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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3808/90**of 19 December 1990****determining for 1991 the components intended to ensure protection of cereals and rice processing in Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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⁾,

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

Having regard to Council Regulation (EEC) No 3653/90 of 11 December 1990 laying down transitional measures governing the common organization of the market in cereals and rice in Portugal⁽⁵⁾, and in particular Article 10 (1) thereof,

Whereas Regulation (EEC) No 3653/90 provided for dismantling over a period of 10 years from 1 January 1991 of the charges on imports from the other Member States into Portugal constituting the mixed components intended to protect Portuguese cereal and rice processing; whereas, however, in the case of rice the dismantling process provided for in Article 286 (3) of the Act of Accession should continue to be applicable;

Whereas the base amounts to be adopted for dismantling or approximation are those set by Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed

from cereals and from rice⁽⁶⁾, as last amended by Regulation (EEC) No 1906/87⁽⁷⁾, and those listed in Annex XXIV to the Act of Accession;

Whereas pursuant to Article 287 of the Act of Accession the gap between the fixed components applied in Portugal during the first stage of accession and those forming part of the charge on imports from third countries are to be reduced on 1 January 1991 to 83,3 % of the previous amount; whereas it is this new gap that should be used in determining the fixed components applicable in Portugal;

Whereas the fixed components are an import charge forming part of the import levy; whereas from 1 January 1991 the levy applicable in the Community also applies in Portugal; whereas the provisions of Article 287 of the Act of Accession require that the residual gap between the fixed components applicable in Portugal and those applicable in the Community be fixed, this new gap being added to the levy applicable in Portugal to imports from third countries;

Whereas, however, both Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽⁸⁾ and Council Regulation (EEC) No 3877/86 of 16 December 1986 on imports of rice of the long-grain aromatic Basmati variety of CN codes 1006 10, 1006 20 and 1006 30⁽⁹⁾, apply to Portuguese imports of the products to which they relate;

Whereas a full table of the components intended to protect processing of cereals and rice should be published;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁷⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 361, 20. 12. 1986, p. 1.

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

Dismantling of the fixed components mentioned in Article 273 of the Act of Accession intended to protect processing of cereals and rice shall, where intra-Community trade is concerned, be effected from 1 January 1991:

- for products made from cereals, in 10 equal stages of 10 %, or more if necessary to prevent the protection applicable in trade between Portugal and the other Member States from exceeding that applicable in trade between Portugal and third countries,
- for products made from rice, as provided for in Article 286 (3) of the Act of Accession.

Article 2

1. On importation into Portugal from other Member States of products covered by Regulations (EEC) No 2727/75 and (EEC) No 1418/76 a component intended to protect processing in Portugal shall be charged of an amount indicated in column 3 of the Annex to this Regulation.

2. The levy applied on importation into Portugal of products listed in Annex XXIV to the Act of Accession from third countries shall, without prejudice to Articles 12 and 14 of Regulation (EEC) No 715/90 or to Regulation (EEC) No 3877/86, be increased by the amount shown in column 4 of the Annex to this Regulation.

3. The amounts indicated in the Annex shall be valid from 1 January to 31 December 1991.

Artikel 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

ANNEX

Fixed components applicable in Portugal in 1991

(ECU/tonne)

CN-code	Description	Fixed component applicable in Portugal	Amount to be added to levy in Portugal
(1)	(2)	(3)	(4)
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh or dried, whether or not sliced or in the form of pellets; sago pith:		
0714 10	— Manioc (cassava):		
0714 10 10	— — Pellets of flour and meal	2,72	—
	— — Other:		
0714 10 91	— — — Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	—	—
0714 10 99	— — — Other	2,72	—
0714 90	— Other:		
	— — Arrowroot, salep and similar roots and tubers with high starch content:		
0714 90 11	— — — Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	—	—
0714 90 19	— — — Other	2,72	—
1006 30	— Semi-milled or wholly milled rice, whether or not polished or glazed:		
	— — Semi-milled rice:		
	— — — Parboiled:		
1006 30 21	— — — — Round grain	23,32	12,45
1006 30 23	— — — — Medium grain	23,32	12,52
	— — — — Long grain:		
1006 30 25	— — — — — Of a length/width ratio greater than 2 but not less than 3	23,32	12,52
1006 30 27	— — — — — Of a length/width ratio equal to or greater than 3	23,32	12,52
	— — — Other:		
1006 30 42	— — — — Round grain	23,32	12,45
1006 30 44	— — — — Medium grain	23,32	12,52
	— — — — Long grain:		
1006 30 46	— — — — — Of a length/width ratio greater than 2 but less than 3	23,32	12,52
1006 30 48	— — — — — Of a length/width ratio greater than 2 but less than 3	23,32	12,52
	— — Wholly milled rice:		
	— — — Parboiled:		
1006 30 61	— — — — Round grain	24,99	13,41
1006 30 63	— — — — Medium grain	24,99	13,41
	— — — — Long grain		
1006 30 65	— — — — — Of a length/width ratio greater than 2 but not less than 3	24,99	13,41

(ECU/tonne)			
(1)	(2)	(3)	(4)
1006 30 67	----- Of a length/width ratio equal to or greater than 3	24,99	13,41
1006 30 92	---- Other:		
1006 30 92	----- Round grain	24,99	13,41
1006 30 94	----- Medium grain	24,99	13,41
	----- Long grain:		
1006 30 96	----- Of a length/width ratio greater than 2 but less than 3	24,99	13,41
1006 30 98	----- Of a length/width ratio equal to or greater than 3	24,99	13,41
1101 00 00	Wheat or meslin flour (*)	27,00	6,11
1102	Cereals flours other than of wheat or meslin (*):		
1102 10 00	— Rye flour	27,00	6,11
1102 20	— Maize (corn) flour:		
1102 20 10	-- Of a fat content not exceeding 1,5 by weight	5,44	—
1102 20 90	-- Other:	2,72	—
1102 30 00	— Rice flour	2,52	—
1102 90	— Other:		
1102 90 10	-- Oat flour	5,44	—
1102 90 30	-- Oat flour	5,44	—
1102 90 90	-- Other	2,72	—
1103	Cereal groats, meal and pellets (*):		
	— Groats and meal:		
1103 11	-- Of wheat:		
1103 11 10	---- Durum wheat	27,00	6,11
1103 11 90	---- Common wheat and spelt	28,80	7,77
1103 12 00	-- Of oats	5,44	—
1103 13	-- Of maize (corn):		
	---- Of a fat content not exceeding 1,5 % by weight:		
1103 13 11	----- For the brewing industry	5,44	—
1103 13 19	----- Other	5,44	—
1103 13 90	---- Other	2,72	—
1103 14 00	-- Of rice	2,52	—
1103 19	-- Of other cereals:		
1103 19 10	---- Of rye	5,44	—
1103 19 30	---- Of barley	5,44	—
1103 19 90	---- Other	2,72	—
	— Pellets:		
1103 21 00	-- Of wheat	5,44	—
1103 29	-- Of other cereals:		
1103 29 10	---- Of rye	5,44	—
1103 29 20	---- Of barley	5,44	—
1103 29 30	---- Of oats	5,44	—
1103 29 40	---- Of maize	5,44	—
1103 29 50	---- Of rice	2,52	—
1103 29 90	---- Other	2,72	—

(ECU/tonne)			
(1)	(2)	(3)	(4)
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006; germs of cereals, whole, rolled, flaked or ground (*):		
	– Rolled or flaked grains:		
1104 11	– – Of barley:		
1104 11 10	– – – Rolled	2,72	—
1104 11 90	– – – Flaked	5,44	—
1104 12	– – Of oats:		
1104 12 10	– – – Rolled	2,72	—
1104 12 90	– – – Flaked	5,44	—
1104 19	– – Of other cereals:		
1104 19 10	– – – Of wheat	5,44	—
1104 19 30	– – – Of rye	5,44	—
1104 19 50	– – – Of maize	5,44	—
	– – – Other:		
1104 19 91	– – – – Flaked rice	5,03	—
1104 19 99	– – – – Other	5,44	—
	– Other worked grains (for example, hulled, pearled, sliced or kibbled):		
1104 21	– – Of barley:		
1104 21 10	– – – Hulled (shelled or husked)	2,72	—
1104 21 30	– – – Hulled and sliced or kibbled ('Grütze' or 'grutten')	2,72	—
1104 21 50	– – – Pearled	5,44	—
1104 21 90	– – – Not otherwise worked than kibbled	2,72	—
1104 22	– – Of oats:		
1104 22 10	– – – Hulled (shelled or husked)	2,72	—
1104 22 30	– – – Hulled and sliced or kibbled ('Grütze' or 'grutten')	2,72	—
1104 22 50	– – – Pearled	2,72	—
1104 22 90	– – – Not otherwise worked than kibbled	2,72	—
1104 23	– – Of maize:		
1104 23 10	– – – Hulled (shelled or husked) whether or not sliced or kibbled	2,72	—
1104 23 30	– – – Pearled	2,72	—
1104 23 90	– – – Not otherwise worked than kibbled	2,72	—
1104 29	– – Of other cereals:		
	– – – Hulled (shelled or husked), whether or not sliced or kibbled:		
1104 29 11	– – – – Of wheat	2,72	—
1104 29 15	– – – – Of rye	2,72	—
1104 29 19	– – – – Other	2,72	—
	– – – Pearled:		
1104 29 31	– – – – Of wheat	2,72	—
1104 29 35	– – – – Of rye	2,72	—
1104 29 39	– – – – Other	2,72	—
	– – – Not otherwise worked than kibbled:		
1104 29 91	– – – – Of wheat	2,72	—
1104 29 95	– – – – Of rye	2,72	—
1104 29 99	– – – – Other	2,72	—
1104 30	– Germ of cereals, whole, rolled, flaked or ground:		
1104 30 10	– – Of wheat	5,44	—
1104 30 90	– – Of other cereals	5,44	—

(ECU/tonne)			
(1)	(2)	(3)	(4)
1106	Flour and meal of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714; flour, meal and powder of the products of Chapter 8:		
1106 20	– Flour and meal of sago, roots or tubers of heading No 0714:		
1106 20 10	– – Denatured	2,72	—
	– – Other:		
1106 20 91	– – – For the manufacture of starches	18,50	—
1106 20 99	– – – Other	18,50	—
1107	Malt, whether or not roasted:		
1107 10	– Not roasted:		
	– – Of wheat:		
1107 10 11	– – – In the form of flour	19,80	9,26
1107 10 19	– – – Other	19,80	9,26
	– – Other:		
1107 10 91	– – – In the form of flour	19,80	9,26
1107 10 99	– – – Other	19,80	9,26
1107 20 00	– Roasted	18,00	7,60
1108	Starches; inulin		
	– Starches:		
1108 11 00	– – Wheat starch	18,50	—
1108 12 00	– – Maize (corn) starch	18,50	—
1108 13 00	– – Potato starch (cassava) starch	18,50	—
1108 14 00	– – Manioc	18,50	—
1108 19	– – Other starches:		
1108 19 10	– – – Rice starch	25,68	—
1108 19 90	– – – Other	18,50	—
1109 00 00	Wheat gluten, whether or not dried	163,21	—
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:		
1702 30	– Glucose and glucose syrup, not containing in the dry state less than 20 % by weight of fructose:		
	– – Other:		
	– – – Other:		
1702 30 91	– – – – White crystalline powder, whether or not agglomerated	92,70	5,23
1702 30 99	– – – – Other	81,00	19,58
1702 40	– Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose		
1702 40 90	– – Other	81,00	19,58
1702 90	– Other, including invert sugar:		
1702 90 50	– – Maltodextrine and maltodextrine syrup	81,00	19,58
	– – Sugars and molasses, caramelized:		
	– – – Other:		
1702 90 75	– – – – In the form of powder, whether or not agglomerated	92,70	5,23
1702 90 79	– – – – Other	81,00	19,58

(ECU/tonne)			
(1)	(2)	(3)	(4)
2106	Food preparations not elsewhere specified or included:		
2106 90	— Other		
	— — Syrups of sugar, flavoured or with added colourings:		
	— — — Other:		
2106 90 55	— — — — Glucose syrup and maltodextrine	74,70	15,42
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants:		
2302 10	— Of maize (corn):		
2302 10 10	— — With a starch content not exceeding 35 % by weight	5,40	—
2302 10 90	— — Other	5,40	—
2302 20	— Of rice:		
2302 20 10	— — With a starch content not exceeding 35 % by weight	5,40	—
2302 20 80	— — Other	5,40	—
2302 30	— Of wheat:		
2302 30 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	5,40	—
2302 30 90	— — Other	5,40	—
2302 40	— Of other cereals:		
2302 40 10	— — Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through the sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 %	5,40	—
2302 40 90	— — Other	5,40	—
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets:		
2303 10	— Residues of starch manufacture and similar residues:		
	— — Residues from the manufacture of starch maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product:		
2303 10 11	— — — Exceeding 40 % by weight	163,21	
2309	Preparations of a kind used in animal feeding:		
2309 10	— Dog or cat food, put up for retail sale:		
	— — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:		
	— — — Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:		
	— — — — Containing no starch or containing 10 % or less by weight of starch:		
2309 10 11	— — — — — Containing no milk products or containing less than 10 % by weight of such products	9,79	—

(ECU/tonne)

(1)	(2)	(3)	(4)
2309 10 13	----- Containing not less than 10 % but less than 50 % by weight of milk products	9,79	—
	----- Containing more than 10 % but not more than 30 % by weight of starch:		
2309 10 31	----- Containing no milk products or containing less than 10 % by weight of such products	9,79	—
2309 10 33	----- Containing not less than 10 % but less than 50 % by weight of milk products	9,79	—
	----- Containing more than 30 % by weight of starch:		
2309 10 51	----- Containing no milk products or containing less than 10 % by weight of such products	9,79	—
2309 10 53	----- Containing not less than 10 % but less than 50 % by weight of milk products	9,79	—
2309 90	— Other:		
	— Other:		
	----- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:		
	----- Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:		
	----- Containing no starch or containing 10 % or less by weight of starch:		
2309 90 31	----- Containing no milk products or containing less than 10 % by weight of such products	9,79	—
2309 90 33	----- Containing not less than 10 % but less than 50 % by weight of milk products	9,79	—
	----- Containing more than 10 % but not more than 30 % by weight of starch:		
2309 90 41	----- Containing no milk products or containing less than 10 % by weight of such products	9,79	—
2309 90 43	----- Containing not less than 10 % but less than 50 % by weight of milk products	9,79	—
	----- Containing more than 30 % by weight of starch:		
2309 90 51	----- Containing no milk products or containing less than 10 % by weight of such products	9,79	—
2309 90 53	----- Containing not less than 10 % but less than 50 % by weight of milk products	9,79	—

(¹) In order to distinguish between products falling within subheading 1101 00 00 and heading Nos 1102, 1103 and 1104 of the combined nomenclature on the one hand, and within subheadings 2302 10 to 2302 40 on the other, those products shall be considered as falling within subheadings 1101 00 00 and heading Nos 1102, 1103 and 1104 which simultaneously have:

- a starch content (determined by the modified Ewers polarimetric method) of more than 45 % (by weight) calculated on the dry product,
- an ash content (by weight) calculated on the dry product (after deduction of any added minerals) or 1,6 % or less for rice, 2,5 % less for wheat or rye, 3 % or less for barley, 4 % or less for buckwheat, 5 % or less for oats and 2 % or less for the other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within subheading 1101 00 00 and heading No 1102.

COMMISSION REGULATION 3809/90

of 19 December 1990

laying down general rules for stocks of maize in Portugal on 1 January 1991

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) 3653/90 of
on transitional measures on the common organization of
the markets in cereals and rice in Portugal ⁽¹⁾, and in
particular Article 10 thereof,

Whereas, from 1 January 1991, the market price for
maize in Portugal will be aligned to the market price of
this cereal in the Community; whereas the latter price
may be considerably lower than that applicable in
Portugal under the national organization of the market
during the first stage of accession; whereas, in order to
ensure a harmonious transition from the national scheme
to the Community scheme, provision should be made for
compensation of the fall in price of the quantities of
maize originating from the national harvest still in stock
on 1 January 1991;

Whereas the level of this compensation must reflect the
difference between the market price in the most
representative Portuguese regions for marketing maize
and the Portuguese guide price;

Whereas the proper functioning of the scheme makes it
necessary for Portugal to carry out administrative
checks, ensuring that aid is granted in accordance with
the prescribed conditions; whereas aid applications must
include a minimum amount of information for the
purposes of the checks to be carried out by Portugal;

Whereas, in the interests of efficiency, provision should
be made for random on-the-spot checks of the accuracy
of applications submitted; whereas these checks must be
made on a sufficiently representative number of aid
applications;

Whereas provision should be made for the recovery of
aid in cases of undue payment as well as appropriate
penalties for false declarations;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid may be granted to traders and industrial processors
located in Portugal for stocks of maize harvested in
Portugal and belonging to them on 1 January 1991.

Article 2

The minimum required quantity on 1 January 1991
enabling stocks to qualify for the aid referred to in
Article 1 shall be 20 tonnes.

Article 3

1. To qualify for the aid referred to in Article 1,
applicants must have lodged an application with INGA
by registered mail or by any other form of written tele-
communication by 7 January 1991 at the latest.

2. Applications must include the following infor-
mation at least:

- name and address of applicant,
- quantity,
- place of storage,
- a declaration certifying that the maize was harvested
in Portugal,
- a undertaking by the applicant to submit to any
checks made to verify the accuracy of the application.

Article 4

1. The Portuguese authorities shall institute an admin-
istrative control scheme ensuring that the conditions for
the grant of aid are satisfied. They shall make
on-the-spot checks on the accuracy of all applications
presented.

2. A report must be made out on each on-the-spot
check.

Article 5

For the purposes of entitlement to the aid the operative
event as referred to in Article 6 of Council Regulation
(EEC) No 1676/85 ⁽²⁾ shall be deemed to have occurred
on 1 January 1991.

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

Article 6

1. If control reveals a discrepancy in aid applications of up to 10 % or 10 tonnes at a maximum between the quantity applied for and that measured, the aid shall be calculated on the basis of the quantity measured less the excess found.
2. If the said excess is greater than the limits laid down in paragraph 1, the application shall be rejected.
3. In the event of undue payment of aid, the amount concerned shall be recovered plus interest of 15 % calculated on the basis of the time elapsing between payment of the aid and its reimbursement by the beneficiary. Amounts recovered shall be paid to the disbursing agency and shall be deducted from the expenditure financed by the Guarantee Section of the EAGGF.

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

Done at Brussels, 19 December 1990

Article 7

The aid indicated in Article 1 shall, if it is required, be fixed using the procedure set out in Article 26 of Council Regulation (EEC) No 2727/75 ⁽¹⁾.

It shall amount to the difference between the guide price applicable for maize in Portugal on 31 December 1990 and the market price recorded in Portugal in the most representative regions for the marketing of maize. It may not however exceed the difference between the abovementioned guide price and the intervention purchase price.

Article 8

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

It shall apply from 1 January 1991.

For the Commission

Ray MAC SHARRY

Member the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, s. 1.

COMMISSION REGULATION (EEC) No 3810/90

of 19 December 1990

laying down the accession compensatory amounts applicable to Portugal in the cereals sector for the 1990/91 marketing year and the coefficient to be used for calculating the amounts applicable to processed products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3654/90 of 11 December 1990 laying down the general rules for the scheme of accession compensatory amounts in the cereals sector during the second stage of accession of Portugal ⁽¹⁾, and in particular Article 5 thereof,

Whereas, in view of the alignment, with effect from 1 January 1991, of Portuguese prices on Community prices for all cereals with the exception of common wheat, accession compensatory amounts should be fixed for the latter and products derived therefrom only;

Whereas, in accordance with Regulation (EEC) No 3654/90, the accession compensatory amounts applicable to processed products are obtained by adjusting those applicable to the products from which they are derived by of coefficients to be determined; whereas the said coefficients must be fixed in the light of the fact that the

accession compensatory amounts apply to imports, exports and trade between Portugal and the other Member States alike;

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

HAS ADOPTED THIS REGULATION:

Article 1

The accession compensatory amounts applicable for the 1990/91 marketing year to common wheat and products derived therefrom referred to in Article 1(a), (c) and (d) of Council Regulation (EEC) No 2727/75 ⁽²⁾ shall be as laid down in the Annex hereto.

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 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 362, 27. 12. 1990, p. 31.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

ANNEX

CN code	Coefficient	Accession compensatory amount (in ecu/tonne)
1001 90 91	—	39,71
1001 90 99	—	39,71
1101 00 00	1,34	53,21
1103 11 90	1,45	57,58
1103 21 00	1,02	40,50
1104 19 10	1,02	40,50
1104 29 11	1,02	40,50
1104 29 31	1,02	40,50
1104 29 91	1,02	40,50
1104 30 10	0,75	29,78
1107 10 11	1,78	70,68
1107 10 19	1,33	52,81
1108 11 00	1,69	67,11
1109 00 00	2,3	91,33
2302 30 10	0,14	5,56
2302 30 90	0,29	11,52

COMMISSION REGULATION (EEC) No 3811/90

of 19 December 1990

setting accession compensatory amounts applicable on rice sector products in Portugal in the 1990/91 marketing year

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 3654/90 of 11 December 1990 laying down general rules for the system of accession compensatory amounts applicable to cereals and during the second stage of the accession of Portugal⁽¹⁾, and in particular Article 5 thereof;

Whereas an intervention price for paddy rice applicable in Portugal in the 1990/91 marketing year was set by Council Regulation (EEC) No 3653/90 of 11 December 1990 laying down transitional measures governing the common organization of the market in cereals and rice in Portugal⁽²⁾; whereas setting of this price necessitates application of accession compensatory amounts on paddy, husk, semi-milled and fully milled rice;

Whereas these amounts must be determined as specified in Article 2 (1) of Council Regulation (EEC) No 3654/90;

Whereas during the first stage the market price of broken rice in Portugal has differed only minimally from the Community threshold price; whereas no accession compensatory amount should therefore be applied to this product or products made from it;

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

HAS ADOPTED THIS REGULATION:

Article 1

The accession compensatory amounts indicated in the Annex to this Regulation shall be applicable in the 1990/91 marketing year to the products listed at (a) in Article 1 of Council Regulation (EEC) No 1418/76⁽³⁾.

Article 2

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

It shall be applicable from 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 362, 27. 12. 1990, p. 31.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

ANNEX

CN code	Accession compensatory amount (ECU/tonne)
1006 10 21	29,07
1006 10 23	29,07
1006 10 25	29,07
1006 10 27	29,07
1006 10 92	29,07
1006 10 94	29,07
1006 10 96	29,07
1006 10 98	29,07
1006 20 11	36,34
1006 20 13	36,34
1006 20 15	36,34
1006 20 17	36,34
1006 20 92	36,34
1006 20 94	36,34
1006 20 96	36,34
1006 20 98	36,34
1006 30 21	44,03
1006 30 23	49,12
1006 30 25	49,12
1006 30 27	49,12
1006 30 42	44,03
1006 30 44	49,12
1006 30 46	49,12
1006 30 48	49,12
1006 30 61	46,89
1006 30 63	52,67
1006 30 65	52,67
1006 30 67	52,67
1006 30 92	46,89
1006 30 94	52,67
1006 30 96	52,67
1006 30 98	52,67

COMMISSION REGULATION (EEC) No 3812/90

of 19 December 1990

laying down detailed rules for the application of the supplementary trade mechanism to milk products imported into Portugal from the Community of Ten and Spain

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, and in particular Article 251 thereof,

Having regard to Council Regulation (EEC) No 3792/85 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽¹⁾, and in particular Article 13 thereof,

Having regard to Council Regulation (EEC) No 3577/90 of 4 December 1990 on 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⁽²⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 569/86 laying down general rules for the application of the supplementary mechanism applicable to trade⁽³⁾, as last amended by Regulation (EEC) No 1637/90⁽⁴⁾, and in particular Article 7 (1) thereof,

Whereas Council Regulation (EEC) No 3659/90 of 11 December 1990 on the products subject to the supplementary trade mechanism during the second stage⁽⁵⁾ provides that the said mechanism should apply from 1 January 1991 to 31 December 1995 to the milk products listed in the Annex thereto; whereas, in addition, Commission Regulation (EEC) No 574/86⁽⁶⁾, as last amended by Regulation (EEC) No 4026/89⁽⁷⁾, laid down the detailed rules for the application of the supplementary trade mechanism for all agricultural sectors; whereas the specific provisions relating to the milk and milk products concerned and delivered to Portugal should be laid down;

Whereas provision should be made for indicative ceilings on imports into Portugal from the Community of Ten

during 1991, fixed on the basis of forward estimate and timetable; whereas, for practical management reasons, such ceilings should be fixed not by marketing year but by calendar year; whereas a derogation should be made from Article 15 of Commission Regulation (EEC) No 3719/88⁽⁸⁾, as last amended by Regulation (EEC) No 1599/90⁽⁹⁾, and from Article 6 (2) of Regulation (EEC) No 574/86 as regards the application for and issue of STM licences, their period of validity and the amount of the securities differentiated by product in order to ensure that the system functions smoothly;

Whereas under Article 5 (2) of Regulation (EEC) No 3792/85 the supplementary trade mechanism for imports from the Community into Portugal applies automatically to imports from Spain; whereas it is agreed to be taken into consideration when fixing the ceilings;

Whereas Community traders may export cheese to Portugal only under certain restrictive conditions, concerning in particular the length of time they have been practising their trade; whereas this rule should be derogated from for 1991 to the benefit of traders located in the territory of the former German Democratic Republic in order to allow them to export cheese to Portugal;

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

1. The indicative ceilings for the period from 1 January to 31 December 1991 shall be those laid down in the Annex hereto.
2. For the purposes of fixing and applying indicative ceilings, the marketing year shall correspond to the calendar year.

Article 2

1. The maximum quantity for which licences may be issued in any quarter shall be 25 % of the quantities shown in the Annex.
2. Applications for STM licences for cheeses must indicate the type concerned for each quantity.

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽⁴⁾ OJ No L 153, 19. 6. 1990, p. 24.

⁽⁵⁾ OJ No L 362, 27. 12. 1990, p. 38.

⁽⁶⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁷⁾ OJ No L 382, 30. 12. 1989, p. 62.

⁽⁸⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁹⁾ OJ No L 151, 15. 6. 1990, p. 29.

3. Notwithstanding:

- (a) Article 15 of Regulation (EEC) No 3719/88, applications for STM licences lodged during a week shall be deemed to have been lodged on the following Monday, before 1 p. m.;
- (b) the first and second subparagraphs of Article 6 (2) of Regulation (EEC) No 574/86, Member States shall inform the Commission, before 1 p. m. each Wednesday, of the quantity, broken down by product concerned, in respect of which applications for licences were deemed to have been lodged by the previous Monday. Member States shall issue STM licences on the following Monday for the quantities applied for, unless the Commission has taken special measures.

Article 3

With regard to cheeses falling within CN code 0406, an STM licence may be applied for only by an undertaking which is recognized as having trader status in the Member State in which it is established and which has been trading in cheeses for at least 12 months.

However, until 31 December 1991, traders who have been established for at least 12 months in the territory of the former German Democratic Republic shall not be obliged to have been trading for at least 12 months.

Article 4

1. The quantity covered by an application for an STM licence may not for any undertaking exceed in any quarter that laid down in Article 2 (1).

Applications shall not be valid unless the applicant declares in writing that he has not lodged and will not lodge applications covering the same product in any other Member State; should applications be lodged by an applicant in two or more Member States they shall be invalid.

All applications made by an applicant in a single Member State shall be considered as a single application.

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

Done at Brussels, 19 December 1990

2. For all products listed in the Annex STM licences shall be valid for 21 days from the actual date of issue, in accordance with Article 21 (2) of Regulation (EEC) No 3719/88.

3. Notwithstanding Article 2 (2) of Regulation (EEC) No 574/86, the rights deriving from the STM licence shall not be transferable during the period of its validity.

4. Notwithstanding the third subparagraph of Article 6 (2) of Regulation (EEC) No 574/86, where the single coefficient for reducing the quantities is applied, the obligation to use the licence shall stand.

Article 5

The amount of the security referred to in Article 1 (3) of Regulation (EEC) No 569/86 shall be as follows for the products listed in the Annex:

- ECU 4/100 kg for the products falling within CN codes 0401 10 10, 0401 20 11, 0401 20 91 listed in the Annex;
- ECU 25/100 kg for the cheeses listed in the Annex.

Article 6

These provisions shall apply *mutatis mutandis* to imports from Spain

Article 7

Portugal shall notify the Commission, no later than 45 days after the end of the monthly period concerned, of the quantities of products actually imported, broken down by product and, where appropriate, by category.

Article 8

Portugal shall notify the Commission not later than 15 October each year of the production and consumption forecasts for that Member State for the following year.

Article 9

This Regulation shall enter into force on 1 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Milk and milk products

Indicative ceilings

CN code	Description	(tonnes) Quantities Community of Ten and Spain
	Milk and cream, not concentrated or containing sugar or any other sweetening matter	
0401 10 10	Of a fat content, by weight, not exceeding 6 %, in immediate packings of a net content not exceeding two litres	1,713
0401 20 11	Of a fat content, by weight, exceeding 1 % but not exceeding 3 %, in immediate packings of a net content not exceeding two litres	6,712
0401 20 21	Of a fat content, by weight, exceeding 3 % but not exceeding 6 %, in immediate packings of a net content not exceeding two litres	15,098
0406 90 21	Cheddar	142
0406 90 23	Edam	480
0406 90 77	Danbo, Fontal, Fontina, Fynbo, Gouda, Havarti, Maribo, Samsø	480
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	305

COMMISSION REGULATION (EEC) No 3813/90

of 19 December 1990

laying down the level of the accession compensatory amounts for milk and milk products
applicable between the Community of Ten and Portugal and third countries

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3640/90 of 11 December 1990 laying down general rules
for the system of accession compensatory amounts for
milk and milk products during the second stage of the
accession of Portugal⁽¹⁾, and in particular Article 6
thereof,

Whereas, pursuant to Article 310(2) of the Act of
Accession of Spain and Portugal, from the beginning of
the second transitional stage, i.e. from 1 January 1991,
the compensatory amounts applicable in trade between
the Community of Ten and Portugal and between
Portugal and third countries are equal to the difference
between the common prices and the prices fixed in
Portugal; whereas this price difference exists for
skimmed-milk powder only; whereas, pursuant to Article
311 of the Act, the accession compensatory amounts
should be fixed also for the other milk products taking
into consideration only the non-fat content of the milk;

Whereas however such a fixation is not necessary for
products derived exclusively from sheep and/or goats
milk, taking into account the market prices for these
products;

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

The accession compensatory amounts applicable in trade
between the Community as constituted at 31 December
1985 and Portugal, and in trade between Portugal and
third countries for the milk and milk products listed in
the Annex hereto shall be as shown in the Annex.

However, no accession compensatory amount shall be
granted in respect of milk products falling within CN
codes 0401, 0402, 0403 and 0404 containing goat's or
sheep's milk or cream.

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 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 362, 27. 12. 1990, p. 3.

ANNEX

Accession compensatory amounts applicable in trade between the Community of Ten and Portugal and between Portugal and third countries

(Amounts to be charged on imports and granted on exports by Portugal unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, not concentrated nor containing added sugar or other, sweetening matter, excluding goat's or sheep's milk and cream	(¹)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream:	
0402 10	— in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 %:	
	— — not containing added sugar or other sweetening matter, for human consumption (²)	37,57
	— — other (containing sugar or other sweetening matter)	0,3757 per kg (⁴)
	— in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 %:	
0402 21	— — not containing added sugar or other sweetening matter:	
	— — — with a fat content, by weight, not exceeding 27 %	27,46
	— — — with a fat content, by weight, exceeding 27 % but not exceeding 45 %	21,24
	— — — with a fat content, by weight, exceeding 45 %	14,14
0402 29	— — other:	
	— — — with a fat content, by weight, not exceeding 27 %:	
0402 29 11	— — — — special milk for infants, in hermetically sealed containers of a net content not exceeding 500 g, with a fat content, by weight, exceeding 10 %	0,2746 per kg (⁴)
	— — — — other	0,2746 per kg (⁴)
	— — — with a fat content, by weight, exceeding 27 % but not exceeding 45 %	0,2124 per kg (⁴)
	— — — with a fat content, by weight, exceeding 45 %	0,1414 per kg (⁴)
	— other (not in powder, granules or other solid forms):	
0402 91	— — not containing added sugar or other sweetening matter:	
	— — — with a fat content, by weight, not exceeding 8 %	6,83
	— — — with a fat content, by weight, exceeding 8 % but not exceeding 10 %	6,83
	— — — with a fat content, by weight, exceeding 10 %	(³)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0402 99	— — other:	
	— — — with a fat content, by weight, not exceeding 9,5 %	8,57 ⁽³⁾
	— — — with a fat content, by weight, exceeding 9,5 %	(⁽⁴⁾)
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0403 10	— Yoghurt:	
	— — not flavoured nor containing added fruit or cocoa:	
	— — — not containing added sugar or other sweetening matter,	(⁽¹⁾)
	— — — other	(⁽⁴⁾)
0403 90	— other:	
	— — not flavoured nor containing added fruit or cocoa:	
	— — — not containing added sugar or other sweetening matter,	(⁽¹⁾)
	— — — other	(⁽⁴⁾)
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0404 10	— whey, whether or not concentrated or containing added sugar or other sweetening matter	33,30
0404 90	— other (⁽⁷⁾):	
	— — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times$ 6,38), by weight:	
	— — — not exceeding 42 % and of a fat content, by weight:	
0404 90 11	— — — — not exceeding 1,5 %	37,57
0404 90 13	— — — — exceeding 1,5 %, but not exceeding 27 %	27,46
0404 90 19	— — — — exceeding 27 %	21,24
	— — — exceeding 42 %, and of a fat content, by weight:	
0404 90 31	— — — — not exceeding 1,5 %	37,57
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	27,46

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0404 90 39	— — — — exceeding 27 % — — other, of a protein content (nitrogen content $\times$ 6,38), by weight: — — — not exceeding 42 %, and of a fat content, by weight:	21,24
0404 90 51	— — — — not exceeding 1,5 %	0,3757 per kg (*)
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,2746 per kg (*)
0404 90 59	— — — — exceeding 27 % — — — exceeding 42 %, and of a fat content, by weight:	0,2124 per kg (*)
0404 90 91	— — — — not exceeding 1,5 %	0,3757 per kg (*)
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,2746 per kg (*)
0404 90 99	— — — — exceeding 27 %	0,2124 per kg (*)
0406	Cheese and curd:	
ex 0406 10	— fresh cheese (including whey cheese), not fermented, and curd (excluding cheese manufactured exclusively from sheep's or goat's milk):	4,30
0406 20	— grated or powdered cheese, of all kinds:	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	10,65
0406 20 90	— — other	12,83
0406 30	— processed cheese, not grated or powdered:	
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 %	14,08
0406 30 31 } 0406 30 39 } 0406 30 90 }	— — other	12,83
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclu- sively from sheep's or goat's milk)	9,44
ex 0406 90	— other cheese (excluding cheese manufactured exclusively from sheep's or goat's milk):	
ex 0406 90 11	— — for processing — — other:	12,83
ex 0406 90 13	— — — Emmentaler	14,08
ex 0406 90 15	— — — Gruyère, Sbrinz	14,08

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0406 90 17	--- Bergkäse, Appenzell, Vacherin fribourgeois, Vacherin Mont d'Or and Tête de Moine	14,08
ex 0406 90 19	--- Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	10,65
ex 0406 90 21	--- Cheddar	12,83
ex 0406 90 23	--- Edam	12,46
ex 0406 90 25	--- Tilsit	12,46
ex 0406 90 27	--- Butterkäse	12,46
ex 0406 90 29	--- Kashkaval	12,46
	--- Feta:	
ex 0406 90 31	---- of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	---- other	12,46
ex 0406 90 35	--- Kefalotyri	12,46
ex 0406 90 37	--- Finlandia	12,46
ex 0406 90 39	--- Jarlsberg	12,46
	--- other:	
0406 90 50	---- cheese of sheep's milk or buffalo milk in containers, containing brine, or in sheep or goatskin bottles	—
	---- other:	
	----- of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter:	
	----- not exceeding 47 %:	
0406 90 61	----- Grana Padano, Parmigiano Reggiano	—
0406 90 63	----- Fiore Sardo, Pecorino	—
ex 0406 90 69	----- other	12,46
	----- exceeding 47 % but not exceeding 72 %	12,46
	----- exceeding 72 %:	
ex 0406 90 91	----- fresh cheese, fermented	4,30
ex 0406 90 93	----- other	4,30
	----- other:	
ex 0406 90 97	----- fresh cheese, fermented	4,30
ex 0406 90 99	----- other	4,30

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
1702 10	— lactose and lactose syrup: (*)	
1702 10 90	— — other	26,02
2106	Food preparations not elsewhere specified or included:	
2106 90	— other:	
	— — flavoured or coloured sugar syrups:	
	— — — other:	
2106 90 51	— — — — lactose syrup	26,02

(*) The compensatory amount per 100 kg net of these products shall be equal to an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kg net of the product multiplied by ECU 0,0249.

(*) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those imported into Portugal under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 186, 6. 7. 1976, p. 9).

(*) The compensatory amount per 100 kg net of these products shall be equal to an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kg net of the products multiplied by ECU 0,2739.

(*) The compensatory amount per 100 kg net of these products is equal to the amount per kilogram indicated multiplied by the weight of milk and cream contained in 100 kg of finished product less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.

Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.

(*) The compensatory amount per 100 kg net of these products is equal to the amount indicated less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.

Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.

(*) The compensatory amount per 100 kg net of these products is equal to the amount corresponding to the quantity in kilograms of the non-fat milk solids and content in 100 kg net of product multiplied by ECU 0,2739, less an amount for the percentage of sucrose or other sweetening matter content of 100 kg net of product multiplied by the compensatory amount applicable to 1 kg of white sugar.

Where the result of the subtraction is negative, the resulting amount is to be charged on imports or granted on exports by the Member State concerned other than Spain or Portugal.

(*) The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amount applicable to each of the constituents taking account of the quantities incorporated.

(*) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.

NB: In the case of goat's and sheep's milk and cream and the products manufactured exclusively from these products:

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
- the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the product in question was manufactured exclusively from sheep's or goat's milk.

COMMISSION REGULATION (EEC) No 3814/90

of 19 December 1990

laying down the level of the accession compensatory amounts for milk and milk products
applicable from 1 January 1991 in trade between Spain and Portugal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3792/85 of 20 December 1985 laying down the
arrangements applicable to trade in agricultural products
between Spain and Portugal ⁽¹⁾, and in particular Article
13 thereof,

Having regard to Council Regulation (EEC) No
3640/90 of 11 December 1990 laying down general rules
for the system of accession compensatory amounts for
milk and milk products during the second stage of the
accession of Portugal ⁽²⁾, and in particular Article 6
thereof,

Whereas Articles 310 (2) and 311 of the Act of Accession
of Spain and Portugal lays down the rules for estab-
lishing the accession compensatory amounts applicable in
trade between the Community of Ten and Portugal;
whereas, pursuant to Article 3 of the abovementioned
Regulation, the same rules are to be applied in trade
between Portugal and Spain;

Whereas, however, such a fixation is not necessary for
products derived exclusively from sheep and/or goats

milk, taking into account the market prices for these
products;

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

The accession compensatory amounts applicable in trade
between Spain and Portugal for the milk and milk
products listed in the Annex hereto shall be as shown in
the Annex.

However, no accession compensatory amount shall be
applicable in respect of the milk products falling within
CN codes 0401, 0402, 0403 and 0404 containing goat's
or sheep's milk or cream.

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 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 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 3.

ANNEX

Accession compensatory amounts applicable in trade between Spain and Portugal

(Amounts to be charged on imports and granted on exports by Spain unless otherwise indicated)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0401	Milk and cream, fresh not concentrated nor containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream	(¹)
ex 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter, excluding goat's or sheep's milk and cream:	
0402 10	— in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 %:	
	— — not containing added sugar or other sweetening matter, for human consumption (²)	—
	— — other (containing sugar or other sweetening matter)	—
	— in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 %:	
0402 21	— — not containing added sugar or other sweetening matter:	
	— — — with a fat content, by weight, not exceeding 27 %	3,98
	— — — with a fat content, by weight, exceeding 27 % but not exceeding 45 %	7,24
	— — — with a fat content, by weight, exceeding 45 %	7,22
0402 29	— — other:	
	— — — with a fat content, by weight, not exceeding 27 %:	
0402 29 11	— — — — special milk for infants, in hermetically sealed containers of a net content not exceeding 500 g, with a fat content, by weight, exceeding 10 %	0,0398 per kg (⁴)
	— — — — other	0,0398 per kg (⁴)
	— — — with a fat content, by weight, exceeding 27 % but not exceeding 45 %	0,0724 per kg (⁴)
	— — — with a fat content, by weight, exceeding 45 %	0,0722 per kg (⁴)
	— other (not in powder, granules or other solid forms):	
0402 91	— — not containing added sugar or other sweetening matter:	
	— — — with a fat content, by weight, not exceeding 8 %	4,29
	— — — with a fat content, by weight, exceeding 8 % but not exceeding 10 %	4,29
	— — — with a fat content, by weight, exceeding 10 %	(³)
0402 99	— — other:	
	— — — with a fat content, by weight, not exceeding 9,5 %	— (³)
	— — — with a fat content, by weight, exceeding 9,5 %	(⁴)

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa, excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0403 10	— Yoghurt: — — not flavoured nor containing added fruit or cocoa: — — — not containing added sugar or other sweetening matter — — — other	(¹) (⁶)
0403 90	— other: — — not flavoured nor containing added fruit or cocoa: — — — not containing added sugar or other sweetening matter — — — other	(¹) (⁶)
ex 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included excluding products manufactured exclusively from goat's and sheep's milk and cream:	
0404 10	— whey, whether or not concentrated or containing added sugar or other sweetening matter	33,30 (¹⁰)
0404 90	— other (⁷): — — not containing added sugar or other sweetening matter, of a protein content (nitrogen content $\times$ 6,38), by weight: — — — not exceeding 42 % and of a fat content, by weight:	
0404 90 11	— — — — not exceeding 1,5 %	—
0404 90 13	— — — — exceeding 1,5 % but not exceeding 27 %	3,98
0404 90 19	— — — — exceeding 27 % — — — exceeding 42 %, and of a fat content, by weight:	7,24
0404 90 31	— — — — not exceeding 1,5 %	—
0404 90 33	— — — — exceeding 1,5 % but not exceeding 27 %	3,98
0404 90 39	— — — — exceeding 27 % — — other, of a protein content (nitrogen content $\times$ 6,38), by weight: — — — not exceeding 42 %, and of a fat content, by weight:	7,24
0404 90 51	— — — — not exceeding 1,5 %	—
0404 90 53	— — — — exceeding 1,5 % but not exceeding 27 %	0,0398 per kg (¹)
0404 90 59	— — — — exceeding 27 % — — — exceeding 42 %, and of a fat content, by weight:	0,0724 per kg (¹)
0404 90 91	— — — — not exceeding 1,5 %	—

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
0404 90 93	— — — — exceeding 1,5 % but not exceeding 27 %	0,0398 per kg (*)
0404 90 99	— — — — exceeding 27 %	0,0724 per kg (*)
0405	Butter and other fats and oils derived from milk:	
0405 00 10	— of a fat content, by weight, not exceeding 85 %:	
	— — of a fat content, by weight, of less than 80 %	0,1887 (?) ⁽¹⁰⁾
	— — of a fat content, by weight:	
	— — — of at least 80 %, but less than 82 %	15,10 ⁽¹⁰⁾
	— — — of at least 82 %, but less than 84 %	15,47 ⁽¹⁰⁾
	— — — of at least 84 %	0,1887 (?) ⁽¹⁰⁾
0405 00 90	— other	0,1887 (?) ⁽¹⁰⁾
0406	Cheese and curd:	
ex 0406 10	— fresh cheese (including whey cheese), not fermented, and curd (excluding cheese manufactured exclusively from sheep's or goat's milk):	16,66
0406 20	— grated or powdered cheese, of all kinds:	
0406 20 10	— — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	—
0406 20 90	— — other	13,12
0406 30	— processed cheese, not grated or powdered:	
0406 30 10	— — in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 %	9,17
0406 30 31	— — other	22,43
0406 30 39		
0406 30 90		
ex 0406 40 00	— blue-veined cheese (excluding cheese manufactured exclu- sively from sheep's or goat's milk)	3,42
ex 0406 90	— other cheese (excluding cheese manufactured exclusively from sheep's or goat's milk):	
ex 0406 90 11	— — for processing	22,43
	— — other:	
ex 0406 90 13	— — — Emmentaler	9,17
ex 0406 90 15	— — — Gruyère, Sbrinz	9,17
ex 0406 90 17	— — — Bergkäse, Appenzell, Vacherin fribourgeois, Vacherin Mont d'Or and Tête de Moine	9,17
ex 0406 90 19	— — — Glarus herb cheese (known as Schabziger) made from skimmed milk and mixed with finely ground herbs	—

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
ex 0406 90 21	--- Cheddar	22,43
ex 0406 90 23	--- Edam	12,40
ex 0406 90 25	--- Tilsit	12,40
ex 0406 90 27	--- Butterkäse	12,40
ex 0406 90 29	--- Kashkaval	12,40
	--- Feta:	
ex 0406 90 31	----- of sheep's milk or buffalo milk in containers containing brine, or in sheep or goatskin bottles	—
ex 0406 90 33	----- other	12,40
ex 0406 90 35	--- Kefalotyri	12,40
ex 0406 90 37	--- Finlandia	12,40
ex 0406 90 39	--- Jarlsberg	12,40
	--- other:	
0406 90 50	----- cheese of sheep's milk or buffalo milk in containers, containing brine, or in sheep or goatskin bottles	—
	----- other:	
	----- of a fat content, by weight, not exceeding 40 % and a water content calculated, by weight, of the non-fatty matter:	
	----- not exceeding 47 %:	
0406 90 61	----- Grana Padano, Parmigiano Reggiano	—
0406 90 63	----- Fiore Sardo, Pecorino	—
ex 0406 90 69	----- other	13,49
	----- exceeding 47 % but not exceeding 72 %	12,40
	----- exceeding 72 %:	
ex 0406 90 91	----- fresh cheese, fermented	15,66
ex 0406 90 93	----- other	15,66
	----- other:	
ex 0406 90 97	----- fresh cheese, fermented	16,33
ex 0406 90 99	----- other	16,33
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
1702 10	— lactose and lactose syrup ⁽¹⁾ :	
1702 10 90	— other	19,29 ⁽¹⁾

CN code	Description of goods	Compensatory amount in ECU/100 kg net weight (except where otherwise indicated)
2106	Food preparations not elsewhere specified or included:	
2106 90	— other:	
	— — flavoured or coloured sugar syrups:	
	— — — other:	
2106 90 51	— — — — lactose syrup	19,29 ⁽¹⁰⁾

- (¹) The compensatory amount per 100 kg net of these products shall be equal to the sum of the following components:
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kg net of the product multiplied by ECU 0,0429,
 - an amount corresponding to the quantity in kilograms of the non-fat part contained in 100 kg net of the product multiplied by ECU 0,009818.
- (²) 'Products intended for human consumption' are products other than those denatured in accordance with the provisions of Commission Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) or Commission Regulation (EEC) No 3714/84 (OJ No L 341, 29. 12. 1984, p. 65) or those imported into Spain under the arrangements laid down in Commission Regulation (EEC) No 1624/76 (OJ No L 186, 6. 7. 1976, p. 9).
- (³) The compensatory amount per 100 kg net of these products shall be equal to the sum of the following components:
- an amount corresponding to the quantity of milk fat, expressed as a percentage, contained in 100 kg of the product multiplied by ECU 0,0429,
 - an amount corresponding to the quantity in kilograms of the non-fat solids contained in 100 kg net of the product multiplied by ECU 0,107998.
- (⁴) The compensatory amount per 100 kg net of these products shall be equal to the sum of:
- the amount per kilograms indicated multiplied by the weight of milk an cream contained in 100 kg of finished product,
 - an additional amount for each percentage point of sucrose content of 100 kg net of the product, equal to the compensatory amount applicable to 1 kg of white sugar.
- (⁵) The compensatory amount per 100 kg net of these product shall be equal to the sum of:
- the amount indicated,
 - an additional amount for each percentage point of sucrose content of 100 kg net of the product, equal to the compensatory amount applicable to 1 kg of white sugar.
- (⁶) The compensatory amount per 100 kg net of these products shall be equal to the sum of the following components:
- an amount corresponding to the quantity of milk fat expressed as a percentage, contained in 100 kg net of the product, multiplied by ECU 0,0429,
 - an amount corresponding to the quantity in kilograms of the non-fat milk solids contained in 100 kg net of the product multiplied by ECU 0,107998,
 - an additional amount for each percentage point of sucrose content of 100 kg net of the product, equal to the compensatory amount applicable to 1 kg of white sugar.
- (⁷) The compensatory amount for 100 kg net of these products shall be equal to the amount indicated multiplied by the weight of the fat contained in 100 kg of finished product.
- (⁸) Where the products falling within this code are subject to the measures laid down in Commission Regulations (EEC) No 3143/85 (OJ No L 298, 12. 11. 1985, p. 9), (EEC) No 570/88 (OJ No L 55, 1. 3. 1988, p. 31) or (EEC) No 429/90 (OJ No L 45, 21. 2. 1990, p. 8), no accession compensatory amount is to apply.
- (⁹) The accession compensatory amount for products comprising various milk products is equal to the sum of the compensatory amounts applicable to each of the constituents taking account of the quantities incorporated.
- (¹⁰) Amount to be charged on imports and granted on exports by Portugal.
- (¹¹) In accordance with Council Regulation (EEC) No 504/86 (OJ No L 54, 1. 3. 1986, p. 54), the accession compensatory amount for products falling within CN code 1702 10 10 shall be the same as for those falling within CN code 1702 10 90.

NB: In the case of goat's and sheep's milk and cream and the products manufactured exclusively from these products:

- the analysis check shall be carried out by immunochemical and/or electrophoretic methods, supplemented as necessary by HPLC analyses,
- the party concerned shall be obliged, when completing the customs formalities, to state in the declaration provided for this purpose that the milk or cream in question consists solely of the product obtained exclusively from sheep or goats or, as appropriate, that the product in question was manufactured exclusively from sheep's or goat's milk.

COMMISSION REGULATION (EEC) No 3815/90

of 19 December 1990

laying down detailed rules for the application of the supplementary mechanism to trade in certain beef and veal products intended for Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 251 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as amended by Regulation (EEC) No 3296/88, and in particular Article 13 thereof,

Whereas Council Regulation (EEC) No 3659/90 ⁽⁴⁾ lays down the list of products subject to transition by stages to which the supplementary trade mechanism (STM) applies from the beginning of the second stage of Portugal's accession;

Whereas Article 5 of Council Regulation (EEC) No 3792/85 lays down that imports of these products into Portugal from Spain are subject to the supplementary trade mechanism in accordance with Articles 249 to 252 of the Act of Accession;

Whereas the indicative ceilings on imports into Portugal of certain beef and veal products listed in the Annex to this Regulation are fixed on the basis of a forward estimate drawn up pursuant to Article 251 of the Act of Accession taking account, in particular, of the traditional

pattern of imports into Portugal and of the need for a gradual opening up of the Portuguese market;

Whereas it should be laid down that Community traders may only export certain beef and veal products to Portugal under certain restrictive conditions regarding in particular the length of time they have been trading; whereas, for 1991, a derogation should be given to traders in the territory of the former German Democratic Republic to allow them to export these products to Portugal;

Whereas, when laying down the detailed rules for the lodging of the application and the issuing of licences, derogation should be made from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation (EEC) No 1599/90 ⁽⁶⁾, and from Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽⁷⁾, as last amended by Regulation (EEC) No 3296/88;

Whereas, with regard to imports from third countries, certain aspects of the arrangements applicable to STM import licences laid down by Regulation (EEC) No 596/86 should be clarified; whereas, for this purpose, the application of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁸⁾, as last amended by Regulation (EEC) No 2996/90 ⁽⁹⁾, and of the other provisions regarding the various special import arrangements is the most appropriate for the import arrangements for beef and veal;

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

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 362, 27. 12. 1990, p. 38.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽⁷⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁸⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁹⁾ OJ No L 286, 18. 10. 1990, p. 17.

HAS ADOPTED THIS REGULATION:

Article 1

The indicative ceilings relating to certain products in the beef and veal sector which may be imported into Portugal from the Community as constituted at 31 December 1985 and from Spain shall be those set out in the Annex.

Article 2

1. STM licences shall be required for the import into Portugal from the other Member States of products falling within:

- one of the codes of the combined nomenclature, or
- one of the groups of codes of the combined nomenclature

given in the Annex.

2. Notwithstanding Article 2 (2) of Regulation (EEC) No 574/86, the rights deriving from the STM licence are not transferable.

Article 3

For the purposes of this Regulation, 100 kilograms of bone-in meat shall correspond to 77 kilograms of boned meat.

Article 4

Notwithstanding:

- (a) Article 15 of Regulation (EEC) No 3719/88, applications for STM licences lodged between Monday and Friday at 1 p. m. shall be deemed to have been lodged simultaneously.
- (b) the first and second subparagraphs of Article 6 (2) of Regulation (EEC) No 574/86, the Member States shall notify the Commission before 1 p. m., every Wednesday of the quantity for which licence applications have been lodged the previous week broken down by product concerned. The Member States shall issue STM licences for the quantities requested on the following Monday, unless the Commission has taken any special measures,
- (c) Article 6 (1) of Regulation (EEC) No 574/86, the first copy of the licence shall be handed to the applicant or sent to the address stated in the application;
- (d) the third subparagraph to Article 6 (2) of Regulation (EEC) No 574/86, the obligation to use the licence shall remain if the reduction coefficient is applied.

Article 5

1. The applicant must be a natural or legal person who at the time his application is submitted has, for 12 months at least, been engaged in trade in products of the beef and veal sector between Member States or with third countries and who is entered in an official register of a Member State.

Until 31 December 1991, these conditions shall not apply to applicants who have been established for at least 12 months in the territory of the former German Democratic Republic.

2. Licence applications shall be considered only if the applicant declares in writing that he has not lodged and undertakes not to lodge any application for the same product in any Member State other than that where his present application is lodged; if an applicant lodges applications in two or more Member States, none of the applications shall be considered.

3. All applications from one applicant shall be regarded as a single application.

Article 6

The sum of the quantities stated in the STM licences applied for by a given trader in any one week shall, for each of the groups of products specified in the Annex, not exceed 90 head for live animals or 50 tonnes for fresh, chilled or frozen meat expressed in tonnes equivalent carcase weight.

Article 7

1. During the first nine months of the year, the maximum quantity in respect of which STM licences may be issued in each three-month period shall be 30% of the quantities given in the Annex.

2. If the total quantity for which applications are received during a three-month period is less than the quantity available, the quantity remaining shall be added to the quantity available during the following three-month period.

Article 8

STM licences as provided for in Articles 1 and 3 of Regulation (EEC) No 569/86 shall be valid for 18 days for all products set out in the Annex from the actual date of issue, in accordance with Article 21 (2) of Regulation (EEC) No 3719/88.

Article 9

The security relating to STM licences shall be:

- ECU 15 per animal in the case of live bovine animals,

and

- ECU 10 per 100 kilograms for all other products set out in the Annex.

Article 10

1. Portugal shall notify the Commission of the quantities of products actually imported in each three-month period, broken down by product, not later than 45 days after the end of the period concerned.
2. Portugal shall notify the Commission not later than 15 October each year of the forecast production and consumption in that Member States for the following year.

Article 11

Notwithstanding Regulation (EEC) No 574/86, STM import licences as provided for in Article 3 of Regulation (EEC) No 596/86 shall be subject to the provisions of Regulation (EEC) No 2377/80 and to the other provisions regarding the various special import arrangements.

The communications referred to in Article 10 (8) of Regulation (EEC) No 574/86 shall specify the quantities applied for under each set of import arrangements.

Article 12

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

ANNEX

Group	CN code	Description	Indicative ceiling for 1991
1	ex 0102 90	Live animals of domestic bovine species other than pure-bred breeding animals and animals for bullfights (head)	12 000
2	0201 10 0201 20	— Meat of animals of the bovine species, fresh or chilled, bone in	32 500
3	0201 30	— Meat of animals of the bovine species, fresh or chilled, boneless (tonnes equivalent carcase weight)	
4	0202 10 0202 20	— Meat of animals of the bovine species, frozen, bone in	3 000
5	0202 30	— Meat of animals of the bovine species, frozen, boneless (tonnes equivalent carcase weight)	

COMMISSION REGULATION (EEC) No 3816/90

of 19 December 1990

laying down detailed rules for the application of the supplementary trade mechanism for certain products in the pigmeat sector destined for Portugal and originating in the other Member States

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, and in particular Article 251 (1) thereof

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, and in particular Article 13 thereof, as amended by Regulation 3296/88,

Whereas Council Regulation (EEC) No 3659/90 ⁽⁴⁾ has specified the list of products submitted to transition by stage which are subject to the STM from the beginning of the second stage,

Whereas Article 5 (2) of Council Regulation (EEC) No 3792/85 specifies that the imports from Spain of these products are submitted to the STM according to Articles 249 to 252 of the Act of Accession;

Whereas the indicative ceilings on imports into Portugal of certain products of the pigmeat sector listed in the Annex to this Regulation are laid down on the basis of the provisional balance sheet established in application of Article 251 of the Act of Accession and on taking account of in particular the traditional trade volumes of imports into Portugal as well as the necessity for a progressive opening up of the Portuguese market;

Whereas it is appropriate to foresee that Community operators can only export certain products in the pigmeat sector to Portugal under certain restrictive conditions concerning in particular the period during

which they have engaged in their commerce; whereas it is appropriate to derogate from that rule for 1991 to benefit those operators situated in the territory of the former German Democratic Republic in order to allow them to export those products to Portugal;

Whereas to lay down detailed rules for the application for the issue of licences it is necessary to derogate from both Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as amended by Regulation (EEC) No 1599/90 ⁽⁶⁾, and Commission Regulation (EEC) No 574/86 of 26 February 1986 laying down detailed rules for the application of the STM ⁽⁷⁾, as last amended by Regulation (EEC) No 3296/88;

Whereas the pigmeat management committee has not delivered its opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The indicative ceilings relating to certain products in the pigmeat sector which may be imported into Portugal from the Community as constituted at 31 December 1985 and Spain shall be those set out in the Annex.

Article 2

1. STM licences shall be requested for imports into Portugal from the other Member States for products falling within:

- one of the subheadings of the combined nomenclature, or
- one of the groups of subheadings of the combined nomenclature given in the Annex.

2. In derogation to Article 2 (2) of Regulation (EEC) No 574/86, the rights deriving from the STM licence are not transferable.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 362, 27. 12. 1990, p. 38.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽⁷⁾ OJ No L 57, 1. 3. 1986, p. 1.

Article 3

In derogation to:

- (a) Article 15 (1) of Regulation (EEC) No 3719/88, applications for STM licences lodged between Monday and Friday at 1 p.m., shall be deemed to have been lodged simultaneously;
- (b) the first and second subparagraphs of Article 6 (2) of Regulation (EEC) No 574/86, the Member States shall notify the Commission before 1 p.m. every Wednesday of the quantity for which licence applications have been lodged the previous week specified by group number. The Member States shall issue STM licences for the quantities requested on the following Monday, unless the Commission has taken any special measures;
- (c) Article 6 (1) of Regulation (EEC) No 574/86, the first copy of the licence shall be handed to the applicant or sent to the address stated in the request;
- (d) the third subparagraph of Article 6 (2) of Regulation (EEC) No 574/86, the obligation to use the licence shall remain if the single reduction coefficient is applied.

Article 4

1. The applicant must be a natural or legal person who at the time his application is submitted has, for 12 months at least, been engaged in trade in products of the pigmeat sector between Member States or with third countries and who is entered in the official register of a Member State. However, until 31 December 1991, these conditions do not apply to applicants established for at least twelve months in the territory of the former German Democratic Republic.

2. Licence applications shall be considered only if the applicant declares in writing that he has not lodged and undertakes not to lodge any application for the same product in any Member State other than that where his present application is lodged; if an applicant lodges applications in two or more Member States, none of the applications shall be considered.

3. All applications from one applicant shall be regarded as a single application.

Article 5

The sum of the quantities stated in the STM licences applied for by a given operator in any one week shall, for each of the groups of products specified in the Annex, not exceed 300 head for live animals or 40 tonnes for meat or meat products.

Article 6

STM licences as provided for in Articles 1 and 3 of Regulation (EEC) No 569/86 shall be valid for 18 days for all products set out in the Annex from the actual date of issue, in accordance with Article 21 (2) of Regulation (EEC) No 3719/88.

Article 7

The security relating to STM licences shall be:

- ECU 4 per animal in the case of live swine,
- and
- ECU 5 per 100 kg for all other products set out in the Annex.

Article 8

1. Portugal shall notify the Commission of the quantities of products actually imported in each three-month period, broken down by product, not later than 45 days after the end of the period concerned.

2. Portugal shall notify the Commission not later than 15 October each year of the forecast production and consumption in that Member State for the following year.

Article 9

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

ANNEX

Groups	CN code	Description	(tonnes) Indicative ceiling for 1991
1	0103 ex 0103 91 0103 91 10 ex 0103 92 0103 92 11 0103 92 19	Live swine: -- Weighing less than 50 kg: --- Domestic species -- Weighing 50 kg or more: --- Domestic species ---- Sows having farrowed at least once, of a weight of not less than 160 kg ---- Other	Total = 1 500 (live weight of which 375 for each quarter ⁽¹⁾)
2	0203 ex 0203 11 0203 11 10 ex 0203 12 0203 12 11 0203 12 19 ex 0203 19 0203 19 11 0203 19 13 0203 19 15 0203 19 55 0203 19 59 ex 0203 21 0203 21 10 ex 0203 22 0203 22 11 0203 22 19 ex 0203 29 0203 29 11 0203 29 13 0203 29 15 0203 29 55 0203 29 59	Meat of swine, fresh, chilled or frozen: -- Fresh or chilled: --- Carcases and half-carcases: ---- Of domestic swine -- Hams, shoulders and cuts thereof, with bone-in: ---- Of domestic swine: ---- Hams and cuts thereof ---- Shoulders and cuts thereof -- Other: ---- Of domestic swine: ---- Fore-ends and cuts thereof ---- Loins and cuts thereof, with bone-in ---- Bellies (Streaky) and cuts thereof ---- Other: ---- Boneless ---- Other -- Frozen --- Carcases and half-carcases: ---- Of domestic swine -- Hams, shoulders and cuts thereof with bone-in: ---- Of domestic swine: ---- Hams and cuts thereof ---- Shoulders and cuts thereof -- Other: ---- Of domestic swine: ---- Fore-ends and cuts thereof ---- Loins and cuts thereof, with bone in ---- Bellies (streaky) and cuts thereof ---- Other: ---- Boneless ---- Other	Total = 29 500 from which 7 375 for each quarter ⁽¹⁾

⁽¹⁾ If the overall quantity for which applications have been submitted in one quarter is less than the quantity available in that quarter, the quantity remaining shall be added to the quantity available in respect of the following quarter.

COMMISSION REGULATION (EEC) No 3817/90

of 19 December 1990

laying down detailed rules for the application of the supplementary trade mechanism for certain products in the eggs and poultrymeat sectors destined for Portugal and originating in the other Member States

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, and in particular Article 251 (1) thereof,

Having regard to Council Regulation No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade (STM) ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as amended by Regulation (EEC) No 3296/88, and in particular Article 13 thereof,

Whereas Council Regulation (EEC) No 3659/90 ⁽⁴⁾ has specified the list of products submitted to transition by stage which are subject to the STM from the beginning of the second stage;

Whereas Article 5 (2) of Council Regulation (EEC) No 3792/85 of 20 December 1985 specifies that the imports from Spain of these products are submitted to the STM according to Articles 249 and 252 of the Act of Accession;

Whereas the indicative ceilings on imports into Portugal of certain products of the eggs and poultrymeat sectors listed in the Annex to this Regulation are laid down on the basis of the provisional balance sheet established in application of Article 251 of the Act of Accession and on taking account in particular of the traditional trade volumes of imports into Portugal as well as the necessity for a progressive opening up of the Portuguese market;

Whereas it is appropriate to foresee that Community operators can only export certain products in the eggs

and poultrymeat sectors to Portugal under certain restrictive conditions concerning in particular the period during which they have engaged in their commerce; whereas it is appropriate to derogate from that rule for 1991 to benefit those operators situated in the territory of the former German Democratic Republic in order to allow them to export those products to Portugal;

Whereas to lay down detailed rules for the application for the issue of licences it is necessary to derogate from both Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as amended by Regulation (EEC) No 1599/90 ⁽⁶⁾, and Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the STM ⁽⁷⁾, as last amended by Regulation (EEC) No 3296/88;

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

HAS ADOPTED THIS REGULATION:

Article 1

The indicative ceilings relating to certain products in the eggs and poultrymeat sectors which may be imported into Portugal from the Community as constituted at 31 December 1985 and Spain shall be those set out in the Annex.

Article 2

1. STM licences shall be requested for imports into Portugal from the other Member States of products falling within:

— one of the subheadings of the combined nomenclature, or

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 362, 27. 12. 1990, p. 38.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽⁷⁾ OJ No L 57, 1. 3. 1986, p. 1.

— one of the groups of subheadings of the combined nomenclature given in the Annex.

2. In derogation to Article 2 (2) of Regulation (EEC) No 574/86, the rights deriving from the STM licence are not transferable.

Article 3

In derogation to:

- (a) Article 15 of Regulation (EEC) No 3719/88, applications for STM licences lodged between Monday and Friday at 1 p.m., shall be deemed to have been lodged simultaneously;
- (b) the first and second subparagraphs of Article 6 (2) of Regulation (EEC) No 574/86, the Member States shall notify the Commission before 1 p.m., every Wednesday of the quantity for which licence applications have been lodged the previous week specified by group number. The Member States shall issue STM licences for the quantities requested on the following Monday, unless the Commission has taken any special measures;
- (c) Article 6 (1) of Regulation (EEC) No 574/86, the first copy of the licence shall be handed to the applicant or sent to the address stated in the request;
- (d) the third subparagraph of Article 6 (2) of Regulation (EEC) No 574/86, the obligation to use the licence shall remain if the single reduction coefficient is applied.

Article 4

1. The applicant must be a natural or legal person who at the time his application is submitted has, for 12 months at least, been engaged in trade in products of the eggs and poultrymeat sector between Member States or with third countries and who is entered in the official register of a Member State. However, until 31 December 1991, these conditions do not apply to applicants established for at least 12 months in the former territory of the German Democratic Republic.

2. Licence applications shall be considered only if the applicant declares in writing that he has not lodged and undertakes not to lodge any application for the same product in any Member State other than that where his present application is lodged; if an applicant lodges applications in two or more Member States, none of the applications shall be considered.

3. All applications from one applicant shall be regarded as a single application.

Article 5

The sum of the quantities stated in the STM licences applied for by a given operator in any one week shall, for each of the groups of products specified in the Annex, not exceed the following guarantees:

- Group 1: 20 tonnes,
- Group 2: 300 000 hatching eggs or 90 000 chicks,
- Group 3: 300 000 hatching eggs or 90 000 chicks,
- Group 4: 20 tonnes,
- Group 5: 20 tonnes.

Article 6

STM licences as provided for in Articles 1 and 3 of Regulation (EEC) No 569/86 shall be valid for 18 days for all products set out in the Annex from the actual date of issue, in accordance with Article 21 (2) of Regulation (EEC) No 3719/88.

Article 7

The security relating to STM licences shall be for each of the groups of products specified in the Annex as follows:

- Group 1: ECU 3,5 per 100 kg eggs in shell,
- Group 2: ECU 0,5 per 100 hatching eggs or ECU 0,6 per 100 chicks,
- Group 3: ECU 2 per 100 hatching eggs or ECU 2,5 per 100 poults,
- Group 4: ECU 5 per 100 kg carcase weight or ECU 3,5 per 100 kg live weight,
- Group 5: ECU 5 per 100 kg carcase weight or ECU 3,5 per 100 kg live weight.

Article 8

1. Portugal shall notify the Commission of the quantities of products actually imported in each three-month period, broken down by product, not later than 45 days after the end of the period concerned.

2. Portugal shall notify the Commission not later 15 October each year of the forecast production and consumption in that Member State for the following year.

Article 9

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

ANNEX

Group	CN code	Description	Indicative ceiling 1991 (*)
1	0407 00 30	Eggs other than hatching eggs	5 000 tonnes from which 1 250 tonnes for each quarter
2	0105 11 00 ex 0407 00 19	Live fowls of the species <i>Gallus domesticus</i> weighing not more than 185 g Hatching eggs of hens of the species <i>Gallus domesticus</i>	5 million pieces (°) from which 1,25 million each quarter
3	0105 19 10 0407 00 11	Live geese and turkeys of domestic species weighing not more than 185 g Hatching eggs of turkeys or geese	2 million pieces (°) from which 500 000 for each quarter
4	0105 91 00 0207 10 15 0207 10 19 0207 21 10 0207 21 90 0207 39 13 0207 41 11	Live fowls of the species <i>Gallus domesticus</i> weighing more than 185 g Fowls of the species <i>Gallus domesticus</i> , not cut in pieces fresh, chilled or frozen, known as '70 % chickens' or '65 % chickens' or 'chickens otherwise presented' Halves and quarters of fowls of the species <i>Gallus domesticus</i> , fresh, chilled or frozen.	9 000 tonnes (°) from which 2 250 tonnes for each quarter
5	0105 99 30 0207 10 31 0207 10 39 0207 22 10 0207 22 90 0207 39 33 0207 42 11	Live turkeys of domestic species weighing more than 185 g Turkeys not cut in pieces, fresh, chilled, or frozen, known as '80 % turkeys', '73 % turkeys' or 'turkeys otherwise presented' Halves and quarters of turkeys, fresh, chilled or frozen	1 500 tonnes (°), from which 375 tonnes for each quarter

(*) If the overall quantity for which applications have been submitted in one quarter is less than quantity available in that quarter, the quantity remaining shall be added to the quantity available in respect of the following quarter.

(°) Hatching egg equivalent: 1 chick = 1,25 hatching eggs.

(°) Hatching egg equivalent: 1 poult = 1,4 hatching eggs.

(°) Carcase weight equivalent: 100 kg live fowl = 70 kg carcase weight.

(°) Carcase weight equivalent: 100 kg live turkeys = 75 kg carcase weight.

COMMISSION REGULATION (EEC) No 3818/90

of 19 December 1990

laying down certain indicative ceilings and certain additional detailed rules for the application of the supplementary trade mechanism in fruit and vegetables between Portugal and the other Member States

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, and in particular Article 251 (1) thereof,

Having regard to Council Regulation (EEC) No 3651/90 of 11 December 1990 laying down general rules for the application of the supplementary mechanism for trade in fresh fruit and vegetables between Portugal and the other Member States⁽¹⁾, and in particular Article 8 thereof,

Whereas, in compliance with Council Regulation (EEC) No 3659/90 of 11 December 1990 on products subject to the supplementary trade mechanism during the second stage of Portuguese accession⁽²⁾, amongst other products, oranges and apples other than cider apples are subject to the STM from 1 January 1991;

Whereas Commission Regulation (EEC) No 3819/90⁽³⁾ lays down detailed rules for the application of the supplementary trade mechanism (STM) in fresh fruit and vegetables between Portugal and the other Member States;

Whereas, in accordance with Article 3 of Regulation (EEC) No 3651/90, the indicative ceilings provided for in Article 251 (1) of the Act of Accession should be laid down, for the products in question, for the periods during which the Portuguese market is to be considered sensitive within the meaning of Article 2 of that Regulation; whereas, moreover, these ceilings must reflect a gradual increase in trade flows between the Community

as constituted at 31 December 1985 and Spain on the one hand, and Portugal on the other;

Whereas the amount of the security relating to STM licences referred to in Article 4 of Regulation (EEC) No 3651/90 should be fixed so as to ensure the proper functioning of these arrangements;

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

For oranges falling within CN codes 0805 10 11, 0805 10 15, 0805 10 19, 0805 10 21, 0805 10 25, 0805 10 29, 0805 10 31, 0805 10 35, 0805 10 39, 0805 10 41, 0805 10 45 and 0805 10 49 and apples other than cider apples falling within CN code 0808 10 93 and 0808 10 99:

- (a) the indicative ceilings provided for in Article 251 (1) of the Act of Accession, and
- (b) the sensitive periods of the Portuguese market, within the meaning of Article 2 of Regulation (EEC) No 3651/90,

shall be as fixed in the Annex hereto.

Article 2

The amount of the security for STM licences referred to in Article 4 (3) of Regulation (EEC) No 3651/90 is hereby fixed at ECU 8 per 100 kg net of products referred to in Article 1.

Article 3

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 24.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 38.

⁽³⁾ See page 41 of this Official Journal.

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

Indicative ceilings provided for in Article 251 (1) of the Act of Accession

(From 1 January to 31 May 1991)

CN code	Description of goods	Sensitive period	Target ceiling (tonnes)
0805 10 11	Oranges	{ 1. 1. — 28. 2. 1. 3. — 31. 5.	3 400 and 4 100
0805 10 15			
0805 10 19			
0805 10 21			
0805 10 25			
0805 10 29			
0805 10 31			
0805 10 35			
0805 10 39			
0805 10 41			
0805 10 45 and 0805 10 49			
0808 10 93 and 0808 10 99	Apples	1. 1. — 28. 2.	7 300

COMMISSION REGULATION 3819/90

of 19 December 1990

laying down detailed rules for the application of the supplementary trade mechanism to trade in fresh fruit and vegetables between Portugal and the other Member States

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 3651/90 of 11 December 1990 laying down general rules for the application of the supplementary trade mechanism to trade in fresh fruit and vegetables between Portugal and the other Member States⁽¹⁾, and in particular Article 8 thereof,

Whereas Regulation (EEC) No 3651/90 laid down specific general rules for the supplementary trade mechanism that are to apply to exports to Portugal of products covered by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 1193/90⁽³⁾; whereas detailed rules of application should be adopted dealing with statistical surveillance and the issuing of STM licences and, if need be, of STM import licences during periods when the Portuguese market is sensitive;

Whereas in the case of licences used during sensitive periods reference should be made, wherever possible, to the provisions of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽⁴⁾, as last amended by Regulation (EEC) No 4026/89⁽⁵⁾;

Whereas, pursuant to Regulation (EEC) No 3651/90, in order to provide the best conditions for trade, the periods during which licences are issued following a period for consideration should be kept to a minimum;

Whereas licences are to be issued by the Portuguese authorities and to be valid solely for entry for consumption or for release for free circulation in Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of this Regulation shall apply to exports from the Community as constituted on 31 December 1985 and from Spain to Portugal and imports from third countries into Portugal of the fruit and vegetable sector products listed in the Annex to Council Regulation (EEC) No 3647/90⁽⁶⁾ and subject to the supplementary trade mechanism (hereinafter called 'STM').

Article 2

1. Exports from the other Member States and imports from third countries of the products referred to in Article 1 shall be subject to statistical surveillance by the Portuguese authorities. Such surveillance shall be based on the monitoring of the quantities entering Portugal.
2. For each product the Portuguese authorities shall periodically notify the Commission of the quantities imported from the Community as constituted on 31 December 1985 from Spain and those imported from third countries. Except where otherwise specified such notification shall be made monthly, by the fifth day of the month at the latest, for the previous month.

Article 3

1. During sensitive periods within the meaning of Article 3 of Regulation (EEC) No 574/86 shall apply to applications for and the issuing of the STM licences referred to in Article 4 of Regulation (EEC) No 3651/90, except as otherwise provided for in this Regulation.
2. However,
 - (a) Article 2 (1) of Regulation (EEC) No 574/86 notwithstanding, the tolerance applicable shall be 2 %;
 - (b) except where other arrangements are made under Article 6 (2) of Regulation (EEC) No 574/86, Article 19 (1) of Commission Regulation (EEC)

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 24.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁵⁾ OJ No L 382, 30. 12. 1989, p. 62.

⁽⁶⁾ OJ No L 362, 27. 12. 1990, p. 13.

No 3719/88⁽¹⁾ shall apply to the issuing of STM licences.

Article 4

STM licences shall be valid for 30 days from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3719/88 except during periods when Article 6 (2) of Regulation (EEC) 574/86 has been made applicable.

Article 5

1. The Portuguese authorities shall notify to the Commission on the first working day of each week the quantities and description of the products in accordance with the combined nomenclature, as well as the CN code of the products for which STM licences were issued during the previous week.

2. If Article 6 (2) of Regulation (EEC) No 574/86 is applied notification shall be according to the provisions of that Article.

Article 6

1. When during a sensitive period it is decided to make release for free circulation in Portugal of the products referred to in Article 1 subject to presentation of an STM import licence the provisions of Article 10 of Regulation (EEC) No 574/86 shall be applicable.

2. However,

(a) one of the following entries shall be made in box 20 of the licence:

- 'Valido unicamente para el despacho a libre practica en Portugal (Reglamento (CEE) n° 3819/90 art. 6 apar. 2),'
- 'Kun gyldig for overgang til fri omsætning i Portugal (forordning (EØF) nr. 3819/90, artikel 6, stk. 2),'
- 'Gültig nur für die Abfertigung zum freien Verkehr in Portugal (Verordnung (EWG) Nr. 3819/90 Artikel 6 Absatz 2),'
- 'έγκυρο μόνο για την θέση σε ελεύθερη κυκλοφορία στην Πορτογαλία (Κανονισμός (ΕΟΚ) αριθ. 3819/90 άρθρο 6 (2)).'

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

Done at Brussels, 19 December 1990

— 'Valid solely for release for free circulation in Portugal (Regulation (EEC) No 3819/90 Article 6 (2)).'

— 'Valable uniquement pour une mise en libre pratique au Portugal (Règlement (CEE) n° 3819/90 art. 6 § 2),'

— 'Valido unicamente per l'immissione in libera pratica in Portogallo (Regolamento (CEE) n° 3819/90 art. 6 § 2),'

— 'Alleen geldig voor het in het vrije verkeer brengen in Portugal (Verordening (EEG) nr. 3819/90, artikel 6, lid 2),'

— 'Válido apenas para uma colocação em livre prática em Portugal (Regulamento n° 3819/90, n° 2 do artigo 6º),'

(b) except where other arrangements are made under Article 10 (6) of the abovementioned Regulation Article 19 (1) of Regulation (EEC) No 3719/88 shall apply to the issuing of STM import licences.

3. STM import licences shall be valid for thirty days from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3719/88 except during periods when Article 10 (6) of Regulation (EEC) No 574/86 has been made applicable.

4. The Portuguese authorities shall notify to the Commission on the first working day of each week the quantities and description of the products in accordance with the combined nomenclature, as well as the CN code of the products for which STM import licences were issued during the previous week.

If Article 10 (6) of Regulation (EEC) No 574/86 is applied notification shall be made every day.

Article 7

Portugal shall, by 30 November each year, send to the Commission production and consumption forecasts for the following year for each product subject to the STM.

Article 8

This Regulation shall enter into force on 1 January

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 3820/90

of 19 December 1990

laying down detailed rules for the application of the compensation mechanism to imports
of fruit and vegetables from Spain and Portugal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No
3709/89 of 4 December 1989 laying down general rules
for implementing the Act of Accession as regards the
compensation mechanism on imports of fruit and
vegetables originating in Spain⁽¹⁾, and in particular
Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No
3648/90 of 11 December 1990 laying down general rules
for implementing the Act of Accession as regards the
compensation mechanism on imports of fruit and
vegetables originating in Portugal⁽²⁾, and in particular
Article 4 (1) thereof,

Whereas Commission Regulation (EEC) No 3815/89⁽³⁾
has laid down detailed rules for the application of the
compensation mechanism to imports of fruit and
vegetables from Spain; whereas it is convenient to lay
down in a single Regulation the detailed rules for the
application of the abovementioned mechanisms of
compensation introduced by Articles 152 and 318 of the
Act of Accession; whereas detailed rules should be laid
down for recording and forwarding prices of products in
the Community of Ten, Spain and Portugal, which is
required for the operation of the compensation
mechanism;

Whereas the data which are already forwarded by the
Member States to the Commission under Commission
Regulation (EEC) No 2118/74 of 9 August 1974 laying
down detailed rules for the application of the system of
reference prices for fruit and vegetables⁽⁴⁾, as last
amended by Regulation (EEC) No 3811/85⁽⁵⁾, should be
used as far as possible;

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 prices to be used for fixing the Community
offer price referred to in Article 152 (2) (a) and Article
318 (1) (a) of the Act of Accession shall be the prices
defined in Article 1 (1) of Regulation (EEC) No
2118/74 and forwarded by the Member States of the
Community of Ten pursuant to Article 2 of that Regu-
lation.

2. The amount to be added for transport costs to the
arithmetic average of the producer prices in each
Member State of the Community of Ten shall be
calculated on a flat-rate basis by each product each year
when the Community offer price is fixed.

Article 2

1. The prices to be used calculating the offer prices
for Spanish and Portuguese products referred to in
Article 152 (2) (b) and Article 318 (1) (b) of the Act of
Accession shall be the prices for those products as
defined in Article 3 (1) of Regulation (EEC) No
2118/74 and recorded in the Member States of the
Community of Ten.

2. The prices for the Spanish and Portuguese products
shall be recorded and calculated in accordance with the
provisions of Article 5 of Regulation (EEC) No 2118/74.

Each marketing day and in respect of each product, the
Member States of the Community of Ten shall forward
to the Commission those prices under the conditions laid
down in Article 6 (a) of the same Regulation.

At the same time they shall forward:

— insofar as possible, the abovementioned prices
multiplied by the coefficients in force,

— the items laid down in Article 6 (b) of that Regu-
lation, account being taken of the provisions of
Article 152 (2) (c) and Article 318 (1) (c) of the Act
of Accession,

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

— the date laid down in Article 6 (d), (e), (f) and (g) of that Regulation.

Article 3

The information referred to in Article 2 shall be forward no later than the day following the marketing day to which it relates.

Article 4

Regulation (EEC) No 3815/89 is hereby repealed.

Article 5

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 3821/90

of 19 December 1990

amending Regulation (EEC) No 1385/88 laying down special detailed rules for the application of the system of import licences for fresh sour cherries originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1200/88 of 28 April 1988 establishing a surveillance mechanism for imports of fresh sour cherries originating in Yugoslavia ⁽¹⁾, as last amended by Regulation (EEC) No 1656/90 ⁽²⁾, and in particular Article 3 thereof,

Whereas, from the second step of the transitional period, the system of import licences laid down by Commission

Regulation (EEC) No 1385/88 ⁽³⁾, as amended by Regulation (EEC) No 1663/90 ⁽⁴⁾ is to apply to Portugal; whereas this Regulation should be adapted accordingly;

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

Article 2 (2) of Regulation (EEC) No 1385/88 is abolished.

Article 2

This Regulation shall enter into force on the 1st 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 115, 3. 5. 1988, p. 7.

⁽²⁾ OJ No L 155, 21. 6. 1990, p. 5.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 19.

⁽⁴⁾ OJ No L 155, 21. 6. 1990, p. 20.

COMMISSION REGULATION (EEC) No 3822/90

of 19 December 1990

on transitional measures on the application of common quality standards for certain fruit and vegetables in Portugal up to the end of the 1991/92 marketing year

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, and in particular Article 257 thereof,

Whereas Article 257 of the Act of Accession of Spain and Portugal lays down that transitional measures may be adopted to facilitate the passage from the existing arrangements in Portugal to those resulting from the application of the common organization of the markets, particularly if, for certain products, the implementation of the new arrangements meets with appreciable difficulties in the Community;

Whereas it appears that the common quality standards laid down in Article 2 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1193/90 ⁽²⁾, will not, for some

products, be able to be applied in Portugal from 1 January 1991, the beginning of the second stage of the period from 1 January 1991, the beginning of the second stage of the period of transition, so as to achieve the objectives and ensure the proper functioning of the common organization of the markets;

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

HAS ADOPTED THIS REGULATION:

Article 1

Up to the end of the 1991/92 marketing year, the products listed in the Annex corresponding to Class III harvested in Portugal may be marketed in that Member State.

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

ANNEX

Apples

Pears

Oranges

Tomatoes

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

COMMISSION REGULATION (EEC) No 3823/90

of 19 December 1990

fixing the Community offer prices for certain fresh fruit and vegetables applicable to Portugal for the period 1 January 1991 to the end of the 1990/91 marketing year

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 3648/90 of 11 December 1990 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on exports of fruit and vegetables originating ⁽¹⁾, and in particular Article 4 (1) thereof,

Whereas, Commission Regulation (EEC) No 3819/90 ⁽²⁾, lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain and Portugal;

Whereas, pursuant to Article 318 of the Act of Accession, a compensation mechanism is to be introduced in imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', from 1 January 1991, of fruit and vegetables from Portugal for which a reference price is fixed with regard to third countries;

Whereas, in accordance with Article 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetables sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be made up of one or more periods and a Community offer price should be fixed for each of these;

Whereas, in accordance with Article 1 of Regulation (EEC) No 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet Quality Class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account;

Whereas Commission Regulation (EEC) No 784/90 of 29 March fixing the reducing coefficient for agricultural prices in the 1990/91 marketing year as a result of the monetary realignment of 5 January 1990 and amending the prices and amounts fixed in ecus for that marketing year ⁽³⁾ establishes the list of prices and amounts to which the coefficient 1,001712 is applied in the framework of the arrangements on the automatic dismantlement of negative monetary gaps; whereas the prices and amounts fixed in ecus by the Commission for the 1990/91 marketing year must take account of the resulting reduction; whereas this reducing coefficient is to apply to the prices referred to above;

Whereas the application of the abovementioned criteria results in Community offer prices applicable to Portugal being fixed for lemons, apples, pears, artichokes, cabbage lettuce, broad-leaf (Batavian) endives, mandarins, clementines and sweet oranges for the period 1 January 1991 to the end of the 1990/91 marketing year;

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

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽²⁾ See page 41 of this Official Journal.

⁽³⁾ OJ No L 83, 30. 3. 1990, p. 102.

HAS ADOPTED THIS REGULATION:

clementines and sweet oranges shall be as set out in the Annex hereto.

Article 1

For the period 1 January 1991 to the end of the 1990/91 marketing year, the Community offer prices applicable to Portugal for lemons, apples, pears, artichokes, cabbage lettuce, broad-leaf (Batavian) endives, mandarins,

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

ANNEX

COMMUNITY OFFER PRICES APPLICABLE TO PORTUGAL

1990/91 MARKETING YEAR

LEMONS

(CN code 0805 30 10)

(ECU/100 kg net)

Period	Community offer price
January to April	40,88
May	38,66

APPLES

(CN codes 0808 10 93 and 0808 10 99)

(ECU/100 kg net)

Period	Community offer price
January	48,54
February	47,14
March	49,24
April	47,37
May	38,88
June	38,29

PEARS

(CN codes 0808 20 31 and 0808 20 33)

(ECU/100 kg net)

Period	Community offer price
January to April	51,24

ARTICHOKES

(CN code 0709 10 00)

(ECU/100 kg net)

Period	Community offer price
January to April	73,04
May	65,94
June	63,53

CABBAGE LETTUCE

(CN codes 0705 11 10 and 0705 11 90)

(ECU/100 kg net)

Period	Community offer price
January and February	75,60
March to May	82,34

BROAD-LEAF (BATAVIAN) ENDIVES

(CN code 0705 29 00)

(ECU/100 kg net)

Period	Community offer price
January	57,30
February and March	60,01

MANDARINES

including tangerines and satsumas, wilkings and other similar citrus hybrids, with the exception of clementines

(CN codes 0805 20, 0805 30, 0805 50, 0805 70 and 0805 90)

(ECU/100 kg net)

Period	Community offer price
January and February	27,59

CLEMENTINES

(CN code 0805 20 10)

(ECU/100 kg net)

Period	Community offer price
January and February	51,40

SWEET ORANGES

(CN codes 0805 10 11, 0805 10 15, 0805 10 19, 0805 10 21, 0805 10 25, 0805 10 29, 0805 10 31, 0805 10 35, 0805 10 39, 0805 10 41, 0805 10 45 and 0805 10 49)

(ECU/100 kg net)

Period	Community offer price
January to May	22,66

Note: The prices given in this Annex relate to products in Quality Class I, all sizes, presented packaged.

COMMISSION REGULATION (EEC) No 3824/90

of 19 December 1990

amending Regulation (EEC) No 641/86 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession

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, and in particular Article 251 (1) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 5 (1) thereof,

Whereas Commission Regulation (EEC) No 574/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 3296/88, lays down the detailed rules for the application of the supplementary trade mechanism;

Whereas Commission Regulation (EEC) No 641/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism to importation into Portugal of the products processed from fruit and vegetables listed in Annex XXII to the Act of Accession ⁽⁵⁾, as last amended by Regulation (EEC) No 3255/90 ⁽⁶⁾, fixed, inter alia, in respect of certain products processed from fruit and vegetables, the indicative ceilings provided for in Article 251 (1) of the Act of Accession for the period 1 January to 31 December 1991;

Whereas the forward estimates relating to the products in question have been drawn up in accordance with the procedure provided for in Article 22 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽⁷⁾, as last amended by Regulation (EEC) No 2201/90 ⁽⁸⁾;

Whereas these estimates enable the indicative ceilings for the products in question to be fixed for 1989; whereas such ceilings must, pursuant to Article 251 (2) of the Act of Accession, reflect a certain progress in relation to traditional trade flows, so as to ensure a harmonious and gradual opening up of the market; whereas, to this end, the indicative ceilings should be raised by 32 % for 1991;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 641/86 is hereby amended as follows:

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

'1. The indicative ceilings provided for in Article 251 (1) of the Act of Accession are set out in the Annex for the period 1 January to 31 December 1991.'

2. The Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁵⁾ OJ No L 60, 1. 3. 1986, p. 34.

⁽⁶⁾ OJ No L 311, 10. 11. 1990, p. 30.

⁽⁷⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 1.

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

(in ton)		
GN code	Description	Indicative ceiling
1	2	3
0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
0812 10 00	— Cherries	455
0812 20 00	— Strawberries	
0812 90 50	— — Blackcurrants	
0812 90 60	— — Raspberries	
0812 90 90	— — Other	
0812 90 10	— — Apricots	63
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	486
2008	Fruit, nut and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
2008 20 91	— — — — Of 4,5 kg or more	
2008 20 99	— — — — Of less than 4,5 kg	
2008 30 51	— — — — Grapefruit segments	
2008 30 55	— — — — Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	
2008 30 59	— — — — Other	
2008 30 71	— — — — Grapefruit segments	
2008 30 75	— — — — Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids	
2008 30 79	— — — — Other	
2008 30 91	— — — — Of 4,5 kg or more	
2008 30 99	— — — — Of less than 4,5 kg	
2008 40 59	— — — — Other	
2008 40 91	— — — — Of 4,5 kg or more	
2008 40 99	— — — — Of less than 4,5 kg	
2008 50 61	— — — — With a sugar content exceeding 13 % by weight	
2008 50 69	— — — — Other	
2008 50 71	— — — — With a sugar content exceeding 15 % by weight	
2008 50 79	— — — — Other	
2008 50 91	— — — — Of 4,5 kg or more	
2008 50 99	— — — — Of less than 4,5 kg	
2008 60 71	— — — — Sour cherries (<i>Prunus cerasus</i>)	
2008 60 79	— — — — Other	
2008 60 91	— — — — Sour cherries (<i>Prunus cerasus</i>)	
2008 60 99	— — — — Other	
2008 70 69	— — — — Other	
2008 70 91	— — — — Of 4,5 kg or more	
2008 70 99	— — — — Of less than 4,5 kg	

		(in ton)
1	2	3
2008 80 50	--- Containing added sugar, in immediate packings of a net content exceeding 1 kg	2 542
2008 80 70	--- Containing added sugar, in immediate packings of a net content not exceeding 1 kg	
2008 80 91	---- Of 4,5 kg or more	
2008 80 99	---- of less than 4,5 kg	
2008 92 50	----- In immediate packings of a net content exceeding 1 kg	
2008 92 71	----- Mixtures of fruit in which no single fruit exceeds 50 % of the total weight of the fruits	
2008 92 79	----- Other	
2008 92 91	----- Of 4,5 kg or more	
2008 92 99	----- Of less than 4,5 kg	
2008 99 41	----- Ginger	
2008 99 43	----- Grapes	
2008 99 45	----- Plums	
2008 99 49	----- Other	
2008 99 51	----- Ginger	
2008 99 53	----- Grapes	
2008 99 55	----- Plums	
2008 99 59	----- Other	
2008 99 71	----- Of 4,5 kg or more	
2008 99 79	----- Of less than 4,5 kg	
2008 99 99	----- Other	
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:	
2009 20 11	--- Of a value not exceeding ECU 30 per 100 kg net weight	
2009 20 19	--- Other	
2009 20 91	--- Of a value not exceeding ECU 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	
2009 20 99	--- Other	
2009 30 11	--- Of a value not exceeding ECU 30 per 100 kg net weight	
2009 30 19	--- Other	
2009 30 31	---- Containing added sugar	
2009 30 39	---- Other	
2009 30 91	----- With an added sugar content exceeding 30 % by weight	
2009 30 95	----- With an added sugar content not exceeding 30 % by weight	
2009 30 99	----- Not containing added sugar	
2009 40 11	--- Of a value not exceeding ECU 30 per 100 kg net weight	
2009 40 19	--- Other	
2009 40 30	--- Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar	
2009 40 91	---- With an added sugar content exceeding 30 % by weight	
2009 40 93	---- With an added sugar content not exceeding 30 % by weight	

1	2	(in ton) 3
2009 40 99	----- Not containing added sugar	
2009 70 11	---- Of a value not exceeding ECU 22 per 100 kg net weight	
2009 70 19	--- Other	
2009 70 30	--- Of a value exceeding ECU 18 per 100 kg net weight, containing added sugar	
2009 70 91	----- With an added sugar content exceeding 30 % weight	
2009 70 93	----- With an added sugar content not exceeding 30 % by weight	
2009 70 99	----- Not containing added sugar	
2009 80 11	----- Of a value not exceeding ECU 22 per 100 kg net weight	
2009 80 19	----- Other	
2009 80 31	----- Of a value not exceeding ECU 30 per 100 kg net weight	
2009 80 39	----- Other	
2009 80 50	----- Of a value exceeding ECU 18 per 100 kg net weight, containing added sugar	
2009 80 61	----- With an added sugar content exceeding 30 % by weight	
2009 80 63	----- With an added sugar content not exceeding 30 % by weight	
2009 80 69	----- Not containing added sugar	
2009 80 80	----- Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar	
2009 80 91	----- With an added sugar content exceeding 30 % by weight	
2009 80 93	----- With an added sugar content not exceeding 30 % by weight	2 228
2009 80 95	----- Juice of fruit of the species <i>vaccinium marccarpon</i>	
2009 80 99	----- Other	
2009 90 11	----- Of a value not exceeding ECU 22 per 100 kg net weight	
2009 90 19	----- Other	
2009 90 21	----- Of a value not exceeding ECU 30 per 100 kg net weight	
2009 90 29	----- Other	
2009 90 31	----- Of a value not exceeding ECU 18 per 100 kg net weight and with an added sugar content exceeding 30 % by weight	
2009 90 39	----- Other	
2009 90 41	----- Containing added sugar	
2009 90 49	----- Other	
2009 90 51	----- Containing added sugar	
2009 90 59	----- Other	
2009 90 71	----- With an added sugar content exceeding 30 % by weight	
2009 90 73	----- With an added sugar content not exceeding 30 % by weight	
2009 90 79	----- Not containing added sugar	
2009 90 91	----- With an added sugar content exceeding 30 % by weight	
2009 90 93	----- With an added sugar content not exceeding 30 % by weight	
2009 90 99	----- Not containing added sugar	

COMMISSION REGULATION (EEC) No 3825/90

of 19 December 1990

on the transitional measures applicable in Portugal from 1 January to 1 September 1991
in the wine sectorTHE 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, and in particular Article 257 (1) and in Article
338, paragraph 2 (a) thereof,

Whereas, pursuant to the Act of Accession of Spain and Portugal, the common organization of the market in wine applies to Portugal from the beginning of the second stage of accession; whereas, however, important market management measures cannot be put into operation effectively in that Member State during the current marketing year; whereas application of the market management measures should therefore be postponed until the next marketing year; whereas, however, in order to allow a harmonious transition to be made from the former scheme to the Community scheme and to ensure the equilibrium of the Portuguese market, specific distillation applicable to the current marketing should be initiated; whereas the effect of this distillation should be equivalent to the effect the application of the normal instruments would have;

Whereas the current level of wine prices in Portugal does not justify the collection of a regulatory amount; whereas, moreover, this situation allows a specific monitoring system for trade between Portugal and the Community as constituted on 31 December 1985 to be adopted for the transitional period;

Whereas fixing export refunds for Portugal at a level different from that for the Community as constituted on 31 December 1985 is not justified;

Whereas it is essential to extend until 1 September 1991 the derogations in force concerning 'vinho verde';

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

Until 31 August 1991 the Community rules on the wine sector shall apply to Portugal subject to the specific provisions of this Regulation.

Article 2

1. Title III of Council Regulation (EEC) No 822/87 ⁽¹⁾ shall not apply.

2. No regulatory amount shall be collected for exports from Portugal to the Community as constituted on 31 December 1985.

Article 3

Notwithstanding Article 341 of the Act of Accession, 'vinho verde' may not:

- be marketed with a total alcoholic strength by volume of less than 8,5 % vol,
- have a total sulphur dioxide content of more than 300 mg/l.

Article 4

The mechanism provided for in Article 249 of the Act of Accession of Spain and Portugal shall be applied as follows:

Portugal shall inform the Commission by the tenth day of each month of the quantities of wine products consigned to the Community as constituted on 31 December 1985 during the preceding month, broken down according to the categories defined in Annex I to Regulation (EEC) No 822/87.

Article 5

A distillation scheme solely for producers of table wine in Portugal and financed by the EAGGF Guarantee Section is hereby instituted.

The provisions of Council Regulation (EEC) No 2046/89 ⁽²⁾, with the exception of Articles 8, 11 to 19, 25, 26 and 27 thereof, shall apply to this distillation scheme, as shall the following provisions:

- (a) The contracts and declarations referred to respectively in Article 4 (1) and Article 5 (1) of Regulation (EEC) No 2046/89 shall be submitted to the intervention agency for approval not later than 31 January 1991.

Only table wines in quantities of not less than 10 hectolitres may be the subject of such contracts.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 202, 14. 7. 1989, p. 14.

(b) The contracts and declarations referred to in (a) shall mention at least:

- the quantity, colour and actual alcoholic strength by volume of the table wine to be distilled,
- the name and address of the producer,
- the place where the wine is stored,
- the name of the distiller or the business name of the distillery,
- the address of the distillery.

(c) The intervention agency shall notify the producer of the outcome of the approval procedure by 28 February 1991 at the latest.

(d) Distillation may not take place after 31 July 1991.

(e) The minimum purchase price to be paid by the distiller to the producer shall be ECU 1,84 per % vol and per hectolitre. The distiller shall pay this price to the producer within three months of the day on which the wine enters the distillery.

(f) The amount of the aid for the distillers is hereby fixed at:

- ECU 1,33/% vol/hl if the product obtained by distillation is neutral spirits,
- ECU 1,22/% vol/hl if the product obtained by distillation is raw alcohol or wine spirits.

(g) By 31 October 1991 at the latest the distiller must provide the intervention agency with proof of distillation and, where appropriate, proof that the minimum price has been paid.

Where the proof of payment shows that the time limit provided for in (e) has not been observed but that the delay does not exceed thirty days the aid to be paid to the distiller shall be reduced by 20 %. No aid shall be due if the delay is in excess of 30 days.

If it is found that the distiller has not paid the producer the purchase price the intervention agency shall, before 31 December 1991, pay the producer an amount equal to the aid.

(h) Portugal shall notify to the Commission, not later than one month after the expiry of the time limit for approval of the contract or declaration, the quantities of wine mentioned in the delivery contracts and declarations which have been approved.

The distillers shall send the intervention agency, by the tenth day of each month at the latest, a list of the quantities of wine distilled during the previous month, broken down according to the categories referred to in the first subparagraph of Article 3 (1) of Regulation (EEC) No 2046/89.

Portugal shall notify to the Commission, at the same time as the information referred to in Article 20 of Regulation (EEC) No 2046/89, the quantities of wine distilled, broken down by colour.

Portugal shall notify, by 30 September 1992 at the latest, the cases in which the distiller has not fulfilled his obligations and has not complied with the measures taken as a result.

(i) The approval of distillers referred to in Article 24 of Regulation (EEC) No 2046/89 and the conclusion, the submission for approval and the approval of delivery contracts shall be valid even if they occurred before 1 January 1991, on the basis of the Portuguese provisions in force at that time, provided that the requirements of this Article, are respected.

Article 6

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

It shall apply from 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 3826/90

of 19 december 1990

amending certain wine sector Regulations in view of the commencement of the second stage of Portuguese accession

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 46 (5), 52 and 72 (5) thereof,

Whereas commencement of the second stage of Portuguese accession requires adjustment of certain wine sector Regulations as regards import and export licences, description and presentation of sparkling wines and aerated sparkling wines and aid for production of grape juice from grapes, grape must and concentrated grape must;

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 Annex to Commission Regulation (EEC) No 3388/81 ⁽³⁾ is amended as follows:

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

Done at Brussels, 19 december 1990

In the column headed 'Code' 040 is deleted and in the column headed 'Country or origin' Portugal is deleted.

2. Article 10 (2) of Commission Regulation (EEC) No 2707/86 ⁽⁴⁾ is replaced by:

'2. Sparkling wines and aerated sparkling wines produced up to 31 December 1990 the description and presentation of which do not comply with Regulation (EEC) No 3309/85 and with this Regulation may be held for sale, placed on the market or exported until stocks are exhausted provided that they comply with the Portuguese provisions in force before that date.'

3. Article 1 (3) of Commission Regulation (EEC) No 2641/88 ⁽⁵⁾ is replaced by:

'3. For the purposes of this Regulation "raw materials" means grapes produced in the Community and grape must and concentrated grape must obtained entirely from grapes produced in the Community.'

Article 2

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

It shall apply from 1 January 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 341, 28. 11. 1981, p. 19.

⁽⁴⁾ OJ No L 246, 30. 8. 1986, p. 71.

⁽⁵⁾ OJ No L 236, 26. 8. 1988, p. 25.

COMMISSION REGULATION (EEC) No 3827/90

of 19 December 1990

on transitional arrangements for the description of certain quality wines produced in specified areas

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, and in particular Article 257 (1) thereof,

Whereas under the Act of Accession of Spain and Portugal the specific provisions for quality wines produced in specified areas laid down by Council Regulation (EEC) No 823/87 ⁽¹⁾, as amended by Regulation (EEC) No 2043/89 ⁽²⁾, and the general rules on description and presentation of these wines laid down by Council Regulation (EEC) No 2392/89 ⁽³⁾, as last amended by Regulation (EEC) No 3886/89 ⁽⁴⁾, apply in Portugal from the beginning of the second stage of accession;

Whereas to prevent disruption of well established commercial arrangements prior to adjustment of the Community rules on specified area descriptions and on the use of brand names containing words identical to these geographical descriptions the use of recognized brand names for wines and grape musts that contain

words identical to the names of areas specified by Portugal before 1 January 1991 should be permitted in the meantime;

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

Article 40 (2) of Regulation (EEC) No 2392/89 notwithstanding, holders of recognized registered brand names for a wine or grape must that contain words identical to the name of an area specified by Portugal for designation of a quality wine *psr* before 1 January 1991 may continue to use them if they are identical to the proper name of the holder of the brand name.

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall be applicable until 31 March 1991.

This Regulation shall be binding in its entirety and 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 84, 27. 3. 1987, p. 59.

⁽²⁾ OJ No L 202, 14. 7. 1989, p. 1.

⁽³⁾ OJ No L 232, 9. 8. 1989, p. 13.

⁽⁴⁾ OJ No L 378, 27. 12. 1989, p. 12.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 December 1990

on transitional measures applying to Portuguese imports from other Member States of products of the pigmeat, egg and poultrymeat sectors

(Only the Portuguese text is authentic)

(90/671/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 257 thereof,

Whereas in Portugal the changeover from the arrangements applicable during the first stage of accession to those resulting from application of common organization arrangements from the beginning of the second stage is likely to raise considerable problems in the pigmeat, egg and poultrymeat sectors; whereas application of the common organization arrangements in Portugal for the cereals, pigmeat, egg and poultrymeat sectors, on the terms laid down by Council Regulations (EEC) No 3653/90 ⁽¹⁾ and (EEC) No 3657/90 ⁽²⁾, in fact involve immediate abolition of all protection of the Portuguese market from competition from the other Member States;

Whereas in Portugal structural difficulties in the pigmeat, egg and poultrymeat sectors and a level of profitability much lower than in the other Member States mean that too abrupt a confrontation with much more competitive structures would be dangerous to the extent of jeopardizing survival of these sectors in Portugal; whereas this danger is worsened by the fact that at the beginning of the second stage the difficulties of Portuguese producers are made more acute by the impact on their production costs of the very much higher

level of cereal prices in Portugal during the first stage of accession than in the rest of the Community;

Whereas application by Portugal as necessary and for a maximum of one year of a special duty as specified in this Regulation on imports of products from other Member States would suffice to remove this danger and allow the necessary adjustments in Portugal to be made harmoniously during 1991;

Whereas the Management Committees for Pigmeat and for Poultrymeat and Eggs have not issued opinions within the time limits set by their chairmen,

HAS ADOPTED THIS DECISION:

Article 1

The Portuguese Republic is authorized to apply from 1 January to 31 December 1991 the special duties indicated in Annexes I and II on imports of the corresponding products from the other Member States.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 28.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 35.

ANNEX I

PIGMEAT SECTOR

(ECU/100 kg)		(ECU/100 kg)	
CN code	Amount	CN code	Amount
0103 91 10	6,21	0210 12 19	11,71
0103 92 11	5,28	0210 19 10	10,34
0103 92 19	6,21	0210 19 20	11,31
		0210 19 30	9,04
0203 11 10	8,08	0210 19 40	13,08
0203 12 11	11,71	0210 19 51	13,08
0203 12 19	9,04	0210 19 59	13,08
0203 19 11	9,04	0210 19 60	17,93
0203 19 13	13,08	0210 19 70	22,53
0203 19 15	7,03	0210 19 81	22,77
0203 19 55	13,08	0210 19 89	22,77
0203 19 59	13,08	0210 90 31	9,77
0203 21 10	8,08	0210 90 39	7,11
0203 22 11	11,71		
0203 22 19	9,04	1501 00 11	2,58
0203 29 11	9,04	1501 00 19	2,58
0203 29 13	13,08		
0203 29 15	7,03	1601 00 10	11,31
0203 29 55	13,08	1601 00 91	18,98
0203 29 59	13,08	1601 00 99	12,92
0206 30 21	9,77	1602 10 00	9,04
0206 30 31	7,11	1602 20 90	10,50
0206 41 91	9,77	1602 41 10	19,78
0206 49 91	7,11	1602 42 10	16,55
		1602 49 11	19,78
0209 00 11	3,23	1602 49 13	16,55
0209 00 19	3,55	1602 49 15	16,55
0209 00 30	1,94	1602 49 19	10,90
		1602 49 30	9,04
0210 11 11	11,71	1602 49 50	5,41
0210 11 19	9,04	1602 90 10	10,50
0210 11 31	22,77	1602 90 51	10,90
0210 11 39	17,93		
0210 12 11	7,03	1902 20 30	5,41

ANNEX II

EGGS AND POULTRYMEAT SECTORS

CN code	Amount	CN code	Amount
	(ECU/100 pieces)		(ECU/100 kg)
0105 11 00	1,64	0105 99 30	7,53
0105 19 10	7,17	0105 99 50	8,80
0105 19 90	1,64	0207 10 11	7,10
		0207 10 15	8,08
	(ECU/100 kg)	0207 10 19	8,80
0105 91 00	5,66	0207 10 31	10,76
0105 99 10	6,62	0207 10 39	11,80
0105 99 20	8,41	0207 10 51	7,78

CN code	Amount	CN code	Amount
	(ECU/100 kg)		(ECU/100 kg)
0207 10 55	9,45	0207 42 11	12,98
0207 10 59	10,50	0207 42 21	6,79
0207 10 71	12,01	0207 42 31	4,70
0207 10 79	11,43	0207 42 41	17,22
0207 10 90	12,57	0207 42 51	8,07
0207 21 10	8,08	0207 42 59	14,53
0207 21 90	8,80	0207 42 71	20,90
0207 22 10	10,76	0207 42 90	4,70
0207 22 90	11,80	0207 43 11	24,00
0207 23 11	9,45	0207 43 15	21,06
0207 23 19	10,50	0207 43 21	11,55
0207 23 51	12,01	0207 43 23	12,57
0207 23 59	11,43	0207 43 25	13,83
0207 23 90	12,57	0207 43 31	6,79
0207 31 00	120,10	0207 43 41	4,70
0207 39 11	21,06	0207 43 51	17,14
0207 39 13	9,68	0207 43 53	13,33
0207 39 15	6,79	0207 43 61	16,57
0207 39 17	4,70	0207 43 63	12,52
0207 39 21	13,33	0207 43 71	14,62
0207 39 23	12,52	0207 43 81	20,90
0207 39 25	20,90	0207 43 90	4,70
0207 39 27	4,70	0207 50 10	120,10
0207 39 31	22,60	0207 50 90	12,02
0207 39 33	12,98	0209 00 90	10,45
0207 39 35	6,79	0210 90 71	120,10
0207 39 37	4,70	0210 90 79	12,02
0207 39 41	17,22	1501 00 90	12,54
0207 39 43	8,07	1602 31 11	21,52
0207 39 45	14,53	1602 31 19	22,99
0207 39 47	20,90	1602 31 30	12,54
0207 39 51	4,70	1602 31 90	7,32
0207 39 53	24,00	1602 39 11	20,76
0207 39 55	21,06	1602 39 19	18,61
0207 39 57	11,55	1602 39 30	12,54
0207 39 61	12,57	1602 39 90	7,32
0207 39 63	13,83		
0207 39 65	6,79		(ECU/100 Stück)
0207 39 67	4,70		
0207 39 71	17,14	0407 00 11	3,77
0207 39 73	13,33	0407 00 19	0,82
0207 39 75	16,57		
0207 39 77	12,52		(ECU/100 kg)
0207 39 81	14,62		
0207 39 83	20,90		
0207 39 85	4,70	0407 00 30	6,32
0207 39 90	12,02	0408 11 10	29,58
0207 41 10	21,06	0408 19 11	12,89
0207 41 11	9,68	0408 19 19	13,78
0207 41 21	6,79	0408 91 10	28,57
0207 41 31	4,70	0408 99 10	7,33
0207 41 41	13,33	3502 10 91	25,66
0207 41 51	12,52	3502 10 99	3,48
0207 41 71	20,90	3502 90 51	25,66
0207 41 90	4,70	3502 90 59	3,48
0207 42 10	22,60		