from the requirements of Article 3 of Directive 76/464/EEC. Notwithstanding Article 5 (3) of Directive 86/280/EEC, Member States must implement their specific programmes no later than 1 January 1993. They must communicate them to the Commission at the same time.

Heading A (111): limit values for emission standards⁽¹⁾

Type of industrial plant ⁽²⁾	Type of average value	Limit values expressed as		To be complied with as from
		weight (g/tonne) ⁽³⁾	concentration (mg/litre) ⁽⁴⁾	
(a) Trichloroethylene (TRI) and perchloroethylene (PER) production (TRI-PER processes)	Monthly	10	2	1. 1. 1993
		2,5	0,5	1. 1. 1995
	Daily	20	4	1. 1. 1993
		5	1	1. 1. 1995
(b) Carbon tetrachloride and perchloroethylene production (TETRA-PER processes)	Monthly	10	5	1. 1. 1993
		2,5	1,25	1. 1. 1995
	Daily	20	10	1. 1. 1993
		5	2,5	1. 1. 1995
(c) Use of PER for degreasing metals ⁽⁵⁾	Monthly	—	0,1	1. 1. 1993
	Daily	—	0,2	1. 1. 1993
(d) Chlorofluorocarbon production ⁽⁶⁾	Monthly	—	—	—
	Daily	—	—	—

⁽¹⁾ In view of the volatility of perchloroethylene and in order to ensure compliance with Article 3 (6) of Directive 86/280/EEC, where the process used involves open-air agitation of the effluents containing perchloroethylene, the Member States must require compliance with the limit values upstream of the plants concerned; they must ensure that all waters likely to be polluted are properly taken into account.

⁽²⁾ A simplified monitoring procedure may be introduced where annual discharges do not exceed 30 kg/year.

⁽³⁾ For sectors (a) and (b) the limit values for PER discharges relate either to overall TRI + PER production capacity or to overall TETRA + PER production capacity.

Production or processing capacity is the capacity authorized by the administration or, failing that, the highest annual quantity produced or processed over the four years prior to the granting or review of the authorization. The capacity authorized by the administration should not differ greatly from actual production.

⁽⁴⁾ Without prejudice to the provisions of heading A (4) in Annex I, PER limit concentrations relate to the following reference volumes:

- (a), 5 m³/tonne of TRI + PER production,
- (b), 2 m³/tonne of TETRA + PER production.

⁽⁵⁾ These limit values apply only to industrial plants the annual discharges from which exceed 30 kg/year.

⁽⁶⁾ It is not possible at present to adopt limit values for this sector. The Council shall adopt them at a later stage, acting on a proposal from the Commission. In the meantime, Member States will apply national emission standards in accordance with Annex I, heading A, point 3.

Heading B (111): quality objectives

Environment	Quality objective (µg/litre)	To be complied with as from
Inland surface waters	10	1. 1. 1993
Estuary waters		
Inland coastal waters other than estuary waters		
Territorial waters		

The Commission will compare the results of the monitoring carried out, in accordance with the third indent of Article 13 (1) of Directive 76/464/EEC, with an indicative concentration of 2,5 µg/litre.

The Commission will, by 1998, re-examine the quality objectives on the basis of the experience acquired in the application of the present measures.

Heading C (111): reference method of measurement

1. The reference method of measurement to be used for determining the presence of perchloroethylene (PER) in effluents and the water environment is gas chromatography with electron capture detection after extraction by means of an appropriate solvent.

The limit of determination for PER is 10 µg/litre for effluents and 0,1 µg/litre for the water environment.

2. The accuracy and precision of the method must be plus or minus 50 % at a concentration which represents twice the value of the limit of determination.
3. Member States may determine concentrations of PER by reference to the quantity of AOX, EOX or VOX, provided that the Commission is first satisfied that these methods give equivalent results and until the general solvent Directive is adopted.

The Member States concerned will establish regularly the relationship in concentration between PER and the parameter used.

XI. Specific provisions relating to trichlorobenzene (*) (TCB) (117, 118) ()**

(*) Article 5 of Directive 86/280/EEC applies in particular to TCB used as a solvent or colouring support in the textile industry, or as a component of the oils used in transformers until such time as there is specific Community legislation on this subject. Notwithstanding Article 5 (3), Member States must implement their specific programmes no later than 1 January 1993. They must communicate them to the Commission at the same time.

(**) TCB may occur as one of the following three isomers:

- 1, 2, 3-TCB — CAS 87/61-6;
- 1, 2, 4-TCB — CAS 120-82-1 (No 118 of the EEC list);
- 1, 3, 5-TCB — CAS 180-70-3.

Technical TCB (No 117 of the EEC list) is a mixture of these three isomers, with a preponderance of 1,2,4-TCB, and may also contain small quantities of di- and tetrachlorobenzene.

In any case, these provisions apply to the total TCB (the sum of the three isomers).

Heading A (117, 118): limit values for emission standards

Standstill: There must be no significant direct or indirect increase over time in pollution arising from discharges of TCB and affecting concentrations in sediments and/or molluscs and/or shellfish and/or fish.

Type of industrial plant	Type of average value	Limit values expressed as		To be complied with as from
		weight (g/tonne) ⁽¹⁾	concentration (mg/litre) ⁽²⁾	
(a) Production of TCB via dehydrochlorination of HCH and/or processing TCB	Monthly	25	2,5	1.1.1993
		10	1	1.1.1995
	Daily	50	5	1.1.1993
		20	2	1.1.1995
(b) Production and/or processing of chlorobenzenes via chlorination of benzene ⁽³⁾	Monthly	5	0,5	1.1.1993
		0,5	0,05	1.1.1995
	Daily	10	1	1.1.1993
		1	0,1	1.1.1995

⁽¹⁾ The limit values for discharges of TCB (sum of the three isomers) are given:

- for sector (a): in relation to the total TCB production capacity,
- for sector (b): in relation to the total production or processing capacity for mono- and dichlorobenzenes.

Production or processing capacity is the capacity authorized by the administration or, failing that, the highest annual quantity produced or processed over the four years prior to the granting or review of the authorization. The capacity authorized by the administration should not differ greatly from actual production.

- (²) Without prejudice to the provisions of heading A (4) in Annex I, limit concentrations relate to the following reference volumes:
- sector (a): 10 m³/tonne of TCB produced or processed,
 - sector (b): 10 m³/tonne of mono- and dichlorobenzene produced or processed.
- (³) For the existing plants discharging less than 50 kg/year by 1 January 1995, the limit values which are to be complied with at this date are equal to half of the limit values which are to be complied with as from 1 January 1993.

Heading B (117, 118): quality objectives

Standstill: There must be no significant increase over time in the concentration of TCB in sediments and/or molluscs and/or shellfish and/or fish.

Environment	Quality objective (µg/litre)	To be complied with as from
Inland surface waters	0,4	1. 1. 1993
Estuary waters		
Inland coastal waters other than estuary waters		
Territorial waters		

The Commission will compare the results of the monitoring carried out, in accordance with the third indent of Article 13 (1) of Directive 76/464/EEC, with an indicative concentration of 0,1 µg/litre.

The Commission will, by 1998, re-examine the quality objectives on the basis of the experience acquired in the application of the present measures.

Heading C (117, 118): reference method of measurement

1. The reference method of measurement to be used for determining the presence of trichlorobenzene (TCB) in effluents and the water environment is gas chromatography with electron capture detection after extraction by means of an appropriate solvent. The limit of determination for each isomer separately is 1 µg/litre for effluents and 10 ng/litre for the water environment.
2. The reference method to be used for determining TCB in sediments and organisms is gas chromatography with electron capture detection after appropriate preparation of the sample. The limit of determination for each isomer separately is 1 µg/kg of dry matter.
3. Member States may determine concentrations of TCB by reference to the quantity of AOX or EOX, provided that the Commission is first satisfied that these methods give equivalent results and until the general solvent Directive is adopted.

The Member States concerned will establish regularly the relationship in concentration between TCB and the parameter used.

4. The accuracy and precision of the method must be plus or minus 50 % at a concentration which represents twice the value of the limit of determination.

COUNCIL DECISION

of 23 April 1990

**concerning the conclusion of the Protocol for the Accession of Costa Rica to the
General Agreement on Tariffs and Trade**

(90/416/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Whereas Costa Rica entered into negotiations with the Community and the other Contracting Parties to the General Agreement on Tariffs and Trade (GATT) with a view to its accession to the said Agreement;

Whereas the results of these negotiations are acceptable to the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol for the Accession of Costa Rica to the General Agreement on Tariffs and Trade is hereby

approved on behalf of the European Economic Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Luxembourg, 23 April 1990.

*For the Council**The President*

A. REYNOLDS

PROTOCOL

for the accession of Costa Rica to the General Agreement on Tariffs and Trade

The Governments which are Contracting Parties to the General Agreement on Tariffs and Trade (hereinafter referred to as 'Contracting Parties' and 'the General Agreement', respectively), the European Economic Community and the Government of Costa Rica (hereinafter referred to as 'Costa Rica');

HAVING REGARD to the results of the negotiations directed towards the accession of Costa Rica to the General Agreement,

HAVE through their representatives agreed as follows:

PART I

General

1. Costa Rica shall, upon entry into force of this Protocol pursuant to paragraph 8, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply to Contracting Parties provisionally and subject to this Protocol:

- (a) Parts I, III and IV of the General Agreement; and
- (b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

The obligations incorporated in paragraph 1 of Article I by reference to Article III and those incorporated in paragraph 2 (b) of Article II by reference to Article VI of the General Agreement shall be considered as falling within Part II for the purpose of this paragraph.

- 2. (a) The provisions of the General Agreement to be applied to contracting parties by Costa Rica shall, except as otherwise provided in this Protocol, be the provisions contained in the text annexed to the Final Act of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as rectified, amended and otherwise modified by such instruments as may have become effective on the day on which Costa Rica becomes a contracting party.

- (b) In each case in which paragraph 6 of Article V, subparagraph 4 (d) of Article VII, and subparagraph 3 (c) of Article X of the General Agreement refer to the date of that Agreement, the applicable date in respect of Costa Rica shall be the date of this Protocol.

3. Costa Rica intends to eliminate the import surtaxes and surcharges, as referred to in paragraph 31 of document L/6589 when in excess of levels bound in the attached Schedule. If, four years after the day of Costa Rica's accession to the General Agreement, these taxes are still in effect without the abovementioned actions having been taken, the matter will be reviewed by the Contracting Parties.

4. As indicated in paragraph 50 of document L/6589, Costa Rica will continue to gradually eliminate current import licensing restrictions, and quantitative restrictions, and will complete their elimination four years after the day of Costa Rica's accession to the General Agreement. From the date of accession, additional such measures will only be applied as provided for in the Articles of the General Agreement, and such restrictions remaining after that time, will be notified and justified in conformity with GATT obligations. If this is not accomplished, the issue will be reviewed by the Contracting Parties.

PART II

Schedule

5. The schedule in the Annex shall, upon the entry into force of this Protocol, become a Schedule to the General Agreement relating to Costa Rica.

6. (a) in each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of each product which is the subject of a concession provided for in the Schedule annexed to this Protocol shall be the date of this Protocol.

- (b) For the purpose of the reference in paragraph 6 (a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the Schedule annexed to this Protocol shall be the date of this Protocol.

PART III

Final provisions

7. This Protocol shall be deposited with the Director-General to the Contracting Parties. It shall be open for acceptance by signature or otherwise, by Costa Rica until 30 June 1990. It shall also be open for acceptance by contracting parties and by the European Economic Community.

8. This Protocol shall enter into force on the 30th day following the day upon which it shall have been accepted by Costa Rica.

9. Costa Rica, having become a Contracting Party to the General Agreement according to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Director-General. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI or on the 30th day following the day of the deposit of the instrument of accession, whichever is the later. Accession to the General Agreement pursuant to this paragraph shall, for the purposes of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

10. Costa Rica may withdraw its provisional application of the General Agreement prior to its accession thereto pursuant to paragraph 9 and such withdrawal shall

take effect on the 60th day following the day on which written notice thereof is received by the Director-General.

11. The Director-General shall promptly furnish a certified copy of this Protocol and a notification of each signature thereto, pursuant to paragraph 7, to each contracting party, to the European Economic Community, to Costa Rica and to each Government which shall have acceded provisionally to the General Agreement.

12. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twentieth day of November one thousand nine hundred and eighty-nine, in a single copy, in the English, French and Spanish languages, except as otherwise specified with respect to the Schedule annexed hereto, each text being authentic.

ANNEX

Schedule LXXXV: Costa Rica

(The Schedule may be consulted in the GATT Secretariat in Geneva)

**Information concerning the signing of the Protocol of Accession of Costa Rica to the
General Agreement on Tariffs and Trade**

The Protocol of Accession of Costa Rica to the General Agreement on Tariffs and Trade was signed on 16 July 1990 on behalf of the European Economic Community by Mr Tran Van Thinh, head of the Commission's permanent delegation in Geneva, empowered to that end by the President of the Council.

COMMISSION

COMMISSION NOTICE

Regarding the anti-dumping review proceeding concerning imports of oxalic acid originating in Brazil

Commission Decision 90/378/EEC of 13 July 1990, accepting an undertaking given in connection with the anti-dumping review proceeding concerning imports of oxalic acid originating in Brazil and terminating the investigation, which has been published in the *Official Journal of the European Communities*⁽¹⁾ shall enter into force the day following the publication of this notice in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 184, 17. 7. 1990, p. 16.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2252/90 of 31 July 1990 concerning the methods of implementation of Council Regulation (EEC) No 2060/90 on transitional measures concerning trade with the German Democratic Republic in the agriculture and fisheries sector

(Official Journal of the European Communities No L 203 of 1 August 1990)

On page 61, in Article 1 (2), in the first subparagraph, in the sixth and seventh lines:

for: '... and does not apply to products ...',

read: '... and does only apply to products'

Corrigendum to Commission Decision 90/378/EEC of 13 July 1990 accepting an undertaking given in connection with the anti-dumping review concerning imports of oxalic acid originating in Brazil and terminating the investigation

(Official Journal of the European Communities No L 184 of 17 July 1990)

On page 19, recital (35):

for: '(35) The Advisory Committee opposed the measure proposed,'

read: '(35) One Member State has opposed the measure proposed within the Advisory Committee,'.
