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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2761/90**of 27 September 1990****on stocks of agricultural products held in the territory of the former German Democratic Republic**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas the proposal for a Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community provides for the taking over of certain public stocks held by the intervention body of the former German Democratic Republic on the day of German unification;

Whereas German unification has been set for 3 October 1990, by which date the Council will not have been able to pronounce on the said proposal for a Regulation; whereas the Community will nevertheless have to begin on 3 October to conduct an inventory of public and private stocks held in the territory of the former German Democratic Republic and take action as a result; whereas to this end, and in accordance with Regulation (EEC) No 2684/90, the necessary provisional arrangements must be made;

Whereas, in the case of some products, it will not be necessary to determine the amount of private stocks, either because there is no risk of speculation or because no finance is available from the European Agricultural Guidance and Guarantee Fund;

Whereas, however, it is essential to include in the inventory of private stocks certain live animals present in the territory of the former German Democratic Republic on the date of German unification;

Whereas, in the event of difficulties in establishing the inventories, the Commission will adopt the necessary provisions in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 on the common organization of the market in cereals⁽²⁾ or in the corresponding article of the other regulations on common market organizations;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the management committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

1. Germany shall conduct stock-taking checks and establish an inventory of the quantities and qualities of agricultural products held by the intervention body of the German Democratic Republic on the date of German unification.

For cereals, however, the inventory shall be established in respect of the situation obtaining on 31 October and, for skimmed-milk powder, in respect of that obtaining on 31 December 1990.

2. The said inventory shall be based on the quality requirements for intervention buying-in under the rules and regulations governing the common organizations of the market in the products concerned.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

Article 2

Germany shall conduct stock-taking checks and establish an inventory of the private stocks of products and live animals referred to in Article 4 (2), except for trivial amounts, held in the territory of the former German Democratic Republic on the date of German unification.

For the purposes of the preceding paragraph Germany may also use statistical methods.

Article 3

The following products shall not be subject to the stock-taking and inventory referred to in Article 2:

- those which do not lend themselves to storage,
- those which do not carry a risk of speculation,
- those for which export refunds are not fixed or in which there is no intervention buying-in within the meaning of Article 3 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾.

Article 4

1. The following products in free circulation in the territory of the former German Democratic Republic shall be subject to the stock-taking and inventory referred to in Article 2:

- those produced entirely in the territory of the former German Democratic Republic,
- those produced in whole or in part from products originating in countries other than the territory of the former German Democratic Republic,
- those imported into the German Democratic Republic prior to unification, for which formalities clearing them for free circulation have been completed and on which customs duties or equivalent charges have been levied, without any total or partial drawback thereof.

2. A 'private stock' shall mean any quantity of products as referred to in paragraph 1 or a number of live bovines, pigs or sheep, which are eligible for intervention, where

appropriate after slaughter, or for which export refunds may be granted, and which are:

- stored or held in the territory of the former German Democratic Republic,
- held in one of the Member States under arrangements whereby import duties are suspended, but having originated in the German Democratic Republic.

Article 5

Natural or legal persons who are holders of products subject to this Regulation shall be required to permit the conduct of the stock-taking checks and, in particular, to facilitate access to the premises and land to be inspected for that purpose.

Article 6

Germany shall transmit its inventories of public and private stocks to the Commission before 1 November 1990.

The inventory of public stocks of cereals shall be transmitted before 1 December 1990 and the inventory of public stocks of skimmed-milk powder shall be transmitted immediately following its establishment.

Article 7

At the request of the Commission, Germany shall arrange for the participation of officers and, where necessary, independent experts acting for the Commission in the operations referred to in Articles 1 and 2.

Article 8

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

COMMISSION REGULATION (EEC) No 2762/90**of 27 September 1990****on interim measures applicable to trade in the agricultural sector after the unification of Germany**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas the former German Democratic Republic introduced mechanisms similar to those of the common agricultural policy or the common trade arrangements, and in particular the system of export refunds and import and export licences;

Whereas the rules thus introduced included the possibility of fixing the rates of refunds in advance; whereas in some cases those refunds exceeded the rates applicable on exportation from the Community;

Whereas, in order to ensure the smooth operation of trade, provisions should be adopted concerning the validity of refunds fixed in advance and of licences issued in the territory of the former German Democratic Republic from the date of unification onwards;

Whereas provisions have been adopted within the framework of specific market rules authorizing Germany to supplement refunds from national funds for the purpose of implementing agreements concluded by the former German Democratic Republic with third countries prior to unification; whereas special provisions should, however, be adopted for all the sectors concerned in order to ensure the performance under certain conditions of contracts concluded between private operators before unification;

Whereas the measures contained in this Regulation are without prejudice to measures to be adopted concerning abnormal stocks;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

1. Germany is hereby authorized to supplement from national funds the amount of the refund fixed by Community rules for the export of agricultural products originating in the former German Democratic Republic after 3 October 1990 where a specific refund in the former German Democratic Republic was guaranteed to the exporter in writing before 3 October 1990 by the authorities of the former German Democratic Republic.

2. Germany is hereby authorized to maintain from national funds the refund for the export of sheepmeat provided that the conditions laid down in paragraph 1 are fulfilled.

Article 2

Export licences without advance fixing issued by the authorities of the former German Democratic Republic shall remain valid in the territory of the Community.

Import licences without advance fixing issued by the authorities referred to in the preceding paragraph shall remain valid for imports into the territory of the former German Democratic Republic.

Article 3

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2763/90
of 27 September 1990
amending Regulation (EEC) No 2006/80 determining the intervention centres for
cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular Article 3 (7) thereof,

Whereas Council Regulation (EEC) No 1145/76 ⁽³⁾ lays down the rules for determining the intervention centres for cereals;

Whereas the intervention centres were determined by Commission Regulation (EEC) No 2006/80 ⁽⁴⁾, as last amended by Regulation (EEC) No 2018/89 ⁽⁵⁾; whereas following the consultations provided for in Article 3 (7) of Regulation (EEC) No 2727/75, the list of the said centres should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In the section headed 'France' in the Annex to Regulation (EEC) No 2006/80, the amendments set out in Annex I to this Regulation are hereby made for the departments concerned.

In addition, the intervention centres at Vendôme in Loir-et-Cher and at Chambéry in Savoy are deleted from the list in respect of all cereals.

2. The intervention centres listed in Annex II to this Regulation shall be added to the section headed 'Bundesrepublik Deutschland' in the Annex to Regulation (EEC) No 2006/80.

Article 2

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

It shall apply from 3 October 1990.

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

Done at Brussels, 27 September 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 130, 19. 5. 1976, p. 8.

⁽⁴⁾ OJ No L 197, 30. 7. 1980, p. 1.

⁽⁵⁾ OJ No L 192, 7. 7. 1989, p. 14.

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

1	2	3	4	5	6	7
Centros de intervención Interventionscentre Interventionsort Κέντρα παρεμβάσεως Intervention centres Centres d'intervention Centri di intervento Interventiecentrum Centros de intervenção	Trigo blando Blød hvede Weichweizen Σίτος μαλακός Common wheat Froment tendre Frumento tenero Zachte tarwe Trigo mole	Centeno Rug Roggen Σίκαλη Rye Seigle Segala Rogge Centeio	Cebada Byg Gerste Κριθή Barley Orge Orzo Gerst Cevada	Trigo duro Hård hvede Hartweizen Σίτος σκληρός Durum wheat Froment dur Frumento duro Durum tarwe Trigo duro	Maíz Majs Mais Αραβόσιτος Maize Mais Granturco Mais Milho	Sorgo Sorghum Sorghum Σόργο Sorghum Sorgho Sorgo Sorgho Sorgo
FRANCE						
Allier						
Gannat	+	-	+	-	+	
La Ferté-Hauterive	-	-	-	-	+	
Montluçon	+	-	-	-	-	
St-Pourçain-sur-Sioule	+	-	-	-	-	
Varennes-sur-Allier	+	-	-	-	-	
Ardennes						
Châtelet-sur-Retourne	+	-	+	-	+	
Givet-Acy-Romance	+	-	+	-	-	
Drôme						
Alex	-	-	-	-	-	+
Pierrelatte	+	-	+	+	-	
Valence	+	-	+	-	+	
Eure-et-Loir						
Arrou	+	-	-	-	-	
Bonneval	+	-	+	-	+	
Brou	+	-	-	-	+	
Chartres, Lucé	+	-	-	-	+	
Courville-sur-Eure	+	-	+	+	-	
Illiers, Combray	+	-	+	-	-	
Lutz-en-Dunois	+	-	-	-	+	
Marchezais	+	-	+	-	+	
Nogent-le-Rotrou	+	-	+	-	-	
Orgères-en-Beauce	+	-	+	+	-	
Saint-Sauveur-Levasville	+	-	+	+	+	
Toury	+	-	-	+	-	
Voves	+	-	+	+	+	
Gard						
Beaucaire	-	-	-	+	-	+
Saint-Gilles	+	-	-	+	-	
Indre						
Argenton-sur-Creuse	+	-	-	-	+	
Buzançais, Argy	+	-	+	-	-	
Châteauroux, Saint-Maur	+	-	+	+	+	
Issoudun	+	-	+	+	+	
La Châtre	+	-	-	-	-	
Le Blanc	+	-	+	-	+	
Neuvy-Pailloux	+	-	+	-	-	
Indre-et-Loire						
Descartes	+	-	+	-	-	
La-Ville-aux-Dames	+	-	+	+	+	
Neuillé-Pont-Pierre	+	-	+	-	+	
Reignac	-	-	-	+	-	
Richelieu	+	-	-	-	+	
Villeperdue	+	-	-	-	+	

1	2	3	4	5	6	7
Centros de intervención Interventionscentre Interventionsort Κέντρα παρεμβάσεως Intervention centres Centres d'intervention Centri di intervento Interventiecentrum Centros de intervenção	Trigo blando Blød hvede Weichweizen Σίτος μαλακός Common wheat Froment tendre Frumento tenero Zachte tarwe Trigo mole	Centeno Rug Roggen Σίκαλη Rye Seigle Segala Rogge Centeio	Cebada Byg Gerste Κριθή Barley Orge Orzo Gerst Cevada	Trigo duro Hård hvede Hartweizen Σίτος σκληρός Durum wheat Froment dur Frumento duro Durum tarwe Trigo duro	Maíz Majs Mais Αραβόσιτος Maize Mais Granturco Mais Milho	Sorgo Sorghum Sorghum Σόργο Sorghum Sorgho Sorgo Sorgho Sorgo
Loir-et-Cher						
Blois	+	-	+	+	+	
Mer	+	-	-	-	-	
Mondoubleau	+	-	-	-	-	
Montoire	+	-	+	-	-	
Nouans-le-Fuzelier	-	+	-	-	-	
Pezou	+	-	+	-	+	
Saint-Firmin	+	-	-	+	-	
St-Romain, Noyers-sur-Cher	+	-	+	-	+	
Villefranche-sur-Cher	+	-	+	-	+	
Maine-et-Loire						
Écouflant	+	-	-	-	+	
Montreuil-Bellay	+	-	+	-	+	
Segré	+	-	+	-	+	
Mayenne						
Château-Gonthier	-	-	-	-	+	
Craon	+	-	-	-	-	
Évron	+	-	+	-	-	
Laval	+	-	-	-	+	
Puy-de-Dôme						
Aigueperse	+	-	-	-	+	
Ennezat	+	+	-	-	+	
Gerzat	+	-	+	-	-	
Issoire	+	-	+	-	-	
Rhône						
Heyrieux	+	-	+	-	+	
Lyon	+	-	+	-	+	
Haute-Saône						
Gray	+	-	+	-	+	
Sarthe						
La Chartre-sur-le-Loir	+	-	+	-	+	
Le Mans	+	-	+	-	+	
Marolles-les-Braults	+	-	-	-	+	
Sablé-sur-Sarthe	+	-	-	-	+	
Territoire de Belfort						
Bourgogne	+	-	-	-	-	
Vendée						
Fontenay-le-Comte	+	-	-	+	+	
La Roche-sur-Yon	+	-	+	-	+	

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

1	2	3	4	5	6	7
Centros de intervención Interventionscentre Interventionsort Κέντρα παρεμβάσεως Centres d'intervention Centri di intervento Interventiecentrum Centros de intervenção	Trigo blando Blød hvede Weichweizen Σίτος μαλακός Common wheat Froment tendre Frumento tenero Zachte tarwe Trigo mole	Centeno Rug Roggen Σίκαλη Rye Seigle Segala Rogge Centeio	Cebada Byg Gerste Κριθή Barley Orge Orzo Gerst Cevada	Trigo duro Hård hvede Hartweizen Σίτος σκληρός Durum wheat Froment dur Frumento duro Durum tarwe Trigo duro	Maiz Majs Mais Αραβόσιτος Maize Mais Granturco Mais Milho	Sorgo Sorghum Sorghum Σόργο Sorghum Sorgho Sorgo Sorgho Sorgo
BUNDESREPUBLIK DEUTSCHLAND						
Brandenburg						
Brandenburg	—	—	+			
Drebkau	—	—	+			
Eberswalde	+	+	+			
Fürstenwalde	—	—	+			
Gransee	—	—	+			
Gusow	+	+	—			
Herzberg	—	—	+			
Kyritz	+	+	+			
Niemegk	—	—	+			
Mecklenburg-Vorpommern						
Grimmen	+	+	+			
Güstrow	+	+	+			
Karstädt	—	—	+			
Malchin	+	+	+			
Neubrandenburg	+	+	+			
Neubuckow	+	+	—			
Pasewalk	+	+	+			
Rostock	+	+	—			
Schwerin	+	+	+			
Sachsen						
Altenburg	+	+	—			
Bischofswerda	—	—	+			
Eilenburg	—	—	+			
Großschirma	+	+	—			
Neumark	+	+	—			
Niedercunnersdorf	+	+	—			
Riesa	+	+	+			
Trebsen	+	+	—			
Sachsen-Anhalt						
Aschersleben	+	+	—			
Coswig	—	—	+			
Halberstadt	+	+	—			
Haldensleben	—	—	+			
Halle	+	+	—			
Klötze	—	—	+			
Magdeburg	+	+	+			
Querfurt	+	+	—			
Tangermünde	—	—	+			
Thüringen						
Buttstädt	+	+	—			
Gotha	+	+	—			
Ebeleben	+	+	—			
Niederpöllnitz	+	+	—			
Rudolstadt	+	+	—			
Themar	+	+	—			

COMMISSION REGULATION (EEC) No 2764/90

of 27 September 1990

on provisional measures applicable in the cereals sector after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas, in view of the difficulties of adapting the marketing of cereals in the territory of the former German Democratic Republic to Community market conditions, the intervention agency should continue, in that territory after unification, to buy in cereals until not later than 31 October, and to make payments to the seller within a shorter time limit than that laid down in Article 4 (2) of Commission Regulation (EEC) No 1569/77 of 11 July 1977 fixing the procedure and conditions for the taking over of cereals by intervention agencies⁽²⁾, as last amended by Regulation (EEC) No 1841/90⁽³⁾;

Whereas, for administrative reasons, the German authorities should provisionally not be required to comply with Article 3 (6) of Regulation (EEC) No 1569/77 in respect of the territory of the former German Democratic Republic;

Whereas it is necessary, in order to ensure the stability of the Community market, to guarantee the fulfilment of agreements concluded by the former German Democratic Republic with third countries before unification; whereas, for that purpose, Germany should be authorized to make up, from national funds, the amount of the export refund for the products concerned;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The German intervention agency is hereby authorized to continue, until the date on which the proposals presented by the Commission to the Council in its communication of 21 August 1990 are adopted, and not later than 31 October 1990, to buy in cereals harvested in the territory of the former German Democratic Republic and situated in that territory when offered for sale.

The stocks established in this way shall be taken over by the Community at the value determined in accordance with Article 8 of Council Regulation (EEC) No 1883/78⁽⁴⁾, not including financing and storage costs.

2. When cereals are taken over the German intervention agency in the territory of the former German Democratic Republic, compliance with Article 3 (6) and Article 4 (2) of Regulation (EEC) No 1569/77 shall not be required.

3. Germany is hereby authorized to continue to pay from national funds the additional refund added to the amount fixed by Community rules on exportation of products which are the subject of agreements concluded by the former German Democratic Republic with third countries before 3 October 1990. Agreements not containing precise undertakings regarding prices and qualities shall not be taken into consideration.

Article 2

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽³⁾ OJ No L 168, 30. 6. 1990, p. 14.

⁽⁴⁾ OJ No L 216, 5. 8. 1978, p. 1.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2765/90

of 27 September 1990

laying down provisional measures applicable in the sugar sector following the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on the interim measures applicable after the unification of Germany in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas sugar production for the 1990/91 marketing year commenced, in the case of the sugar-producing undertakings situated in the region made up of the territory of the former German Democratic Republic, prior to 3 October 1990; whereas in order to ensure the harmonious application of the quota system and its self-financing arrangements in respect of both the producers of this region and those of the other Community regions, and to prevent sugar produced in the said territory at the beginning of the 1990/91 marketing year from constituting C sugar, it is essential that, with effect from 1 July 1990, the date of the start of the marketing year, appropriate measures should now be adopted with regard to sugar production;

Whereas the compensation system for storage costs provided for in Article 8 of Regulation (EEC) No 1785/81⁽²⁾, as last amended by Regulation (EEC) No 1069/83⁽³⁾, comprises a flat-rate reimbursement to be financed by means of a levy chargeable to the sugar producers; whereas, for the same reasons as stated above concerning production, that system must apply to any sugar produced during the 1990/91 marketing year; whereas Article 12 of Regulation (EEC) No 1785/81 provides that minimum stocks are to be held by each sugar-producing undertaking in order to ensure normal supplies to the Community as a whole or to one of its areas; whereas this arrangement is closely linked to each undertaking's production and storage and also complies with the principle of Community solidarity; whereas, therefore, provision should provisionally be made for an immediate contribution by the sugar industry of the former German Democratic Republic to that arrangement;

Whereas the measures provided for in this Regulation are to apply subject to any changes, which may have a retrospective effect, resulting from the decisions taken by the

Council on the proposals presented to it by the Commission, particularly with regard to quotas and transfer of quotas;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 to 5, sugar produced in the 1990/91 marketing year by sugar-producing undertakings situated in Germany in the region corresponding to the territory of the former German Democratic Republic shall be governed by the relevant provisions of Articles 24 to 32 of Regulation (EEC) No 1785/81.

Until the Council has taken a decision on the Commission proposals of 21 August 1990, the production of the undertakings referred to in the first subparagraph must be effected within the quotas set out in paragraph 2.

2. Germany is hereby authorized provisionally to allocate an A quota and a B quota to the undertakings referred to in paragraph 1 which produced sugar before 1 July 1990 the following basic quantities within the limits of:

- (a) basic quantity A: 665 290 tonnes of white sugar;
- (b) basic quantity B: 204 710 tonnes of white sugar.

3. The A quota of each sugar-producing undertaking as referred to in paragraph 1 shall be established by adjusting the average annual sugar production of the undertaking in question, in the marketing years 1984/85 to 1988/89, within the meaning of Article 2 (1) of Regulation (EEC) No 1785/81, hereinafter referred to as the reference production, by a coefficient representing the ratio between the basic quantity A referred to in paragraph 2 and the sum of the reference productions of the undertakings situated in the region defined in paragraph 1.

However, if a sugar-producing undertaking recognized by the competent authorities of Germany did not exist as such prior to 1 July 1990, the reference production referred to in the first subparagraph shall be determined taking into account the production, during the period referred to in the first subparagraph, of each factory comprising, from 1 July 1990 the sugar-producing undertaking in question.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 1.

4. Until the Council takes a decision on the Commission proposals of 21 August 1990, the B quota of each sugar-producing undertaking as referred to in paragraph 1 shall be equal to 30,77 % of its A quota as determined in accordance with paragraph 3.

5. For the undertakings referred to in paragraph 1, Article 25 of Regulation (EEC) No 1785/81 shall apply only to transfers between the sugar-producing undertakings referred to in paragraph 1.

Article 2

The sugar produced in the 1990/91 marketing year by the undertakings referred to in Article 1 (1) from beet harvested in the Community shall be subject to the compensation system for storage costs and the minimum

stock arrangements provided for in Articles 8 and 12 respectively of Regulation (EEC) No 1785/81.

Article 3

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

It shall apply with effect from 1 July 1990 until the entry into force, after adoption of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2766/90

of 27 September 1990

amending for the fifth time Regulation (EEC) No 1726/82 determining intervention centres for colza, rape and sunflower seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation 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 24 (2) thereof,

Whereas Commission Regulation (EEC) No 1726/82 of 30 June 1982 determining intervention centres for colza, rape and sunflower seed⁽³⁾, as last amended by Regulation (EEC) No 2345/86⁽⁴⁾, established a list of intervention centres in the Community;

Whereas, as a result of the unification of Germany, intervention centres need to be designated in the territory of the former German Democratic Republic; whereas Karstädt, Magdeburg and Riesa fulfil the criteria as intervention centres for colza and rape;

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

Article 1

Part A of the Annex to Regulation (EEC) No 1726/82 is amended in respect of the Federal Republic of Germany as follows:

'Federal Republic of Germany

- Augsburg
- Bamberg
- Düsseldorf
- Hamburg
- Karstädt
- Magdeburg
- Mannheim
- Plochingen
- Regensburg
- Riesa
- Würzburg'

Article 2

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

It shall apply from 3 October 1990.

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

Done at Brussels, 27 September 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 189, 1. 7. 1982, p. 64.

⁽⁴⁾ OJ No L 203, 26. 7. 1986, p. 23.

COMMISSION REGULATION (EEC) No 2767/90**of 27 September 1990****amending Regulation (EEC) No 1098/68 on detailed rules for the application of
export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 17 (4) thereof,Whereas the Annex to Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁴⁾, specifies certain destination zones; whereas Zone C1 should be amended on account of German unification;

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

HAS ADOPTED THIS REGULATION:

*Article 1*Under Zone C1 in the Annex to Regulation (EEC) No 1098/68, 'the German Democratic Republic ⁽¹⁾' and the relevant footnote are hereby deleted.*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 3 October 1990.

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

Done at Brussels, 27 September 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 184, 29. 7. 1968, p. 10.⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2768/90

of 27 September 1990

on provisional measures applicable in the milk and milk products sector after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament (⁽¹⁾), and in particular Article 3 thereof,

Whereas, in view of the difficulties in adapting milk production in the former German Democratic Republic to Community market conditions, the intervention agency should continue in that territory, after unification, to buy in skimmed-milk powder and to sell at reduced prices skimmed-milk powder which it holds;

Whereas butter graded 'Exportqualität' and produced in the territory of the former German Democratic Republic may be bought in by the intervention agency; whereas this fact should be taken into account for the purpose of applying Commission Regulations (EEC) No 2191/81 of 31 July 1981 on the granting of aid for the purchase of butter by non-profit-making institutions and organizations (⁽²⁾), as last amended by Regulation (EEC) No 1679/89 (⁽³⁾), (EEC) No 1547/87 of 3 June 1987 laying down detailed rules for applying Regulation (EEC) No 777/87 as regards the buying in of intervention butter (⁽⁴⁾), and (EEC) No 570/88 of 16 February 1988 on the sale at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs (⁽⁵⁾), as last amended by Regulation (EEC) No 1048/89 (⁽⁶⁾);

Whereas it is necessary, in order to ensure the stability of the Community market, to guarantee the fulfilment of contracts concluded by the former German Democratic Republic with third countries before unification; whereas, for that purpose, Germany should be authorized to make up, from national funds, the amount of the export refund for the products concerned;

Whereas Community operators may export cheeses to Spain only under certain restrictive conditions regarding, in particular, their status as traders; whereas a provisional derogation should be made from this rule for operators situated in the territory of the former German Democratic Republic to allow them to export cheeses to Spain after unification;

Whereas the measures laid down in this Regulation apply subject to any amendments by the Council on the basis of Commission proposals presented on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The German intervention agency is hereby authorized to continue to buy in and sell at reduced prices skimmed-milk powder, manufactured by the roller or spray processes in the territory of the former German Democratic Republic and from milk originating there, with national funds under the same conditions as before unification.

The stocks established in this way up to the date on which the proposals presented by the Commission to the Council in its communication of 21 August 1990 are adopted, and not later than 31 December 1990, shall be taken over by the Community at the value determined in accordance with Article 8 of Council Regulation (EEC) No 1883/78 (⁽⁷⁾), not including financing and storage costs.

2. For the purposes of Regulations (EEC) No 2191/81, No 1547/87 and No 570/88, butter graded 'Exportqualität' manufactured in the territory of the former German Democratic Republic shall be treated in the same way as the butter referred to in Article 1 (3) (b) of Council Regulation (EEC) No 985/68 (⁽⁸⁾).

(⁽¹⁾) OJ No L 263, 26. 9. 1990, p. 1.

(⁽²⁾) OJ No L 213, 1. 8. 1981, p. 20.

(⁽³⁾) OJ No L 164, 15. 6. 1989, p. 14.

(⁽⁴⁾) OJ No L 144, 4. 6. 1987, p. 12.

(⁽⁵⁾) OJ No L 55, 1. 3. 1988, p. 31.

(⁽⁶⁾) OJ No L 111, 22. 4. 1989, p. 24.

(⁽⁷⁾) OJ No L 216, 5. 8. 1978, p. 1.

(⁽⁸⁾) OJ No L 169, 18. 7. 1968, p. 1.

3. Germany is hereby authorized to continue to pay from national funds the additional refund added to the amount fixed by Community rules on exportation of products which are the subject of agreements concluded by the former German Democratic Republic with third countries before 3 October 1990. Agreements not containing precise undertakings regarding prices and quantities shall not be taken into consideration.

4. For the purposes of Commission Regulation (EEC) No 606/86 ⁽¹⁾, operators who have been established in the territory of the former German Democratic Republic for at least twelve months shall not be required to have carried out their trade for at least twelve months.

Article 2

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

COMMISSION REGULATION (EEC) No 2769/90

of 27 September 1990

on interim measures applicable in the beef and veal sector after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas as far as management of the Community market in beef and veal is concerned it will, owing to the lack of an adequate adjustment period and of any established practice, be impossible to take into consideration on a provisional basis from the date of German unification prices of adult bovine animals determined on representative markets in the territory of the former German Democratic Republic or prices recorded in that territory on the basis of the scale for the classification of carcasses of adult bovine animals; whereas for the same reasons recorded prices and animal production statistics for that territory cannot be taken into consideration for activation of intervention purchasing under Article 6 (5) of Council Regulation (EEC) No 805/68⁽²⁾;

Whereas to ensure that the Community market remains stable the implementation of agreements concluded with third countries by the former German Democratic Republic before unification should be secured; whereas to that end Germany should be authorized to make up from national funds the balance of the export refunds concerned;

Whereas it is necessary to prohibit producers from receiving the special premium for beef producers or the premium for the maintenance of suckler herds twice; i.e. both under national legislation introduced before 3 October 1990 in the territory of the former German Democratic Republic and under Community rules applicable from that date;

Whereas provision should be made that the premium for the maintenance of suckler herds is not to be granted on cows kept on holdings in the territory of the former German Democratic Republic that do not belong to meat breeds;

Whereas the measures provided for in this Regulation are to apply subject to any changes, resulting from the decisions taken by the Council on the proposals submitted to it by the Commission on 21 August 1990;

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

Up to 31 December 1990 prices recorded in the territory of the former German Democratic Republic shall not be taken into account:

1. for determination of prices of adult bovine animals on representative Community markets under Commission Regulation (EEC) No 610/77⁽³⁾;
2. for Community recording of market prices on the basis of the scale for the classification of carcasses of adult bovine animals under Commission Regulation (EEC) No 3310/86⁽⁴⁾.

Article 2

No account shall be taken for application of the indent of Article 6 (5) of Regulation (EEC) No 805/68 of either production figures or prices recorded as mentioned in Article 1 that are recorded in the territory of the former German Democratic Republic.

Article 3

Germany is hereby authorized to continue to pay from national funds the additional refund added to the amount fixed by Community rules on exportation of products which are the subject of agreements concluded by the former German Democratic Republic with third countries before 3 October 1990. Agreements not containing precise undertakings regarding prices and quantities shall not be taken into consideration.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 305, 31. 10. 1986, p. 28.

Article 4

1. The special premium for beef producers provided for in Article 4a of Regulation (EEC) No 805/68 shall not be granted for 1990 to producers in the territory of the former German Democratic Republic who lodge a premium application for 1990 under the 'Vieh- und Fleischverordnung' of the former German Democratic Republic.

2. Germany shall inform the Commission before 1 November 1990 of the means adopted to identify animals for which a premium application was made in the territory of the former German Democratic Republic under the Order mentioned in paragraph 1.

Article 5

1. The premium for the maintenance of suckler herds introduced by Council Regulation (EEC) No 1357/80 ⁽¹⁾ shall not be granted for the 1990/91 marketing year to producers in the territory of the former German Democ-

atic Republic who lodge a premium application for that marketing year under the 'Vieh- und Fleischverordnung' of the former German Democratic Republic.

2. Pure-bred cows belonging to the 'Schwarzbuntes Milchrind (SMR)' breed shall not be considered a meat breed within the meaning of point 4 in Article 5 of Regulation (EEC) No 1357/80 for the purposes of this scheme.

Article 6

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

It shall apply from the date of the unification of Germany until the entry into force, after adoption by the Council, of the Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 140, 5. 6. 1980, p. 1.

COMMISSION REGULATION (EEC) No 2770/90

of 27 September 1990

on interim measures applicable after the unification of Germany in the
sheepmeat and goatmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 2684/90 provides, *inter alia*, that a decision may be taken on a provisional basis and for a limited period to supplement or adapt Community rules in agricultural and fisheries policy to the extent strictly necessary to resolve problems resulting from the unification of Germany before the Council has been able to pronounce on the Commission's proposals on transitional measures and adjustments required as a result of the integration of the German Democratic Republic into the Community; whereas such supplements and adaptations should be consistent with the economy of measures and with the principles of the common agricultural policy;

Whereas it is not possible in the sheepmeat and goatmeat sector, in the absence of an adequate adjustment period and any established practice, to take into consideration on a provisional basis from the date of German unification the prices recorded in the territory of the former German Democratic Republic with a view to determining the prices of sheep carcasses on representative Community markets and for the purposes of managing the Community market;

Whereas it is necessary, in order to ensure the stability of the Community market, to guarantee the performance of agreements concluded by the former German Democratic Republic with third countries before unification; whereas Germany should therefore be authorized to pay from national funds an export refund for the products concerned;

Whereas the measures provided for in this Regulation are to apply subject to any changes, resulting from the deci-

sions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheepmeat and Goats.

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 December 1990 information on sheepmeat production and the prices recorded in the territory of the former German Democratic Republic shall not be taken into consideration in determining the prices of sheep carcasses on representative Community markets pursuant to Regulation (EEC) No 1481/86⁽²⁾.

Article 2

Germany is hereby authorized to grant from national funds an export refund on products which are the subject of agreements concluded by the former German Democratic Republic with third countries before 3 October 1990. Agreements not containing precise undertakings regarding prices and quantities shall not be taken into consideration.

Article 3

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1986, p. 12.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2771/90

of 27 September 1990

laying down interim measures applicable in the pigmeat sector after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 2684/90 provides, *inter alia*, that a decision may be taken on a provisional basis and for a limited period to supplement or adapt Community rules in agricultural and fisheries policy to the extent strictly necessary to resolve problems resulting from the unification of Germany before the Council has been able to pronounce on the Commission's proposals on transitional measures and adjustments required as a result of the integration of the former German Democratic Republic into the Community; whereas such supplements and adaptations should be consistent with the economy of measures and with the principles of the common agricultural policy;

Whereas, in the absence of sufficiently comprehensive and reliable information, it is at present not possible to take account of prices of slaughtered pigs and market prices in the territory of the former German Democratic Republic;

Whereas, to preserve the stability of the Community market for pigmeat, the execution of agreements concluded by the former German Democratic Republic with third countries up to the time of unification should be ensured; whereas Germany has accordingly to be given authorization to pay from national funds a supplement in addition to the refund laid down by Community rules for exports of products in the pigmeat sector made under the terms of commercial agreements entered into by the former German Democratic Republic;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

No account shall be taken of prices recorded on the territory of the former German Democratic Republic for the purpose of:

- the determination of prices of pig carcasses on representative Community markets,
- Community recording of market prices on the basis of the Community grading scale for pig carcasses.

Article 2

Germany is hereby authorized to continue to pay from national funds the additional refund added to the amount fixed by Community rules on exportation of products in the pigmeat sector which are the subject of agreements concluded by the former German Democratic Republic with third countries before 3 October 1990. Agreements not containing precise undertakings regarding prices and quantities shall not be taken into consideration.

Article 3

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2772/90

of 27 September 1990

on interim measures applicable in the egg and poultrymeat sectors after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 2684/90 provides, *inter alia*, that a decision may be taken on a provisional basis and for a limited period to supplement or adapt Community rules in agricultural policy to the extent strictly necessary to resolve problems resulting from the unification of Germany before the Council has been able to pronounce on the Commission's proposals on transitional measures and adjustments required as a result of the integration of the former German Democratic Republic into the Community; whereas such additions and adjustments should be consistent with the general economy and the principles of the common agricultural policy;

Whereas, given the difficulties that poultrymeat production in the former German Democratic Republic faces in adjusting to the market conditions in the Community, frozen and deep-frozen chickens, hens and cocks produced and marketed in the territory of the former German Democratic Republic should not, for an interim period following unification, be subject to Council Regulation (EEC) No 2967/76 of 23 November 1976 laying down common standards for the water content of frozen and deep-frozen chickens, hens and cocks⁽²⁾, as last amended by Regulation (EEC) No 3204/83⁽³⁾;

Whereas it is necessary, in order to ensure the stability of the Community market in eggs and poultrymeat, to guarantee the performance of agreements concluded by the former German Democratic Republic with third countries; whereas Germany should therefore be autho-

rized to make up from national funds, the amount of the export refund for the products concerned;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Germany is hereby authorized to allow, in the territory of the former German Democratic Republic, the production and marketing of frozen and deep-frozen chickens, hens and cocks whose extraneous water content absorbed during preparation exceeds the quantities referred to in Article 1 of Regulation (EEC) No 2967/76.

2. Germany is hereby authorized to continue to pay from national funds the additional refund added to the amount fixed by Community rules on the exportation of eggs and poultrymeat which are the subject of agreements concluded by the former German Democratic Republic with third countries before 3 October 1990. Agreements not containing precise undertakings regarding prices and quantities shall not be taken into consideration.

Article 2

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 339, 8. 12. 1976, p. 1.

⁽³⁾ OJ No L 315, 15. 11. 1983, p. 17.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2773/90**of 27 September 1990****amending Regulation (EEC) No 1868/77 laying down detailed rules of application for Regulation (EEC) No 2782/75 on the production and marketing of eggs for hatching and of farmyard poultry chicks**

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EEC) No 1235/89, and in particular Article 15 thereof,

Having regard to Council Regulation (EEC) No 2782/75 of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks ⁽⁴⁾, as last amended by Regulation (EEC) No 3987/87 ⁽⁵⁾, and in particular Article 17 thereof,

Whereas, from the date of the unification of Germany, Community law will apply *ipso jure* to the territory of the former German Democratic Republic;

Whereas, Commission Regulation (EEC) No 1868/77 ⁽⁶⁾, as last amended by Regulation (EEC) No 1351/87 ⁽⁷⁾, laid down detailed rules for the transmission of certain statistical data concerning eggs for hatching and chicks by

Member States to the Commission; whereas to permit the preparation of reliable estimates provision should be made, for an appropriate period, for the separate transmission of these data for the territory of the former German Democratic Republic;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 1a is hereby inserted in Article 4 of Regulation (EEC) No 1868/77:

'1a. From 3 October 1990 to 31 December 1992, Germany shall undertake the separate transmission of the statistics under Part I of the summary referred to in paragraph 1 for the former German Democratic Republic.'

Article 2

This Regulation shall enter into force on 3 October 1990.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 100.

⁽⁵⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽⁶⁾ OJ No L 209, 17. 8. 1977, p. 1.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 18.

COMMISSION REGULATION (EEC) No 2774/90

of 27 September 1990

on interim measures applicable in the fruit and vegetables sector after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas the proposal for a Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, presented on 21 August 1990, contains, in respect of the common organization of the market in fresh fruit and vegetables and each producers' organization recognized under Community rules, a provision to limit the financial compensation for any intervention carried out, to be fixed for each product as a percentage of products marketed, including withdrawals, during the current marketing year; whereas, as a precaution, this measure should apply from 3 October 1990 in order to facilitate the application of the Council Regulation once it is adopted and to avoid expenditure damaging to the said sector;

Whereas the proposal presented to the Council on 21 August 1990 also contains provision for an exception to the rules on the reform of Community apple production, in view of the particular structure of production in this sector in the territory of the former German Democratic Republic; whereas, as a precaution, for the same reasons as given above, this derogation should apply as from the date of the unification of Germany;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

Article 1

In respect of each producers' organization recognized under Article 13 of Regulation (EEC) No 1035/72⁽²⁾ within the territory of the former German Democratic Republic, the financial compensation provided for in Article 18 of that Regulation shall be paid for each product for a volume of withdrawals of products meeting the common quality standards which does not exceed 10 % of production marketed, inclusive of withdrawals, up to the end of the current marketing year.

Article 2

By way of derogation from Article 2 (1) (a) of Council Regulation (EEC) No 1200/90⁽³⁾, granting of the premium for the grubbing-up of apple trees in respect of orchards situated in the territory of the former German Democratic Republic shall be subject to an undertaking by the beneficiary to grub or have grubbed before 1 April of a given year:

- in the case of an orchard of between 50 and 99 hectares in area, all the apple trees on an area of 25 hectares and on at least 20 % of the remaining area,
- in the case of an orchard of over 99 hectares in area, all the apple trees on an area of 50 hectares and on at least 20 % of the remaining area.

Article 3

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 63.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2775/90

of 27 September 1990

on interim measures applicable after the unification of Germany in anticipation of the adoption of transitional measures by the Council in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas, from the date of German unification onwards, Community law will be applicable *ipso jure* to the territory of the former German Democratic Republic;

Whereas, to take account of the special situation obtaining in this territory, provision must be made for transitional measures for the implementation of a number of Community legislative acts;

Whereas, in its communication of 21 August 1990, the Commission presented a number of proposals for acts to be adopted by the Council after consultation of the European Parliament;

Whereas, in order to cover the period between the effective date of German unification and the adoption by the Council of the abovementioned proposals, it is important that the Commission should take interim measures in the wine sector;

Whereas the measures provided for in this Regulation are to apply subject to any changes, resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of applying Council Regulation (EEC) No 822/27⁽²⁾:

(a) Notwithstanding Article 13 (4), for the territory of the former German Democratic Republic:

- fresh grapes,
- grape must,
- grape must in fermentation,
- new wines still in fermentation,
- and wine,

from vine varieties not included in the classification may be put into circulation only if they are varieties of the species *Vitis vinifera* traditionally cultivated in that territory.

(b) Notwithstanding Article 16 (7):

- a wine obtained by the coupage of a wine originating in a third country with a wine produced from grapes harvested on the territory of the former German Democratic Republic, carried out before 3 October 1990, and
- a wine obtained on the territory of the former German Democratic Republic by the coupage of a wine originating in a third country with a Community wine, carried out before 3 October 1990,

may be stored for sale or marketed as table wine or, as the case may be, as sparkling wine;

(c) The rules governing intervention and other measures to improve market conditions referred to in Articles 27 to 51 shall not apply to products from the territory of the former German Democratic Republic.

2. Until the list of vine varieties suitable for producing quality wines psr which may be cultivated on the territory of the former German Democratic Republic (pursuant to Article 4 (1) of Council Regulation (EEC) No 823/87⁽³⁾) has been drawn up, wines produced from varieties of the species *Vitis vinifera* and traditionally cultivated on the territory of the former German Democratic Republic shall be considered to be suitable for producing quality wines psr.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 59.

Article 2

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

It shall apply from the date of the unification of Germany until the entry into of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2776/90

of 27 September 1990

on transitional measures to be applied in the wine sector after the unification of Germany in the territory of the former German Democratic Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Articles 3 (4) and 71 (3) thereof,

Whereas, from the date when the unification of Germany takes effect, Community law will be applicable *ipso jure* to the territory of the former German Democratic Republic;

Whereas interim measures applicable after the unification of Germany and prior to the adoption of transitional measures by the Council have been adopted by Commission Regulation (EEC) No 2775/90 ⁽³⁾; whereas provision should be made for certain transitional provisions to be applied following the unification of Germany in the territory of the former German Democratic Republic by amending:

- Commission Regulation (EEC) No 3929/87 of 17 December 1987 on harvest, production and stock declarations relating to wine-sector products ⁽⁴⁾, as amended by Regulation (EEC) No 1784/90 ⁽⁵⁾;
- Commission Regulation (EEC) No 986/89 of 10 April 1989 on the accompanying documents for carriage of wine products and the relevant records to be kept ⁽⁶⁾, as last amended by Regulation (EEC) No 2246/90 ⁽⁷⁾;
- Commission Regulation (EEC) No 997/81 of 26 March 1981 laying down detailed rules for the description and presentation of wines and grape musts ⁽⁸⁾, as last amended by Regulation (EEC) No 632/89 ⁽⁹⁾;
- Commission Regulation (EEC) No 2707/86 of 28 August 1986 laying down detailed rules for the

description and presentation of sparkling and aerated sparkling wines ⁽¹⁰⁾, as last amended by Regulation (EEC) No 596/89 ⁽¹¹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Regulation (EEC) No 3929/87 is hereby amended as follows:

(a) The following paragraph is added to the second subparagraph of Article 1 (1):

‘— harvesters whose holdings are situated in the territory of the former German Democratic Republic as regards the 1990/91 wine year’.

(b) The following paragraph is added to Article 3:

‘The German authorities shall make a statistical evaluation of the production of grapes, wine and wine products, as referred to in Articles 1 (1) and 2 (1), during the 1990/91 wine year in the territory of the former German Democratic Republic’.

(c) The following subparagraph is added to Article 4 (1):

‘Notwithstanding the first subparagraph, for the 1990/91 wine year the declarations of stocks provided for in this provision shall be made at the latest on 15 November 1990 by traders whose head office is in the territory of the former German Democratic Republic in respect of stocks held by them on 3 October 1990’.

2. Regulation (EEC) No 986/89 is hereby amended as follows:

(a) The following paragraph is added to Article 20:

‘6. Notwithstanding Article 3 (1), until 31 August 1991 the carriage of unpackaged wine products may be effected under cover of a commercial document where such carriage begins in the territory of the former German Democratic Republic’.

(b) The following paragraph is added to Article 24:

‘Articles 13 to 19 shall apply to the territory of the former German Democratic Republic from 1 September 1991’.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ See page 27 of this Official Journal.

⁽⁴⁾ OJ No L 369, 29. 12. 1987, p. 59.

⁽⁵⁾ OJ No L 163, 29. 6. 1990, p. 50.

⁽⁶⁾ OJ No L 106, 18. 4. 1989, p. 1.

⁽⁷⁾ OJ No L 203, 1. 8. 1990, p. 50.

⁽⁸⁾ OJ No L 106, 16. 4. 1981, p. 1.

⁽⁹⁾ OJ No L 70, 14. 3. 1989, p. 6.

⁽¹⁰⁾ OJ No L 246, 30. 8. 1986, p. 71.

⁽¹¹⁾ OJ No L 65, 9. 3. 1989, p. 9.

3. The following is added to Article 22 of Regulation (EEC) No 997/81:

'6. Wines and grape musts originating in the territory of the former German Democratic Republic, described and presented in accordance with the provisions of the German Democratic Republic in force before 3 October 1990 and whose description or presentation does not conform to the provisions of Council Regulation (EEC) No 2392/89 (*) and this Regulation may be held for sale, put into circulation or exported until stocks are exhausted.

Labels containing information conforming to the provisions of the German Democratic Republic in force before 3 October 1990 but not conforming to the provisions of Regulation (EEC) No 2392/89 and this Regulation may be used until 31 August 1991.

(*) OJ No L 232, 9. 8. 1989, p. 43.'

4. The following is added to Article 10 of Regulation (EEC) No 2707/86:

'5. Products listed in Article 1 (1) of Regulation (EEC) No 3309/85 described and presented in accor-

dance with the provisions of the German Democratic Republic in force before 3 October 1990 and whose description or presentation does not conform to the above Regulation and this Regulation may be held for sale, put into circulation or exported until stocks are exhausted.

The same shall apply to products produced from growths established before 3 October 1990 whose preparation was completed after that date, where their description or presentation does not conform to the abovementioned provisions but conforms to the provisions in force before that date in the German Democratic Republic.

Labels and other labelling accessories printed or manufactured before 3 October 1990, containing information not conforming to the provisions of Regulation (EEC) No 3309/85 and this Regulation may be used until 31 August 1991.'

Article 2

This Regulation shall enter into force on 3 October 1990.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2777/90
of 27 September 1990
on interim measures applicable in the raw tobacco sector after the unification of
Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 2684/90 provides, *inter alia*, that a decision may be taken on a provisional basis and for a limited period to supplement or adapt Community rules in agricultural and fisheries policy to the extent strictly necessary to resolve problems resulting from the unification of Germany before the Council has been able to pronounce on the Commission's proposals on transitional measures and adjustments required as a result of the integration of the former German Democratic Republic into the Community; whereas such supplements and adaptations should be consistent with the economy of measures and with the principles of the common agricultural policy;

Whereas in the raw tobacco sector the Community prices, premiums and export refunds are fixed for a given harvest under Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco⁽²⁾, as last amended by Regulation (EEC) No 1329/90⁽³⁾; whereas the said prices, premiums and refunds do not apply, having regard to the date of the unification of Germany, as regards the 1990 harvest, to tobacco grown in the territory of the former German Democratic Republic;

Whereas tobacco grown in the said territory in 1990 is currently covered by national arrangements similar to the Community rules on tobacco; whereas Germany should be authorized, in certain cases, to effect payments, from the date of unification, in respect of prices, premiums and export refunds from national funds for tobacco from the 1990 harvest grown in the territory of the former German Democratic Republic; whereas, however, in order to avoid any distortion of competition, the prices and premiums granted may not exceed the amounts fixed by the Council in Regulation (EEC) No 1331/90⁽⁴⁾ for the 1990 harvest for the Community varieties corresponding to the varie-

ties produced in the territory of the former German Democratic Republic; whereas the amount of the export refunds on such tobacco may not exceed the amount fixed by the Commission;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Germany is hereby authorized to grant, from national funds for the varieties of tobacco harvested in 1990 in the territory of the former German Democratic Republic, the prices, premiums and export refunds provided for in Regulation (EEC) No 727/70.
2. The national payment for the prices and premiums referred to in paragraph 1 may not exceed the prices and premiums fixed for a corresponding variety under Regulation (EEC) No 1331/90.
3. The national payment for the export refunds referred to in paragraph 1 may not exceed the amount fixed by the Commission for a corresponding variety.

Article 2

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽³⁾ OJ No L 132, 23. 5. 1990, p. 25.

⁽⁴⁾ OJ No L 132, 23. 5. 1990, p. 28.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2778/90

of 27 September 1990

on interim measures applicable in the seeds sector after the unification of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 2684/90 provides, *inter alia*, that a decision may be taken on a provisional basis and for a limited period to supplement or adapt Community rules in agricultural policy to the extent strictly necessary to resolve problems resulting from the unification of Germany before the Council has been able to pronounce on the Commission's proposals on transitional measures and adjustments required as a result of the integration of the German Democratic Republic into the Community; whereas such additions and adjustments should be consistent with the general economy and the principles of the common agricultural policy;

Whereas Article 3 of Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽²⁾, as last amended by Regulation (EEC) No 1239/89⁽³⁾, stipulates that aid may be granted for the production of seed;

Whereas Commission Regulation (EEC) No 1546/75⁽⁴⁾ sets on 1 August following the beginning of each marketing year the event generating the right to aid for seed; whereas on 1 August 1990 the territory of the former German Democratic Republic was not part of the Community; whereas, as a result, Community aid does not apply to the 1990/91 marketing year in respect of seed harvested in the territory of the former German Democratic Republic;

Whereas it is therefore necessary to authorize Germany to grant national aid for the production of certain seed harvested in the territory of the former German Democratic Republic for the 1990/91 marketing year; whereas, however, in order to avoid any distortion of competition, the aid may not exceed the amounts fixed in Council Regulation (EEC) No 1240/89 of 3 May 1989 fixing the

amounts of aid for seeds for the 1990/91 and 1991/92 marketing years⁽⁵⁾, as last amended by Commission Regulation (EEC) No 1979/90⁽⁶⁾, for the Community species corresponding to the species produced in the territory of the former German Democratic Republic;

Whereas the measures provided for in this Regulation are to apply subject to any changes resulting from the decisions taken by the Council on the proposals presented to it by the Commission on 21 August 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Germany is hereby authorized to make, for seed harvested in 1990 in the territory of the former German Democratic Republic, national payments for the 1990/91 marketing year corresponding to the production aid provided for in Article 3 of Regulation (EEC) No 2358/71.

2. The national payment provided for in paragraph 1 for a species may not exceed the amount of aid fixed by the Council in Regulation (EEC) No 1240/89, as amended by Regulation (EEC) No 1979/90, for a corresponding species harvested in the territories making up the Community prior to German unification.

Article 2

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

It shall apply from the date of the unification of Germany until the entry into force of the Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community, the proposal for which was presented on 21 August 1990. However, it shall apply until 31 December 1990 at the latest.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽³⁾ OJ No L 128, 11. 5. 1989, p. 35.

⁽⁴⁾ OJ No L 157, 19. 6. 1975, p. 14.

⁽⁵⁾ OJ No L 128, 11. 5. 1989, p. 36.

⁽⁶⁾ OJ No L 179, 12. 7. 1990, p. 13.

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

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2779/90

of 27 September 1990

amending Regulation (EEC) No 3177/80 on the place of introduction to be taken into consideration in applying Article 14 (2) of Council Regulation (EEC) No 1224/80 on the valuation of goods for customs purposes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes ⁽¹⁾, as last amended by Regulation (EEC) No 4046/89 ⁽²⁾, and in particular Article 14 (2) thereof,

Whereas Article 14 (1) of Regulation (EEC) No 1224/80 defines the place of introduction to be taken into consideration in determining the customs value;

Whereas Commission Regulation (EEC) No 3177/80 ⁽³⁾, as last amended by Regulation (EEC) No 1414/90 ⁽⁴⁾, provides for special treatment for goods introduced into the customs territory of the Community in the circumstances described in Article 14 (2) of Regulation (EEC) No 1224/80, and in particular for goods then carried to their place of destination through the territories of Austria, Yugoslavia, Switzerland or the German Democratic Republic, in view of the fact that the most usual route to the place of destination may be through those territories;

Whereas the territory of the former German Democratic Republic is now part of the customs territory of the Community, and for this reason, it is appropriate to delete the reference to the abovementioned territory in the Regulation in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3177/80 is hereby amended as follows:

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

'1. The customs value of goods introduced into the customs territory of the Community and then carried to a destination in another part of that territory through the territories of Austria, Switzerland, Hungary, Czechoslovakia or Yugoslavia shall be determined by reference to the first place of introduction into the customs territory of the Community, provided the goods are carried direct through the territories of Austria, Switzerland, Hungary, Czechoslovakia or Yugoslavia by a usual route across such territory to the place of destination.'

2. Article 2 is replaced by the following:

Article 2

The provisions of Article 1 shall also apply where the goods have been unloaded, transhipped or temporarily immobilized in the territories of Austria, Switzerland, Hungary, Czechoslovakia or Yugoslavia, for reasons relating solely to their transport.'

Article 2

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

It is applicable from 3 October 1990.

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

Done at Brussels, 27 September 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

⁽²⁾ OJ No L 388, 30. 12. 1989, p. 24.

⁽³⁾ OJ No L 335, 12. 12. 1980, p. 1.

⁽⁴⁾ OJ No L 136, 29. 5. 1990, p. 14.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 September 1990

introducing interim measures relating to the unification of Germany

(Only the German text is authentic)

(90/481/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2684/90 of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council either in cooperation with, or after consultation of, the European Parliament⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Directive 90/476/EEC of 17 September 1990 on interim measures applicable after the unification of Germany, in anticipation of the adoption of transitional measures by the Council after consultation of the European Parliament⁽²⁾, and in particular Article 2 thereof,

Whereas under these provisions the Commission may, under certain conditions, authorize Germany provisionally to keep in force in the territory of the former German Democratic Republic legislation which does not comply with a Community act pending the entry into force of the transitional measures proposed on 21 August 1990 by the Commission to the Council;

Whereas the Commission should make use of this possibility when the specific situation in that territory is such that it is not possible to wait for the entry into force of the transitional measures; whereas these measures must therefore enter into force with effect from 3 October 1990, the date of the unification of Germany;

Whereas the measures adopted in this Decision apply without prejudice to the decisions to be taken by the Council acting on the Commission's proposals on transitional measures and without prejudice to the measures taken or to be taken by the Commission under the other

provisions of the abovementioned Regulation and Directive,

HAS ADOPTED THIS DECISION:

Article 1

1. Germany is authorized provisionally to maintain in force in the territory of the former German Democratic Republic legislation which does not comply with the Community acts referred to in the Annex and as specified therein.

2. Germany shall take all the measures necessary to ensure that products which do not comply with the Community acts referred to in the Annex under II.2, III and IX.1.a are not placed on the market in the territory of the Community except in the territory of the former German Democratic Republic; these measures shall be compatible with the Treaty, in particular the objectives of Article 8a, and shall not give rise to controls and formalities at the frontiers between the Member States.

Article 2

This Decision shall take effect on 3 October 1990; it shall apply until the entry into force of the transitional measures to be adopted by the Council acting on the Commission's proposals, and until no later than 31 December 1990.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 27 September 1990.

For the Commission

The President

Jacques DELORS

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 266, 28. 9. 1990, p. 1.

ANNEX**I. EXTERNAL ASPECTS****Interim tariff measures for certain countries in Central and Eastern Europe**

Authorization not to apply the Common Customs Tariff duties and all other charges having equivalent effect, with the exception of anti-dumping duties, for goods originating in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia within the limits and subject to the conditions specified in Articles 1 and 2 of the proposal for a Regulation on the introduction of transitional tariff measures for these countries and in the Annexes thereto and provided that the rules contained in Commission Regulation (EEC) No 4142/87 are applied.

II. 2. INTERNAL MARKET**Technical rules**

1. Authorization not to apply in the territory of the former German Democratic Republic the Directives listed in Annexes A and B to the proposal for a Council Directive on transitional measures applicable in Germany in the context of technical harmonization as specified in Articles 1 and 2 of the proposal.
2. Authorization not to apply in the territory of the former German Democratic Republic the Directives listed in Annex to the proposal for a Directive on transitional measures applicable in Germany in the context of the harmonization of technical rules for certain products as specified in Articles 1 and 2 of the proposal for a Directive.

II. 6. RECOGNITION OF DIPLOMAS

Authorization not to apply in the territory of the former German Democratic Republic Articles 2 to 5 of Council Directive 75/363/EEC, as last amended by Directive 89/594/EEC.

II. 9. CONSUMERS

Authorization not to apply in the territory of the former German Democratic Republic Council Decision 89/45/EEC, to the extent and subject to the conditions specified in the proposal for a Decision set out in the Commission communication to the Council of 21 August 1990 on the Community and German unification.

III. COMMON AGRICULTURAL POLICY**1. Milk and milk products**

Authorization granted to Germany as specified below:

1. The German intervention agency shall continue to buy butter classed as 'Exportqualität' manufactured in the territory of the former German Democratic Republic.
2. The national arrangements for limiting milk production set up by the former German Democratic Republic shall continue to apply.
3. The national arrangements for collecting the coresponsibility levy shall continue to apply in the territory of the former German Democratic Republic.

(Proposal for a Council Regulation on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the territory of the former German Democratic Republic into the Community.)

- Article 9, 1st and 2nd paragraphs
- Annex III, point (II)

2. Agricultural structures

As regards Regulation (EEC) No 797/85 on improving the efficiency of agricultural structures, without prejudice to the granting of an EAGGF assistance for such measures, Germany is authorized:

1. not to apply the arrangements specified for in Title 01 and 02 in the territory of the former German Democratic Republic;

2. to apply the system of aid for holdings as specified below:

(a) when family holdings are set up,

- the condition in the first indent of Article 2 (2), shall not apply;
- Germany may grant the aid referred to in Articles 7 and 7a to farmers below the age of 55 years.

(b) The conditions in the second subparagraph of Article 3 (3), in Article 3 (4) and in the first and second indents of Article 6 (4) shall not apply to aid granted in the context of the creation of new family holdings or the restructuring of cooperative holdings if the number of dairy cows and pig places on all the new or restructured holdings does not exceed the number of dairy cows and pig places previously held on the old holdings.

(c) The volume of investment referred to in the first subparagraph of Article 4 (2) shall be ECU 140 000 per man work unit and ECU 280 000 per holding.

(d) In the context of the restructuring of cooperative holdings, Article 6 (5) shall also apply to associations which do not adopt the legal form of a cooperative.

(e) A special system of aid for holdings in less-favoured areas defined according to criteria to be laid down by Germany may be applied. Until then, Title III shall not apply in the territory of the former German Democratic Republic.

(Proposal for a Council Regulation on the transitional measures and the adjustments required as a result of the integration of the territory of the former German Democratic Republic into the Community. Annex XII, point I.)

3. Agricultural harmonization

Authorization granted to Germany as specified below:

(a) notwithstanding Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals: Annex I products whose hydrogen cyanide level exceeds that fixed in Annex II may be placed on the market in the territory of the former German Democratic Republic; this shall apply only to products originating in the territory of the former German Democratic Republic;

the permitted levels may under no circumstances exceed those applicable under the legislation of the former German Democratic Republic.

(Proposal for a Council Directive on the transitional measures and the adjustments required to the Directives on plant products, seeds, plants and animal feedingstuffs and to the veterinary and zootechnical legislation as a result of the integration of the former German Democratic Republic into the Community. Annex I, point I);

(b) notwithstanding Articles 14, 15 and 16 and Article 26 of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs:

(a) not to comply with the labelling provisions for additives, additive pre-mixtures and compound feedingstuffs to which additives produced in the territory in question have been added;

(b) to maintain the provisions applicable prior to unification under which the use of the following additives in feedingstuffs is authorized:

- Olaquinox,
- Nourseothricin,
- Ergamur;

- (c) not to comply with the labelling provisions for straight feedingstuffs contained in Article 7 of Council Directive 77/101/EEC of 23 November 1976 on the marketing of straight feedingstuffs;
- (d) not to comply with the labelling provisions for compound feedingstuffs in Article 16 of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs;
- (e) notwithstanding Articles 4 and 17 respectively of Council Directive 82/47/EEC of 30 June 1982 concerning certain products used in animal nutrition,
 - (a) to permit the use in feedingstuffs of protein products obtained from yeasts of the 'Candida' genus cultured on *n*-alkanes;
 - (b) not to comply with the labelling provisions for feedingstuffs produced in the territory of the former German Democratic Republic;

(For (b) — (e): Proposal for a Council Directive on the transitional measures and the adjustments required to the Directives on plant products, seeds, plants and animal feedingstuffs and to the veterinary and zootechnical legislation as a result of the integration of the former German Democratic Republic into the Community. Annex III.)

- (f) Not to comply with the following provisions of Directive 66/400/EEC:
 - Article 3 (1) in the case of:
 - seed harvested prior to German unification; or
 - seed harvested after that date if it is certified in accordance with Article 2 (2);
 - Article 16 in the case of traditional trade flows in order to meet the production requirements of undertakings in the former German Democratic Republic.
- (g) Not to comply with the following provisions of Directive 66/401/EEC:
 - Article 3 (1) in the case of:
 - seed harvested prior to German unification; or
 - seed harvested after that date if it is certified in accordance with Article 2 (2);
 - Article 8 (2) in the case of the restriction to 'small quantities' for seed of *Pisum sativum* L. (*partim*) and *Vicia faba* L. (*partim*);
 - Article 16 in the case of traditional trade flows in order to meet the production requirements of undertakings in the former German Democratic Republic.
- (h) Not to comply with the following provisions of Directive 66/402/EEC:
 - Article 3 (1) in the case of:
 - seed harvested prior to German unification; or
 - seed harvested after that date if it is certified in accordance with Article 2 (2);
 - Article 8 (2) in the case of the restriction to 'small quantities';
 - Article 13 in the case of seed of *Hordeum vulgare* L;
 - Article 16 in the case of traditional trade flows in order to meet the production requirements of undertakings in the former German Democratic Republic.
- (i) Not to comply with the following provisions of Directive 66/403/EEC:
 - Article 3 (1) in the case of:
 - seed potatoes harvested prior to German unification; or
 - seed potatoes harvested after that date if they are certified in accordance with Article 2 (2);
 - Article 8 (2) in the case of the restriction to 'small quantities';
 - Article 16 in the case of traditional trade flows in order to meet the production requirements of undertakings in the former German Democratic Republic.
- (j) Not to comply with the following provisions of Directive 69/208/EEC:
 - Article 3 (1) in the case of:
 - seed harvested prior to German unification; or
 - seed harvested after that date if it is certified in accordance with Article 2 (2);
 - Article 16 in the case of traditional trade flows in order to meet the production requirements of undertakings in the former German Democratic Republic.

- (k) To market varieties of seed covered by Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC that have been harvested in the territory of the former German Democratic Republic without having certified them or carried out controls as required by those Directives, if the conditions laid down in the Annexes to Decisions 85/355/EEC and 85/356/EEC relating to the former German Democratic Republic are satisfied.
- (l) Notwithstanding Directives 70/457/EEC and 70/458/EEC, to allow the certification and marketing in the territory of the former German Democratic Republic of the varieties accepted by the authorities of the former German Democratic Republic prior to unification on the basis of criteria other than those specified in the above Directives. This shall also apply to varieties which have not been officially accepted but had been marketed or sown in that territory prior to unification.
- (m) Not to comply with the following provisions of Directive 70/458/EEC :
- Article 20 (1), in respect of seeds harvested before the unification of Germany;
 - Article 32 (1) (d) in the case of traditional trade flows in order to meet the production requirements of undertakings in the former German Democratic Republic.
- (n) Not to comply with Article 3 (1) of Directive 68/193/EEC.
- (o) Not to comply with Article 4 (1) of Directive 66/404/EEC.
- (p) Not to comply with Article 5 (1) of Directive 71/161/EEC.
- (For (f) — (p) : Proposal for a Council Directive on the transitional measures and adjustments required to the Directives on plant health, seeds, plants and animal feedingstuffs and to the veterinary and zootechnical legislation as a result of the integration of the territory of the former German Democratic Republic into the Community, Annex II.)

IV. FISHERIES

Authorization granted to Germany as specified below :

1. To pay advances to producers' organizations as stipulated in Article 1 of the proposal for a Council Regulation introducing various measures concerning the implementation of the common fisheries policy in the former German Democratic Republic.
2. To insert the 'Mecklenburg-Vorpommern' coastal region of Germany in points I.1 and II.1 of Annex II to Regulation (EEC) No 4028/86 of 18 December 1986 (Article 2 of the abovementioned proposal).

V. TRANSPORT

Authorization not to apply in the territory of the former German Democratic Republic :

1. (a) Council Regulation (EEC) No 3821/85⁽¹⁾
- (b) Council Regulation (EEC) No 1101/89⁽²⁾

to the extent and subject to the conditions stipulated in the proposal for a Regulation amending, as a result to Germany unification, certain Directives, Decisions and Regulations relating to transport by road, rail and inland waterway⁽³⁾

2. (a) Council Directive 74/561/EEC⁽⁴⁾, as last amended by Directive 89/438/EEC⁽⁵⁾, and
- (b) Council Directive 74/562/EEC as last amended by Directive 89/438/EEC

provided that the authorization applies only to undertakings established in the territory of the former German Democratic Republic before the date of unification of Germany.

⁽¹⁾ OJ No L 370, 31. 12. 1985, p. 8.

⁽²⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽³⁾ OJ No L 308, 19. 11. 1974, p. 18.

⁽⁴⁾ OJ No L 212, 22. 7. 1989, p. 101.

⁽⁵⁾ OJ No L 308, 19. 11. 1974, p. 23.

VIII. SOCIAL AFFAIRS

Workers' health and safety

Authorization not to apply in the territory of the former German Democratic Republic the Directives listed in the Annex to the proposal for a Directive relating to the transitional measures applicable in Germany in the field of workers' health and safety.

IX. ENVIRONMENT

Authorization not to apply in the territory of the former German Democratic Republic:

1. (a) Council Directive 67/548/EEC ⁽¹⁾
- (b) Council Directive 74/442/EEC ⁽²⁾
- (c) Council Directive 75/440/EEC ⁽³⁾ and Council Directive 79/869/EEC ⁽⁴⁾
- (d) Council Directive 76/160/EEC ⁽⁵⁾
- (e) Council Directives 76/464/EEC ⁽⁶⁾, 82/176/EEC ⁽⁷⁾, 83/513/EEC ⁽⁸⁾, 84/156/EEC ⁽⁹⁾, 84/491/EEC ⁽¹⁰⁾, 86/280/EEC ⁽¹¹⁾ and 88/347/EEC ⁽¹²⁾
- (f) Council Directive 78/659/EEC ⁽¹³⁾
- (g) Council Directive 79/409/EEC ⁽¹⁴⁾
- (h) Council Directive 80/68/EEC ⁽¹⁵⁾
- (i) Council Directive 80/778/EEC ⁽¹⁶⁾
- (j) Council Directive 80/779/EEC ⁽¹⁷⁾
- (k) Council Directive 82/501/EEC ⁽¹⁸⁾
- (l) Council Directive 82/884/EEC ⁽¹⁹⁾
- (m) Council Directive 85/203/EEC ⁽²⁰⁾
- (n) Council Directive 87/217/EEC ⁽²¹⁾

to the extent and subject to the conditions specified in the proposals for a Directive on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market and for a Directive on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment.

2. (a) Council Directive 84/360/EEC ⁽²²⁾ as regards the application of the provisions concerning new plants to the plants which have been built or authorized on the territory of the former German Democratic Republic prior to the date of the unification of Germany,
- (b) Council Directive 87/101/EEC ⁽²³⁾ as regards the application of the measures provided for in that Directive to the undertakings referred to in Article 6 of Directive 75/439/EEC existing before the date of the unification of Germany,
- (c) Council Directive 88/609/EEC ⁽²⁴⁾ as regards the application of the provisions concerning new plants to plants for which the original construction licence or, in the absence of such a procedure, the original operating licence was granted before 1 July 1990.

⁽¹⁾ OJ No L 169, 16. 8. 1967, p. 1.
⁽²⁾ OJ No L 194, 25. 7. 1975, p. 39.
⁽³⁾ OJ No L 194, 25. 7. 1975, p. 34.
⁽⁴⁾ OJ No L 271, 29. 10. 1979, p. 44.
⁽⁵⁾ OJ No L 31, 5. 2. 1976, p. 1.
⁽⁶⁾ OJ No L 129, 18. 5. 1976, p. 23.
⁽⁷⁾ OJ No L 81, 27. 3. 1982, p. 29.
⁽⁸⁾ OJ No L 291, 24. 10. 1983, p. 1.
⁽⁹⁾ OJ No L 74, 17. 3. 1984, p. 49.
⁽¹⁰⁾ OJ No L 274, 17. 10. 1984, p. 11.
⁽¹¹⁾ OJ No L 181, 4. 7. 1986, p. 16.
⁽¹²⁾ OJ No L 158, 25. 5. 1988, p. 35.
⁽¹³⁾ OJ No L 222, 14. 8. 1978, p. 1.
⁽¹⁴⁾ OJ No L 103, 25. 4. 1979, p. 1.
⁽¹⁵⁾ OJ No L 20, 26. 1. 1980, p. 43.
⁽¹⁶⁾ OJ No L 229, 30. 8. 1980, p. 11.
⁽¹⁷⁾ OJ No L 229, 30. 8. 1980, p. 30.
⁽¹⁸⁾ OJ No L 230, 5. 8. 1982, p. 1.
⁽¹⁹⁾ OJ No L 378, 21. 12. 1982, p. 15.
⁽²⁰⁾ OJ No L 87, 27. 3. 1985, p. 1.
⁽²¹⁾ OJ No L 85, 28. 3. 1987, p. 40.
⁽²²⁾ OJ No L 188, 16. 7. 1984, p. 20.
⁽²³⁾ OJ No L 42, 12. 2. 1987, p. 43.
⁽²⁴⁾ OJ No L 336, 7. 12. 1988, p. 1.

COMMISSION DECISION

of 27 September 1990

on provisional measures applicable following the unification of Germany
concerning areas free of classical swine fever

(90/482/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 2684/90
on interim measures applicable after the unification of
Germany, in anticipation of the adoption of transitional
measures by the Council either in cooperation with, or
after consultation of, the European Parliament⁽¹⁾, and in
particular Article 3 thereof,Whereas Council Directive 72/461/EEC⁽²⁾ on health
problems affecting intra-Community trade in fresh meat
provides for the establishment of a list of the Member
States and areas which are free of swine fever;Whereas the Council, by Decision 88/303/EEC⁽³⁾, recog-
nized certain parts of the territory of the Community as
being either officially swine fever free or swine fever free;Whereas the status of the regions of the territory of the
former German Democratic Republic must be deter-
mined;Whereas the measures adopted by this Decision are to
apply subject to the amendments resulting from the deci-
sions of the Council on the proposals presented by the
Commission on 21 August 1990;Whereas the measures provided for in this Decision are in
accordance with the opinion of the *ad hoc* committee
provided for by Council Directive 90/476/EEC⁽⁴⁾ of 17
September 1990 on provisional measures to be applied
after the unification of Germany in anticipation of transi-
tional measures to be adopted by the Council in consulta-
tion with the European Parliament,

HAS ADOPTED THIS DECISION:

Article 1

The regions of 'Bezirke Rostock, Schwerin, Neubranden-
burg, Potsdam, Frankfurt, Cottbus, Magdeburg, Halle,
Erfurt, Gera, Suhl, Dresden, Leipzig, Chemnitz and
Berlin-Ost' are hereby to be considered swine fever free
within the meaning of Article 13 (2) of Directive
72/461/EEC pursuant to Article 3 of Decision
80/303/EEC.

Article 2

This Decision shall apply as from the unification of
Germany until the entry into force in the agricultural
sector of the Council Directive on the transitional
measures and adjustments required to the Directives on
plant products, seeds, plants and animal feedingstuffs and
to the veterinary and zootechnical legislation as a result of
the integration of the territory of the former German
Democratic Republic into the Community, the proposal
for which was presented on 21 August 1990. This Deci-
sion shall apply, however, until 31 December 1990 at the
latest.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.⁽²⁾ OJ No L 302, 31. 12. 1972, p. 24.⁽³⁾ OJ No L 132, 28. 5. 1988, p. 76.⁽⁴⁾ OJ No L 266, 28. 9. 1990, p. 1.

COMMISSION DECISION

of 27 September 1990

approving the amendments to the plan for the eradication of classical swine fever presented by the Federal Republic of Germany

(Only the German text is authentic)

(90/483/EEC)

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

Having regard to Council Directive 80/1095/EEC of 11 November 1980 laying down conditions designed to render and keep the territory of the Community free from classical swine fever⁽¹⁾, as last amended by Directive 87/487/EEC⁽²⁾, and in particular Article 3a thereof,

Having regard to Council Decision 80/1096/EEC of 11 November 1980, introducing Community financial measures for the eradication of classical swine fever⁽³⁾, as last amended by Decision 87/488/EEC⁽⁴⁾, and in particular Article 5 thereof,

Whereas by Decision 88/614/EEC⁽⁵⁾, the Commission approved the plan for the eradication of classical swine fever submitted by the Federal Republic of Germany;

Whereas, by letter of 7 September 1990, the Federal Republic of Germany has communicated to the Commission amendments to the plan for completing the eradication of classical swine fever;

Whereas the amended plan has been examined and found to comply with Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽⁶⁾, as last amended by Directive 87/486/EEC⁽⁷⁾, and with Directive 80/1095/EEC and whereas the conditions for financial participation by the Community are therefore met;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The amendments to the plan for completing the eradication of classical swine fever presented by the Federal Republic of Germany are hereby approved.

Article 2

This Decision shall take effect on 3 October 1990.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 325, 1. 12. 1980, p. 1.

⁽²⁾ OJ No L 280, 3. 10. 1987, p. 24.

⁽³⁾ OJ No L 325, 1. 12. 1980, p. 5.

⁽⁴⁾ OJ No L 280, 3. 10. 1987, p. 26.

⁽⁵⁾ OJ No L 335, 7. 12. 1988, p. 34.

⁽⁶⁾ OJ No L 47, 21. 1. 1980, p. 11.

⁽⁷⁾ OJ No L 280, 3. 10. 1987, p. 21.

COMMISSION DECISION

of 27 September 1990

on interim measures applicable after the unification of Germany relating to
Council Directive 71/118/EEC on health problems affecting trade in fresh
poultrymeat

(90/484/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2684/90
of 17 September 1990 on interim measures applicable
after the unification of Germany, in anticipation of the
adoption of transitional measures by the Council either in
cooperation with, or after consultation of, the European
Parliament⁽¹⁾, and in particular Article 3 thereof,

Whereas Council Directive 71/118/EEC of 15 February
1971 on health problems affecting trade in fresh poultry-
meat⁽²⁾ set out the health rules applicable to trade in
poultrymeat;

Whereas, given the current situation, immediate applica-
tion of certain provisions of Directive 71/118/EEC rela-
ting to abattoirs and cutting plants is not possible in the
territory of the former German Democratic Republic;

Whereas the authorities of the Federal Republic of
Germany have undertaken to implement the national
measures required to guarantee effective application of
this Decision;

Whereas the measures provided for in this Decision are to
apply subject to any changes resulting from the decisions
taken by the Council on the proposals presented to it by
the Commission on 21 August 1990;

Whereas the *ad hoc* Committee provided for in Article 4
of Council Directive 90/476/EEC on interim measures
applicable after the unification of Germany in anticipa-
tion of the adoption of transitional measures which are to
be adopted by the Council in consultation with the Euro-
pean Parliament⁽³⁾, has not delivered its opinion in the
time-limit laid down by its Chair,

HAS ADOPTED THIS DECISION:

Article 1

1. The Federal Republic of Germany is hereby author-
ized to maintain in the territory of the former German

Democratic Republic rules derogating from the following
provisions of Directive 71/118/EEC:

- Article 3 (1) (A) (a) and (e),
- Article 3 (1) (A) (c), with regard to the requirements
referred to in Annex I, Chapter V, 28a to 28b,
- Article 3 (1) (B) (a),
- Article 3 (1) (B) (e), with regard to the requirements in
point A (e).

2. Products produced by the establishments to which
this Decision applies must be reserved exclusively for
consumption in the territory of the former German
Democratic Republic.

3. The establishments to which this Decision applies
shall be placed on a special list and given a special veter-
inary approval number which must be incapable of confu-
sion with the approval number of intra-Community trade
within the meaning of Article 5 (1) of Directive
71/118/EEC.

Article 2

This Decision shall apply from the date of the unification
of Germany until the entry into force in the agricultural
sector of the Council Directive on the transitional
measures and adjustments required to the Directive on
plant health, seeds, propagating material and animal
feedingstuffs and to the veterinary and zootechnical legis-
lation as a result of the integration of the territory of the
former German Democratic Republic into the Commu-
nity, the proposal for which was presented on 21 August
1990. However, it shall apply until 31 December 1990 at
the latest.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 1.

⁽²⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽³⁾ OJ No L 266, 28. 9. 1990, p. 1.

COMMISSION DECISION

of 27 September 1990

repealing Decision 89/222/EEC and amending Decisions 79/542/EEC, 89/15/EEC and 90/135/EEC as a result of the unification of Germany

(90/485/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 89/662/EEC⁽²⁾, and in particular Articles 3 and 16 thereof,Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues⁽³⁾, and in particular Article 7 thereof, in combination with Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action⁽⁴⁾, and in particular Article 6 thereof,Whereas the German Democratic Republic is on the list of third countries from which the Member States authorize imports of bovine animals, swine and fresh meat established by Council Decision 79/542/EEC⁽⁵⁾, as last amended by Commission Decision 90/390/EEC⁽⁶⁾;Whereas by Decision 89/222/EEC⁽⁷⁾ the Commission established the animal health conditions and veterinary certification for imports of fresh meat from the German Democratic Republic;Whereas the German Democratic Republic is on the list of third countries from which the Member States continue to authorize imports of fresh meat and live animals pursuant to Commission Decision 89/15/EEC⁽⁸⁾, as last amended by Decision 90/338/EEC⁽⁹⁾;

Whereas the German Democratic Republic also appears on the list of third countries in the Annex to Commission Decision 90/135/EEC of 7 March 1990 relating to the plans of certain third countries concerning examination of fresh meat for residues of substances other than those

having a hormonal action⁽¹⁰⁾, as last amended by Decision 90/262/EEC⁽¹¹⁾;

Whereas because of German unification it is necessary to repeal or amend the above Decisions with effect from 3 October 1990;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. Decision 89/222/EEC is hereby repealed.
2. The reference to the German Democratic Republic in:
 - the Annex to Decision 79/542/EEC,
 - the Annex to Decision 89/15/EEC,
 - the Annex to Decision 90/135/EEC,is hereby deleted.

Article 2

This Decision shall take effect on 3 October 1990.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.⁽³⁾ OJ No L 275, 26. 9. 1986, p. 36.⁽⁴⁾ OJ No L 70, 16. 3. 1988, p. 16.⁽⁵⁾ OJ No L 146, 14. 6. 1979, p. 15.⁽⁶⁾ OJ No L 193, 25. 7. 1990, p. 37.⁽⁷⁾ OJ No L 92, 5. 4. 1989, p. 19.⁽⁸⁾ OJ No L 8, 11. 1. 1989, p. 11.⁽⁹⁾ OJ No L 162, 28. 6. 1990, p. 42.⁽¹⁰⁾ OJ No L 76, 22. 3. 1990, p. 24.⁽¹¹⁾ OJ No L 149, 13. 6. 1990, p. 22.