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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3774/90
of 19 December 1990
amending Regulation (EEC) No 2761/90 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 3577/90 of 4 December 1990 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⁽¹⁾, and in particular Articles 6 and 7 thereof,

Whereas 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⁽²⁾ contains provisions on stocktaking and the establishment of an inventory for agricultural stocks;

Whereas, in accordance with Article 3 of 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⁽³⁾, that Regulation expires on 31 December 1990;

Whereas in Regulation (EEC) No 3577/90 the Council provides for the adoption of measures over a longer tran-

sitional period; whereas, in order to ensure that the stock-taking and establishment of an inventory mentioned in Regulation (EEC) No 2761/90 and the checks provided for in that Regulation are carried out after 31 December 1990, the date on which application of Regulation (EEC) No 2761/90 ends should be altered;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 8 of Regulation (EEC) No 2761/90 is hereby replaced by the following:

‘This Regulation shall apply from the date of German unification until 31 December 1991’.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽²⁾ OJ No L 267, 29. 9. 1990, p. 1.

⁽³⁾ OJ No L 263, 26. 9. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3775/90

of 19 December 1990

laying down transitional measures applicable to trade in certain agricultural products originating in 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 3577/90 of 4 December 1990 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⁽¹⁾, and in particular Article 3 thereof,

Whereas the Commission adopted interim measures relating to the export, under specific conditions, of certain agricultural products originating in the former German Democratic Republic⁽²⁾;

Whereas, in order to ensure the stability of Community agricultural markets, the performance of agreements concluded by the former German Democratic Republic with third countries prior to unification should be guaranteed; whereas special provisions should also 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, to this end, Germany should continue to be authorized either to supplement from national funds the amount of the export refund for the products concerned or to pay from national funds an export refund for the products concerned in cases where no Community export refunds exists;

Whereas the period during which recourse may be had to this option must be determined on the basis of the period of time that can be foreseen for the implementation of agreements concluded by the former German Democratic Republic;

Whereas, in order to ensure the smooth functioning of trade, provisions should be adopted concerning the validity of specific refunds and of licences issued by the authorities of the former German Democratic Republic prior to unification;

Whereas, however, in order to prevent any undue advantage from being gained by cereal sector traders applicants

for extension of the period of validity of licences should waive entitlement for the extension period to the monthly export increases provided for in Article 16 (4) of Council Regulation (EEC) No 2727/75⁽³⁾ as last amended by Regulation (EEC) No 1340/90⁽⁴⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion 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 products for which agreements were concluded by the former German Democratic Republic with third countries before 3 October 1990 in the cereals, milk and milk products, beef and veal, pigmeat, eggs and poultrymeat sectors, or

— of agricultural products originating in the former German Democratic Republic on or after 3 October 1990 where a specific refund by 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 grant from national funds a refund for the export of sheepmeat and goatmeat for which agreements were concluded by the former German Democratic Republic with third countries before 3 October 1990 and for other exports of those products originating in the former German Democratic Republic provided that the conditions laid down in the second indent of paragraph 1 are fulfilled.

3. Agreements which contain no precise commitments as to price or quantity shall not be taken into consideration.

4. Germany may have recourse to the provisions of the second indent of paragraph 1 and to paragraph 2 only for the quantities specified in the agreements in question.

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽²⁾ Regulations (EEC) Nos 2762/90, 2764/90, 2768/90, 2769/90, 2770/90, 2771/90 and 2772/90 of 27th September 1990, OJ No L 267, 29. 9. 1990, pp. 3, 9, 15, 17, 19, 21 and 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 134, 28. 5. 1990, p. 1.

Article 2

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

Export licences with advance fixing of the refund issued by these authorities shall remain valid for use in Germany only.

2. Import licences issued by the authorities referred to in paragraph 1 shall remain valid for imports into the territory of the former German Democratic Republic.

3. Germany is authorized to extend to 30 June 1991, on request by the holder, the validity of export licences and advance fixing refund certificates issued by the autho-

rities of the former German Democratic Republic for products of the sheepmeat, pigmeat, beef and veal and milk sectors. For cereal sector products, however, Germany is authorized to grant such extension only to 31 March 1991 and on condition that the holder waives entitlement, where the extension period is concerned, to the refund adjustments provided for in Article 16 (4) of Regulation (EEC) No 2727/75.

Article 3

This Regulation shall enter into force on 1 January 1991.

It shall apply until 30 June 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3776/90
of 19 December 1990

amending Regulation (EEC) No 2321/86 laying down detailed rules for the application of Council Regulation (EEC) No 1336/86 fixing compensation for the definitive discontinuation of milk production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1336/86 of 6 May 1986 fixing compensation for the definitive discontinuation of milk production⁽¹⁾, as last amended by Regulation (EEC) No 841/88⁽²⁾, and in particular Article 5 thereof,

Whereas, under Council Regulation (EEC) No 3577/90 of 4 December 1990 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⁽³⁾, Article 4a was added to Regulation (EEC) No 1336/86 in order to make that Regulation applicable to the territory of the former German Democratic Republic effectively by 31 March 1991 at the latest; whereas, as a result, Commission Regulation (EEC) No 2321/86 of 24 July 1986 laying down detailed rules for the application of Council Regulation (EEC) No 1336/86⁽⁴⁾, as last amended by Regulation (EEC) No 2201/88⁽⁵⁾, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2321/88 is hereby amended as follows:

1. (a) The following third indent is added to the first subparagraph of Article 2 (1):

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 21.
⁽²⁾ OJ No L 87, 31. 3. 1988, p. 3.
⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽⁴⁾ OJ No L 202, 25. 7. 1986, p. 13.
⁽⁵⁾ OJ No L 195, 23. 7. 1988, p. 53.

— by 31 January 1991 as regards producers in the territory of the former German Democratic Republic.'

- (b) The following third indent is added to Article 2 (2) (c):

— as regards producers in the territory of the former German Democratic Republic, to discontinue definitively all or part of their milk production by 31 March 1991 at the latest and to renounce any entitlement to the reference quantity discontinued under the scheme provided for in Article 5c of Regulation (EEC) No 804/68.'

2. (a) The following point (c) is added to Article 3 (1):

'(c) inform the producers in the territory of the former German Democratic Republic without delay whether the request has been accepted or not and inform the purchasers concerned accordingly.'

- (b) The following second subparagraph is added to Article 3 (2):

'In cases where, in the territory of the former German Democratic Republic, the sum of the requests eligible for the compensation covers a quantity exceeding the quantity referred to in Article 4a (a) of Regulation (EEC) No 1336/86, Germany shall establish rules for accepting requests under the conditions referred to in the first subparagraph.'

3. The following paragraph 4 is added to Article 4:

'4. As regards producers in the territory of the former German Democratic Republic, the compensation shall be paid in one lump sum by 31 July 1991 at the latest.'

4. The following second subparagraph is added to Article 6:

'The amount of compensation shall be converted into national currency by using the agricultural conversion rate applying on 1 January 1991.'

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3777/90
of 19 December 1990

**amending Regulation (EEC) No 1547/87 laying down detailed rules for applying
Regulation (EEC) No 777/87 as regards buying-in of intervention butter**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector as a result of the integration of the former German Democratic Republic into the Community ⁽¹⁾, and in particular Article 3 thereof,

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 ⁽²⁾, as last amended by Regulation (EEC) No 3117/90 ⁽³⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 of 16 March 1987 modifying the intervention arrangements for butter and skimmed-milk powder ⁽⁴⁾, as last amended by Regulation (EEC) No 1185/90 ⁽⁵⁾, lays down the criteria on which basis the buying-in of butter by the intervention agencies may be suspended or must be re-established in the Community or part thereof; whereas, to this end, Commission Regulation (EEC) No 1547/87 ⁽⁶⁾ lays down that Member States must record the prices on the butter market at national or, as regards the United Kingdom, at regional level; whereas Germany has been authorized until 31 December 1992 to treat the butter produced in the territory of the former German Democratic Republic and classed 'Export Qualität' in the same way as the butter referred to in Article 1 (3) (b) of Council Regulation (EEC) No 985/68 laying down general rules for intervention on the market in butter and cream ⁽⁷⁾, as last amended by Regulation (EEC) No 1185/90 ⁽⁸⁾; whereas the necessary consequences should be drawn as regards Regulation (EEC) No 1547/87;

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

Regulation (EEC) No 1547/87 is hereby amended as follows:

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽³⁾ OJ No L 303, 31. 10. 1990, p. 5.
⁽⁴⁾ OJ No L 78, 20. 3. 1987, p. 10.
⁽⁵⁾ OJ No L 119, 15. 5. 1990, p. 31.
⁽⁶⁾ OJ No L 144, 4. 6. 1987, p. 12.
⁽⁷⁾ OJ No L 169, 18. 7. 1968, p. 1.
⁽⁸⁾ OJ No L 119, 11. 5. 1990, p. 31.

1. (a) The first subparagraph of Article 1 (2) is replaced by the following:

'Once it has been observed that for two weeks in succession, in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region, the market price is equal to or less than 92 % of the intervention price or, where the second subparagraph of Article 1 (4) of Regulation (EEC) No 777/87 applies, 90 % of that price, the Commission shall re-establish buying-in as provided for in Article 6 (1), of Regulation (EEC) No 804/68 in the Member State or regions concerned.'

- (b) The first subparagraph of Article 1 (3) is replaced by the following:

'Once it is observed that for two weeks in succession, in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region, the market price is higher than 92 % of the intervention price or, where the second subparagraph of Article 1 (4) of Regulation (EEC) No 777/87 applies, 90 % of that price, it may be decided to suspend buying-in as provided for in Article 6 (1) of Regulation (EEC) No 804/68 in the Member State or region concerned.'

2. The following indent is added to Article 3:

'— the territory of the Federal Republic of Germany shall comprise two regions, the territory of the Federal Republic of Germany before 3 October 1990 and the territory of the former German Democratic Republic.'

3. (a) The first subparagraph of Article 4 (1) is replaced by the following:

'The market price shall be recorded at national or, as regards the United Kingdom and the Federal Republic of Germany, at regional level in accordance with the following rules:'

- (b) Article 4 (2) is replaced by the following:

'2. Each Thursday the Commission shall record the level of market prices in each Member State or, in the case of the United Kingdom and the Federal Republic of Germany, in each region, in comparison with the intervention price applying in the Member State concerned.'

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3778/90

of 19 December 1990

repealing Regulation (EEC) No 1175/81 determining the destination zones for the application of the refunds on eggs and poultrymeat

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 9 (3) 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 9 (3) thereof,

Whereas Council Regulation (EEC) No 2774/75 ⁽⁴⁾ and Council Regulation (EEC) No 2779/75 ⁽⁵⁾ laid down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the situation on the world egg and poultrymeat market has made it necessary to fix differentiated refunds

more flexibly than the zones fixed in advance by Commission Regulation (EEC) No 1175/81 ⁽⁶⁾; whereas that Regulation should therefore be repealed;

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

Regulation (EEC) No 1175/81 is hereby repealed.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 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. 68.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁶⁾ OJ No L 120, 1. 5. 1981, p. 77.

COMMISSION REGULATION (EEC) No 3779/90

of 19 December 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 3577/90 of 4 December 1990 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⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽²⁾, as last amended by Regulation (EEC) No 1235/89⁽³⁾, and in particular Article 9 (3) thereof,

Having regard to Council Regulation (EEC) No 2775/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽⁴⁾, as last amended by Regulation (EEC) No 1235/89, and in particular Article 9 (3) thereof,

Having regard to Council Regulation (EEC) No 2774/75 of 29 October 1975 laying down general rules for granting export refunds on eggs and criteria for fixing the amount of such refunds⁽⁵⁾, and in particular Article 7 (2) thereof,

Having regard to Council Regulation (EEC) No 2779/75 of 29 October 1975 laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds⁽⁶⁾, and in particular Article 7 (2) thereof,

Whereas Regulation (EEC) No 3577/90 lays down, *inter alia*, that measures to supplement those provided for in that Regulation may be adopted to ensure the harmonious integration of farming in the territory of the former German Democratic Republic into 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⁽⁷⁾, as last amended by Regulation (EEC) No 3204/83⁽⁸⁾;

Whereas, in 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⁽⁹⁾, the Commission adopted measures to this effect, provisionally for the period after unification until 31 December 1990; whereas, given that the aforementioned conditions still obtain, these arrangements should be extended beyond this date;

Whereas Commission Regulation (EEC) No 109/80 of 18 January 1980 on the application of the lowest rate of export refunds for certain products in the egg and poultrymeat sectors⁽¹⁰⁾, as last amended by Regulation (EEC) No 1737/90⁽¹¹⁾, lists the former German Democratic Republic as a third country; whereas that Regulation should be amended in order to delete the reference to 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

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 their preparation exceeds the quantities referred to in Article 1 of Regulation (EEC) No 2967/76.

Article 2

The phrase 'and the German Democratic Republic' in Article 1 of Regulation (EEC) No 109/80 is deleted.

Article 3

This Regulation shall enter into force on 1 January 1991.

Article 1 shall apply from 1 January 1991 until 31 December 1992.

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽³⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁷⁾ OJ No L 339, 8. 12. 1976, p. 1.

⁽⁸⁾ OJ No L 315, 15. 11. 1983, p. 17.

⁽⁹⁾ OJ No L 267, 29. 9. 1990, p. 23.

⁽¹⁰⁾ OJ No L 14, 19. 1. 1980, p. 30.

⁽¹¹⁾ OJ No L 161, 27. 6. 1990, p. 25.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3780/90**of 19 December 1990****laying down detailed rules for the implementing of Council Regulation (EEC) No 3576/90 as regards the temporary suspension of the import compensation mechanism and of customs duties on fruit and vegetables originating in Spain and Portugal released for consumption 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3576/90 of 4 December 1990 on the temporary suspension of the mechanisms provided for in Articles 123, 152, 318 and 338 of the Act of Accession of Spain and Portugal and the customs duties for wine and fruit and vegetable products originating in Spain and Portugal and released for consumption in the territory of the former German Democratic Republic⁽¹⁾, and in particular Article 3 thereof,

Whereas Council Regulation (EEC) No 3576/90 lays down the conditions governing the eligibility of products for the temporary suspension of the import compensation mechanism and of customs duties; whereas implementing rules must be adopted for the fruit and vegetables to which this suspension applies;

Whereas trade between Spain and Portugal and the German Democratic Republic during the reference period covering the years 1987, 1988 and 1989 permits the fixing of an average annual quantity eligible for the said suspension only for fruit and vegetables from Spain;

Whereas, to be eligible for the suspension, the products must be consumed fresh or processed in the territory of the former German Democratic Republic; whereas the term 'processing' should be defined as the use for the fruit and vegetables in question for the manufacture of one of the preparations listed in Chapter 20 of the Combined Nomenclature;

Whereas a control certificate issued in accordance with Article 2 of Commission Regulation (EEC) No 2638/69 of 24 December 1969 laying down additional provisions on quality control of fruit and vegetables marketed within the Community⁽²⁾, as last amended by Regulation (EEC) No 3078/89⁽³⁾ should be specified as the accompanying document for the carriage of the fruit and vegetables from

their area of origin to the territory of the former German Democratic Republic;

Whereas, to ensure that the fruit and vegetables are actually consumed or processed in the territory of the former German Democratic Republic, the rules laid down in Commission Regulation (EEC) No 4142/87 of 9 December 1987 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use⁽⁴⁾, as amended by Regulation (EEC) No 3124/89⁽⁵⁾, should be applied;

Whereas it would appear fair to provide for reimbursement, on application from operators, of amounts already collected on consignments of fruit and vegetables dispatched after the unification of Germany and before 1 January 1991, provided the conditions governing eligibility are met;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The average annual quantities referred to in the second subparagraph of Article 1 (1) of Regulation (EEC) No 3576/90 shall be fixed for fruit and vegetables, for a period from 1 January to 31 December of the same year, as shown in the Annex hereto. If the period during which the suspension applies differs from the above, the quantities shall be fixed on a pro rata basis according to the actual length of this period in comparison with the length of the concerned marketing year.

2. The quantities referred to in paragraph 1 shall be allocated through a tendering system managed by the competent German authorities guaranteeing equal access to all interested economic operators.

3. For the purposes of Article 1 (2) of Regulation (EEC) No 3576/90, 'processing' means using the products concerned to make preparations listed in Chapter 20 of the Combined Nomenclature.

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 21.

⁽²⁾ OJ No L 327, 30. 12. 1969, p. 33.

⁽³⁾ OJ No L 294, 13. 10. 1989, p. 18.

⁽⁴⁾ OJ No L 387, 31. 12. 1987, p. 81.

⁽⁵⁾ OJ No L 301, 19. 10. 1989, p. 10.

Article 2

Except as otherwise provided in the special provisions laid down in Article 4, for the purposes of Article 2 of Regulation (EEC) No 3576/90:

- carriage of the product in question must begin on Spanish territory and must be accompanied by a control certificate issued in accordance with Article 2 of Regulation (EEC) No 2638/69. This document shall be marked, in box 13, 'This product is intended for release for consumption in the territory of the former German Democratic Republic'. These words shall be authenticated by the stamp and signature of the official of the competent authorities of the Member State of origin, together with the date,
- at the time of the declaration regarding the release for consumption, a certificate shall be issued by the competent German authorities, certifying that the products in question are eligible under Article 1 of Regulation (EEC) No 3576/90,
- to monitor the use of the products referred to in the second indent of Article 2 of Regulation (EEC) No 3576/90, the competent German authorities shall ensure that the rules laid down in Regulation (EEC) No 4142/87 are applied and respected.

Article 3

For products released for consumption in the territory of the former German Democratic Republic before 1 January 1991, the customs duties and, where relevant, the correcting amounts already collected shall be reimbursed to the extent of the quantities fixed pro rata in accordance

with Article 1 (1) on receipt of a duly substantiated application from the party concerned.

For these purposes, the party concerned shall submit an application by 31 March 1991 at the latest to the competent German authority managing the tendering system referred to in Article 1 (2) along with the control certificate referred to in Article 1 of Regulation (EEC) No 2638/69 which has accompanied the carriage of the product. This authority shall issue a licence certifying that the product in question eligible under Article 1 of Regulation (EEC) No 3576/90. Where the total quantities for which reimbursement is requested exceeds those fixed pursuant to Article 1 (1), the quantity of each application shall be reduced in proportion to the overrun.

Reimbursement shall be made before 31 July 1991.

Article 4

Germany shall notify the Commission, at the latest before the 20th day of each month for the previous month, of the quantities of product benefiting from suspension, the type of suspension and the product category.

The Commission shall immediately inform the other Member States thereof.

Article 5

This Regulation shall enter into force on 1 January 1991.

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, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

CN code	Description	Average annual quantities	
		Spain	Portugal
0702 00	Tomatoes	10	—
0805 10	Oranges	37 700	—
0805 30 10	Lemons	20 900	—
0810 10	Strawberries	20	—

COMMISSION REGULATION (EEC) No 3781/90

of 19 December 1990

laying down detailed rules for the application of Council Regulation (EEC) No 3576/90 as regards the temporary suspension of the regulatory amounts mechanism and of customs duties on wine products released for consumption 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3576/90 of 4 December 1990 on the temporary suspension of the mechanisms provided for in Articles 123, 152, 318 and 338 of the Act of Accession of Spain and Portugal and the customs duties for wine and fruit and vegetable products originating in Spain and Portugal and released for consumption in the territory of the former German Democratic Republic⁽¹⁾, and in particular Article 3 thereof,

Whereas Council Regulation (EEC) No 3576/90 lays down the conditions governing the eligibility of products for the temporary suspension of the regulatory amounts mechanism and of customs duties; whereas the detailed rules of application must be adopted for the wine products to which this suspension applies;

Whereas trade between Spain and Portugal and the German Democratic Republic during the reference period covering the years 1987, 1988 and 1989 permits the fixing of an average annual quantity eligible for the suspension only for wines from Spain;

Whereas, to be eligible for the suspension, the wine must be consumed as it is or processed in the territory of the former German Democratic Republic; whereas the term 'processing' should be defined on the basis of the definitions given in Commission Regulation (EEC) No 2202/89 of 20 July 1989 defining the terms 'coupage', 'the turning into wine', 'bottler' and 'bottling'⁽²⁾;

Whereas an approved commercial document drawn up and validated by the competent Spanish body in accordance with 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⁽³⁾, as last amended by Regulation (EEC) No 2276/90⁽⁴⁾, should be specified as the accompanying document for the carriage of wine; whereas, to ensure that the wine is actually used in the territory of the

former German Democratic Republic, the rules laid down in Commission Regulation (EEC) No 4142/87 of 9 December 1987 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use⁽⁵⁾, as last amended by Regulation (EEC) No 3124/89⁽⁶⁾, should be applied;

Whereas it would appear fair to provide for reimbursement, on application, of amounts already collected on consignments of wine despatched before 1 January 1991 and after the unification of Germany, when the conditions governing eligibility are met;

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. The average annual quantities referred to in the second subparagraph of Article 1 (1) of Regulation (EEC) No 3576/90 shall be fixed, for wine products, for a period from 1 January to 31 December of the same year, as shown in the Annex. When the period during which the suspension applies differs from the above, the quantities shall be fixed on a pro rata basis according to the actual length of this period.

2. The quantities referred to in paragraph 1 shall be allocated through a tendering system managed by the competent German authorities guaranteeing equal access to all interested economic operators.

3. For the purposes of Article 1 (2) of Regulation (EEC) No 3576/90 'processing' means:

- processing into wine through the total or partial alcoholic fermentation of grape musts, concentrated grape musts, partially fermented grape musts or new wine still in fermentation,
- processing into sparkling or semi-sparkling wine through the primary or secondary alcoholic fermentation, as the case may be, of grape musts, wines suitable for yielding table wine, table wines or quality wines psr.

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 21.

⁽²⁾ OJ No L 209, 21. 7. 1989, p. 31.

⁽³⁾ OJ No L 106, 18. 4. 1989, p. 1.

⁽⁴⁾ OJ No L 267, 29. 9. 1990, p. 30.

⁽⁵⁾ OJ No L 387, 31. 12. 1987, p. 81.

⁽⁶⁾ OJ No L 301, 19. 10. 1989, p. 10.

Article 2

Except as otherwise provided in the special provisions laid down in Article 3, for the purposes of Article 2 of Regulation (EEC) No 3576/90:

- carriage of the product in question must begin on Spanish territory and must be accompanied by an approved commercial document drawn up in accordance with Regulation (EEC) No 986/89. This document shall be validated by the stamp of the competent Spanish authorities and bear, in the box headed 'For official use only', the words 'This product is intended for release for consumption in the territory of the former German Democratic Republic'. These words shall be authenticated by the stamp and signature of the official of the same authority, together with the date,
- in support of the declaration regarding the release for consumption, a document shall be produced, issued by the competent German authorities, certifying that the products in question are eligible under Article 1 of Regulation (EEC) No 3576/90,
- to control the use of the products referred to in the second subparagraph of Article 2 of Regulation (EEC) No 3576/90, the competent German authorities shall ensure that the rules laid down in Regulation (EEC) No 4142/87 are applied.

Article 3

For products released for consumption in the territory of the former German Democratic Republic before 1

January 1991, the regulatory amounts and/or customs duties already collected shall be reimbursed to the extent of the quantities fixed pro rata in accordance with Article 1 (1) on receipt of a duty substantiated application from the party concerned.

For this purpose, the party concerned shall submit an application by 31 March 1991 at the latest to the competent German authority managing the tendering system referred to in Article 1 (2) along with one of the documents referred to in Article 1 of Regulation (EEC) No 986/89 which has accompanied the carriage of the product. This authority shall issue a licence certifying that the product in question is eligible under Article 1 of Regulation (EEC) No 3576/90. Where the total quantities for which reimbursement is requested exceed those fixed pursuant to Article 1 (2), the quantity of each application shall be reduced in proportion to the overrun.

Reimbursement shall be made before 31 July 1991.

Article 4

Germany shall notify the Commission, at the latest before the 20th of each month for the previous month, of the quantities of products benefiting from suspension broken down according to the type of suspension and product.

The Commission shall immediately inform the other Member States thereof.

Article 5

This Regulation shall enter into force on 1 January 1991.

It shall apply with effect from 3 October 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

CN-code	Description	Average annual quantities (hl)	
		Spain	Portugal
2009 60	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter : – Grape juice (including grape must)	0	0
2204 30	Wine of fresh grapes, including fortified wines ; grape must other than that of code 2009 : – Other grape must		
2204 10	Wine of fresh grapes, including fortified wines ; grape must other than that of code 2009 : – Sparkling wine	226 000	0
2204 21	– Other wine ; grape must with fermentation prevented or arrested by the addition of alcohol : – – In containers holding 2 litres or less		
2204 29	– – Other		

COMMISSION REGULATION (EEC) No 3782/90

of 19 December 1990

on transitional 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 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector as a result of German unification⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 3577/90 lays down, *inter alia*, that measures to supplement those provided for in that Regulation may be adopted in order to ensure the harmonious integration of farming in the territory of the former German Democratic Republic into 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 varieties 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, in Commission Regulation (EEC) No 2777/90 of 27 September 1990 on interim measures applicable in the raw tobacco sector after the unification of Germany⁽⁵⁾, the Commission adopted measures to this effect, provi-

sionally for the period from unification until 31 December 1990; whereas, given that the aforementioned conditions still obtain, this scheme should be extended beyond that date;

Whereas it is necessary to forbid, for a given operator, the cumulation of prices, premiums and export refunds under the national legislation introduced before 3 October 1990 in the territory of the former German Democratic Republic and the Community rules taking effect from that same date;

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

1. Germany shall ensure that the prices, premiums and export refunds provided for in Regulation (EEC) No 727/70 are not granted from Community funds for the tobacco varieties harvested in 1990 or earlier in the territory of the former German Democratic Republic.

2. Germany shall notify the Commission as soon as possible of the measures taken to ensure that paragraph 1 is complied with.

Article 3

This Regulation shall enter into force on 1 January 1991.

It shall apply until 31 December 1992.

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽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.

⁽⁵⁾ OJ No L 267, 29. 9. 1990, p. 32.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3783/90

of 19 December 1990

on transitional measures in the seed 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 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector as a result of German unification⁽¹⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 3577/90 lays down, *inter alia*, that measures to supplement those provided for in that Regulation may be adopted to ensure the harmonious integration of farming in the territory of the former German Democratic Republic into 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⁾, as amended by Regulation (EEC) No 2811/86⁽⁵⁾, 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⁽⁶⁾, as last amended by Commission Regulation (EEC) No 1979/90⁽⁷⁾, for the Community

species corresponding to the species produced in the territory of the former German Democratic Republic;

Whereas in Commission Regulation (EEC) No 2778/90 of 27 September 1990 on interim measures applicable in the seeds sector after the unification of Germany⁽⁸⁾, the Commission adopted measures to this effect on a provisional basis for the period from the date of unification until 31 December 1990; whereas, given that the aforementioned circumstances still obtain, these arrangements should be extended beyond this date;

Whereas the territory of the former German Democratic Republic already belongs to the Community; whereas the event generating the right to Community aid for seeds harvested in the territory of the former German Democratic Republic in 1991 will occur on 1 August 1991, which follows the beginning of the 1991/92 marketing year; whereas the authorization given to Germany should be limited to 31 July 1991 in order to avoid any cumulation of aid;

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 grant, until 31 July 1991 at the latest, for seed harvested in 1990 in the territory of the former German Democratic Republic, aid from national funds 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 Regulation (EEC) No 1240/80 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 1 January 1991.

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽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 260, 12. 9. 1986, p. 8.

⁽⁶⁾ OJ No L 128, 11. 5. 1989, p. 36.

⁽⁷⁾ OJ No L 179, 12. 7. 1990, p. 13.

⁽⁸⁾ OJ No L 267, 29. 9. 1990, p. 34.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3784/90

of 19 December 1990

amending Regulation (EEC) No 610/77 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 12 (7) and 25 thereof,

Whereas the coefficients to be used for calculating the price of adult bovine animals and the factors taken into account for determining their prices and surveying the prices of cattle of less than 300 kilograms live weight were established by Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽³⁾, as last amended by Regulation (EEC) No 1683/90 ⁽⁴⁾;

Whereas following German unification and in preparation for the second stage of Portuguese accession the coefficients for calculation and factors to be used for determination of prices contained in the Annexes to Regulation (EEC) No 610/77 should be modified;

Whereas, in view of the trend in supplies to certain markets in Germany and the United Kingdom, the list of representative markets should be amended;

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

The Annexes to Regulation (EEC) No 610/77 are hereby amended as follows:

1. Annex 1 is replaced by the following:

ANNEX I

Coefficients for calculating the price of adult bovine animals on the representative Community markets

Germany	23,6
Belgium	3,6
Denmark	2,6
Spain	6,2
France	24,9
Greece	0,8
Ireland	6,9
Italy	10,3
Luxembourg	0,2
Netherlands	5,5
Portugal	1,5
United Kingdom	13,9'

2. Annex II is amended as follows:

(a) the following markets and qualities are added to the list at C.1:

	<i>Bullen/Ochsen</i>	<i>Live weight conversion coefficient</i>
'Schwerin	U	58
Potsdam	R	56
Magdeburg	O	52
	<i>Kühe</i>	
Erfurt	R	54
	O	50
Dresden	P	46
	<i>Färsen</i>	
	U	58
	R	56
	O	52'

(b) the list of categories, qualities and coefficients given at C.2 is replaced by:

2. Categories, qualities and coefficients

<i>Category and quality</i>	<i>Weighting coefficient</i>
Bullen A	27,5
Bullen B	11,7
Bullen C	5,4
Ochsen A	1,0
Ochsen B	0,3
Färsen A	10,1
Färsen B	5,2
Färsen C	1,8
Kühe A	9,0
Kühe B	20,0
Kühe C	6,6
Kühe D	1,4'

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 157, 21. 6. 1990, p. 30.

(c) the following is added after section K :

'L. PORTUGAL

1. Representative markets (price quotation regions)

<i>Market</i>	<i>Weighting coefficient</i>	<i>Quality</i>
Entre Douro e Menho	30	Novilhos, Novilhas and Vacas
Beira Litoral	20	Novilhos, Novilhas and Vacas
Ribatejo Oeste	20	Novilhos, Novilhas and Vacas
Alentejo	30	Novilhos, Novilhas and Vacas

2. Categories, qualities and coefficients

<i>Category and quality</i>	<i>Live weight conversion coefficient</i>	<i>Weighting coefficient</i>
Entre Douro e Minho		
Novilho R	58-60	42
Novilha O	53-55	21
Vaca O	48-50	31
Boi R	52-55	6
Beira Litoral		
Novilho R	58-60	59
Novilha O	53-55	25
Vaca O	48-50	16
Ribatejo Oeste		
Novilho R	58-60	64
Novilha R	53-55	16
Vaca O	48-50	20
Alentejo		
Novilho R	58-60	68
Novilha O	53-55	22
Vaca O	48-50	10'.

(d) the Launceston, Sturminster Newton and Boroughbridge markets are replaced by Avon, Bideford and Thirsk respectively; in the list given at J.1.

3. Annex III is amended as follows :

(a) in the list of representative markets given at C.1, 'Kassel, all qualities' is deleted and the following markets and qualities are added :

		<i>Live weight conversion coefficient</i>
'Schwerin	Average of all quantities	60
Potsdam	Average of all quantities	60
Magdeburg	Average of all quantities	60
Erfurt	Average of all quantities	60
Dresden	Average of all quantities	60'.

(b) the following is added after section K :

'L. PORTUGAL

1. Representative markets (price quotation regions)

<i>Market</i>	<i>Weighting coefficient</i>	<i>Quality</i>
Entre Douro e Minho	45	Average of all quantities
Beira Litoral	30	Average of all quantities
Ribatejo Oeste	25	Average of all quantities

2. Qualities and coefficients

<i>Quality</i>	<i>Live weight conversion coefficient</i>	<i>Weighting coefficient</i>
Vitelos	60	100'.

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall be applicable for the first time for calculation of the levies in all Member States.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3785/90**of 19 December 1990****amending Regulation (EEC) No 19/82 laying down detailed rules for applying Council Regulation (EEC) No 2641/90 with regard to imports of sheepmeat and goatmeat products originating in certain non-member countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 15 (2) thereof,Having regard to Council Regulation (EEC) No 2641/80 of 14 October 1980 derogating from certain import rules laid down in Regulation (EEC) No 1837/80 on the common organization of the market in sheepmeat and goatmeat⁽²⁾, as amended by Regulation (EEC) No 3939/87⁽³⁾, and in particular Article 1 (2) thereof,Whereas Commission Regulation (EEC) No 19/82 of 6 January 1982 laying down detailed rules for applying Regulation (EEC) No 2641/80 with regard to imports of sheepmeat and goatmeat products originating in certain non-member countries⁽⁴⁾, as amended by Regulation (EEC) No 2569/90⁽⁵⁾, relates in particular to licences issued in the framework of voluntary restraint agreements and Annex III thereof contains a list of authorities in third countries empowered to issue export licences;

Whereas on unification of Germany the need to include in Annex III to Regulation (EEC) No 19/82 an organization of the German Democratic Republic empowered to issue export licences lapses; whereas point XIII of Annex III should therefore be deleted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Point XIII in Annex III to Regulation (EEC) No 19/82 is hereby deleted.

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

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 275, 18. 10. 1980, p. 2.⁽³⁾ OJ No L 373, 31. 12. 1987, p. 1.⁽⁴⁾ OJ No L 3, 7. 1. 1982, p. 18.⁽⁵⁾ OJ No L 243, 6. 9. 1990, p. 15.

COMMISSION REGULATION (EEC) No 3786/90

of 19 December 1990

fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses and repealing Regulation (EEC) No 1761/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 4 (6) thereof,

Whereas the Community market price for pig carcasses as referred to in Article 4 (2) of Regulation (EEC) No 2759/75, must be established by weighting the prices recorded in each Member State by coefficients expressing the relative size of the pig population of each Member State; whereas these coefficients should be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 76/630/EEC of 20 July 1976 concerning surveys of pig production to be made by the Member States⁽³⁾, as last amended by Directive 86/83/EEC⁽⁴⁾;

Whereas, as a result of the reunification of Germany and the resulting increase thereof in the pig population of Germany and in view of the second phase of the acces-

sion of Portugal, the weighting coefficients fixed by Commission Regulation (EEC) No 1761/90⁽⁵⁾ should be adjusted;

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

The weighting coefficients referred to in Article 4 (2) of Regulation (EEC) No 2759/75 shall be as specified in the Annex hereto.

Article 2

Regulation (EEC) No 1761/90 is hereby repealed.

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 223, 16. 8. 1976, p. 4.

⁽⁴⁾ OJ No L 77, 22. 3. 1986, p. 31.

⁽⁵⁾ OJ No L 162, 28. 6. 1990, p. 25.

*ANNEX***Weighting coefficient for calculating the Community market price for slaughtered pigs**

Belgium	5,7
Denmark	8,0
Germany	30,0
Greece	1,1
Spain	14,8
France	10,7
Ireland	0,8
Italy	8,1
Luxembourg	0,1
Netherlands	12,0
Portugal	2,2
United Kingdom	6,5

COMMISSION REGULATION (EEC) No 3787/90
of 19 December 1990

**amending Regulation (EEC) No 2123/89 establishing the list of representative
markets for pigmeat in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 4 (6) thereof,

Whereas the list of representative markets for pigmeat in the Community was established by Commission Regulation (EEC) No 2123/89⁽³⁾, as last amended by Regulation (EEC) No 1786/90⁽⁴⁾;

Whereas, following German unification and in light of the second stage of the accession of Portugal, the quotation centres or markets for these Member States should be adjusted or introduced and, consequently, the list of representative markets for pigmeat in the Community given in the Annex to Regulation (EEC) No 2123/89 should be amended;

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

The Annex to Regulation (EEC) No 2123/89 is hereby amended as follows:

1. The text of point 3 is replaced by the following:

‘3. The following
group of quotation
centres:

Kiel, Hamburg, Bremen,
Hannover, Oldenburg,
Münster, Düsseldorf, Trier,
Frankfurt am Main, Stuttgart,
Nürnberg, München,
Schwerin, Potsdam, Magde-
burg, Erfurt, Dresden.

2. The following point is added:

‘12. The following
group of
markets:

Famalicão, Coimbra, Leiria,
Montijo, Póvoa da Galega,
Rio Malor, Évora,
Monchique.’

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 203, 15. 7. 1989, p. 23.

⁽⁴⁾ OJ No L 163, 29. 6. 1990, p. 54.

COMMISSION DECISION No 3788/90/ECSC
of 19 December 1990

on the introduction of transitional tariff measures for products covered by the Treaty establishing the ECSC for Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia until 31 December 1992 to take account of German unification

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Whereas, from the date of German unification onwards, the tariff applied to products governed by the ECSC Treaty will be fully applicable to the territory of the former German Democratic Republic;

Whereas the former German Democratic Republic had concluded numerous agreements with Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia which provided for a yearly exchange of specific goods in maximum value at a zero rate of duty; whereas the former German Democratic Republic had concluded long-term cooperation and investment agreements with Czechoslovakia, Poland and the USSR which, according to the terms of these agreements, will give rise to deliveries of goods covered by the Treaty establishing the ECSC at zero rates of duty for many years to come;

Whereas agreements of the first type will not be renewed after 31 December 1990 and agreements of the second type will be renegotiated at Community, German or private enterprise level, but this process of renegotiation will take some time;

Whereas the maximum quantities or values mentioned in these agreements do not entail legally binding obligations between parties and non-performance therefore cannot lead to compensation by the European Coal and Steel Community;

Whereas it is necessary, therefore, during a transitional period to smooth the impact resulting from German unification on both types of agreement as otherwise very serious repercussions on enterprises in the territory of the former German Democratic Republic and in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia may result and indeed the stability of the economies of these countries might be adversely affected thereby;

Whereas for these reasons it is appropriate to suspend temporarily the customs duties applied to products covered by the ECSC Treaty originating in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR

and Yugoslavia which are covered by the abovementioned agreements between the former German Democratic Republic and these countries, up to the maximum quantities or values referred to therein;

Whereas it is appropriate, in view of the special circumstances of German unification, for the abovementioned suspension of duties to be applicable to the products concerned only in so far as they are put into free circulation in the territory of the former German Democratic Republic;

Whereas it is necessary to make provision for determining the origin of the goods which will be covered by the suspension of duties;

Whereas, in view of the difficulties in applying these measures and the fact that some of their consequences are unforeseeable, it is appropriate to emphasize the transitional character of these measures and restrict their duration to a two-year period up to 31 December 1992;

Whereas it is appropriate to provide for special measures and a procedure to implement them, in case the temporary suspension of duties causes or threatens to cause serious injury to a branch of Community industry;

Whereas this Decision implies a derogation from recommendation No 1-64 of the High Authority of the ECSC concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community;

Whereas this Decision does not otherwise affect the powers of the Member States with regard to commercial policy referred to in Article 71 of the Treaty;

Having consulted the European Parliament, the Consultative Committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

1. As from 3 October 1990, date of German unification, and to 31 December 1992, the customs duties applied to products covered by the ECSC Treaty, including the anti-dumping duties presently in force, shall be suspended for products originating in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia.

vakia, Hungary, Poland, Romania, the USSR or Yugoslavia covered by the agreements listed in Annexes I and II to Council Regulation (EEC) No 3568/90 ⁽¹⁾ — the essential elements of which will be published in the *Official Journal of the European Communities* — up to the maximum quantities or values established by the said agreements.

2. The provisions of paragraph 1 shall be applicable only if:

- the goods in question are released for free circulation on the territory of the former German Democratic Republic and are consumed there or undergo processing conferring Community origin there ⁽²⁾,
- a licence issued by the relevant German authorities stating that the goods in question fall under the scope of the provisions contained in paragraph 1 is submitted in support of the entry for release for free circulation.

3. The Commission and the competent German authorities shall take whatever measures are needed to ensure that the final consumption of the products in question, of the processing by which they acquire Community origin, takes place on the territory of the former German Democratic Republic.

Article 2

To determine the origin of the goods referred to under Article 1, Council Regulation (EEC) No 802/68 of 27

June 1968 on the common definition of the concept of the origin of goods ⁽³⁾, as last amended by Council Regulation (EEC) No 1789/89 ⁽⁴⁾, shall be applicable.

Article 3

1. If the suspension of the duties referred to in Article 1 causes substantial injury to Community producers in one or several Member States of like or directly competitive products, the Commission, either on its own initiative or at the request of a Member State, may terminate the suspension of the duty for the product concerned.

2. The procedure set out in Article 11 of Regulation (EEC) No 1765/82 ⁽⁵⁾ shall be followed.

Article 4

The Commission shall report to the Council and to the European Parliament by 1 October 1991 on the operation of the system established, the quantities of the products which have benefited from it and the stage reached in the renegotiation of outstanding arrangements.

Article 5

This decision shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 353, 17. 12. 1990, p. 1.

⁽²⁾ Checks on this use shall be carried out pursuant to the relevant Community provisions on end-use (Commission Regulation (EEC) No 4142/87 of 9 December 1987 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use (OJ No L 387, 31. 12. 1987, p. 81).

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁴⁾ OJ No L 174, 22. 6. 1989, p. 11.

⁽⁵⁾ OJ No L 195, 5. 7. 1982, p. 1.

COMMISSION DECISION No 3789/90/ECSC**of 19 December 1990****amending Decision No 322/89/ECSC establishing Community rules for aid to the steel industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having consulted the European Parliament and the Consultative Committee and with the unanimous assent of the Council,

Whereas there is a need to stimulate the investment required to give the steel industry in the former German Democratic Republic a competitive structure,

HAS ADOPTED THIS DECISION:

*Article 1*The second indent of Article 5 of Commission Decision No 322/89/ECSC⁽¹⁾ shall be supplemented as follows:

‘or in the territory of the former German Democratic Republic’.

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

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

Done at Brussels, 19 December 1990.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 38, 10. 2. 1989, p. 8.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 December 1990

amending Decision 89/471/EEC authorizing methods for grading pig carcasses in Germany

(Only the German text is authentic)

(90/668/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 4 (6) thereof,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses⁽³⁾, and in particular Article 5 (2) thereof,

Whereas the Commission, by Decision 89/471/EEC⁽⁴⁾, as amended by Decision 90/346/EEC⁽⁵⁾, has authorized methods for grading pig carcasses in Germany;

Whereas in a certain number of slaughterhouses in the territory of the former German Democratic Republic the pig carcasses are dehided during slaughter in view of the manufacture of leather; whereas it is not possible to apply the grading methods provided for in Decision 89/417/EEC to dehided pig carcasses;

Whereas Article 6 (3) of Regulation (EEC) No 3220/84, provides for a derogation for the quotation of prices for slaughtered pigs in the territory of the former German Democratic Republic until 31 December 1992;

Whereas the volume of dehided pig carcasses on the territory of the former German Democratic Republic can be estimated at a maximum of 10 % of the commercial production with a decreasing tendency, allowing for phasing out this practice until 31 December 1992; whereas this situation does justify the exclusion of such carcasses from the quotation system of prices for slaughtered pigs;

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

HAS ADOPTED THIS DECISION:

Article 1

The following Article 4a is inserted in Decision 89/471/EEC:

Article 4a

In the territory of the former German Democratic Republic, dehided pig carcasses are excluded, from 1 January 1991 until 31 December 1992, from the application of this Decision and of the rules laid down in Regulation (EEC) No 3220/84.'

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽⁴⁾ OJ No L 233, 10. 8. 1989, p. 30.

⁽⁵⁾ OJ No L 170, 3. 7. 1990, p. 48.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission
