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Legislation

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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3836/90**of 20 December 1990****amending Regulation (EEC) No 4007/87 extending the period referred to in Articles 90 (1) and 257 (1) of the Act of Accession of Spain and Portugal**

THE COUNCIL 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 Articles 90 (2) and 257 (2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Articles 90 (1) and 257 (1) of the Act of Accession provide for a period during which transitional measures may be adopted to facilitate the passage from the arrangements existing in Spain and Portugal before accession to those resulting from the application of the common organization of the markets under the conditions laid down in the Act of Accession and in particular to cope with appreciable difficulties in implementing the new arrangements at the date laid down; whereas the date of expiry of that period, set at 31 December 1987 in the Act of Accession, was extended by Regulation (EEC) No 4007/87 ⁽³⁾, as amended by Regulation (EEC) No 3849/89 ⁽⁴⁾, to 31 December 1990 for Spain and Portugal;

Whereas, despite progress made in recent years, difficulties specific to certain sectors in either Member State cannot be overcome by 31 December 1990; whereas the period in question should therefore be extended by one year for Spain and by two years for Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 4007/87 is hereby amended as follows:

1. In the first paragraph, '31 December 1990' for Spain is replaced by '31 December 1991';
2. In the second subparagraph, '31 December 1990' for Portugal is replaced by '31 December 1992'.

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, 20 December 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ OJ No C 293, 23. 11. 1990, p. 6.

⁽²⁾ Opinion delivered on 14 December 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No L 378, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 374, 22. 12. 1989, p. 7.

COUNCIL REGULATION (EEC) No 3837/90

of 20 December 1990

amending Regulation (EEC) No 2997/87 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, owing to the imbalance on the market for bitter varieties, Regulation (EEC) No 2997/87 ⁽³⁾, as last amended by Regulation (EEC) No 1809/89 ⁽⁴⁾, provides for special measures of varietal conversion; whereas varietal conversion in the hop sector would be more effective if it were combined with land consolidation measures; whereas such land consolidation measures are currently being carried out in the hop growing regions of Spain; whereas the entire hop area which is foreseen for varietal conversion must be subject to land consolidation prior to conversion; whereas the time required for this land consolidation would not allow for the implementation of subsequent varietal conversion for a major part of the area in question within the time limits as provided for by Regulation (EEC) No 2997/87;

Whereas in order to allow Spanish hop growers to carry out the necessary measures for land consolidation without

being excluded from participation in the varietal conversion programme of the Community, the time limit by which conversion plans may be implemented should be extended;

Whereas Regulation (EEC) No 2997/87 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph shall be added to Article 2 (1) of Regulation (EEC) No 2997/87:

'In the case of the Kingdom of Spain, the members of the producer groups concerned shall undertake to implement the conversion plans before 31 December 1994.'

Article 2

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

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

Done at Brussels, 20 December 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ OJ No C 279, 7. 11. 1990, p. 3.

⁽²⁾ Opinion delivered on 14 December 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 6.

COUNCIL REGULATION (EEC) No 3838/90**of 20 December 1990****opening and providing for the administration of a Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91 (1991)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

Whereas, for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91, the Community has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota at a rate of duty of 20 %, the quantity of which, expressed in weight of boned or boneless meat, has been fixed at 53 000 tonnes; whereas that quota should accordingly be opened for 1991;

Whereas there should be a guarantee of, in particular, access by all interested traders within the Community to the quota and of uninterrupted application of the rate laid down for that quota to all imports of the products in question until the quota is exhausted;

Whereas the transitional arrangements adopted in respect of the quota for 1990 have operated satisfactorily; whereas they consist of the allocation by the Commission of the quantities available to the traditional operators and to operators engaging in trade in beef and veal, so as to give the latter progressive access to the benefits of those arrangements; whereas, in view of this, the opportunities for access should be widened by increasing the proportion allocated to the latter operators; whereas, in order to ensure that their activities are genuine, only quantities of a certain size representative of trade with third countries should be considered;

Whereas, in order to ensure the quota is fully utilized, it is necessary to set a time limit for lodging import licence applications and to allow the transfer of any quantities that have not been applied for at that date during the last quarter of 1991, and their allocation to operators on the basis of the quantities remaining rather than the original allocation criteria;

Whereas the detailed rules for the application for this Regulation should be drawn up in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾,

Article 1

1. A Community tariff quota for meat of bovine animals, frozen, falling within CN code 0202 and products falling within CN code 0206 29 91, totalling 53 000 tonnes, expressed in weight of boned or boneless meat, is hereby opened for 1991.

For the purposes of counting against the said quota, 100 kilograms of bone-in meat shall be equivalent to 77 kilograms of boned or boneless meat.

2. For the purposes of this Regulation, meat which is presented frozen at the time of acceptance of the import declaration shall be deemed frozen meat.

3. The Common Customs Tariff duty applicable to the quota shall be 20 %.

Article 2

The quota of 53 000 tonnes shall be divided into two parts as follows:

- (a) the first, equal to 85 % or 45 050 tonnes, shall be apportioned between importers who can prove they have imported frozen meat falling within CN code 0202 or products falling within CN code 0206 29 91 to which these import arrangements apply during the last three years;
- (b) the second, equal to 15 % or 7 950 tonnes, shall be apportioned between operators who can prove that they engage in trade, involving a minimum quantity and for a period to be determined, with third countries in beef and veal other than that to which these import arrangements apply and excluding meat which is the subject of inward or outward processing traffic.

Article 3

1. Quantities which have not been covered by an import licence application at 31 August 1991 shall be the subject of a further allocation during the fourth quarter of that year, without account necessarily being taken of the apportionment referred to in Article 2.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

2. Member States shall notify the Commission, before 16 September 1991, of quantities not applied for at 31 August of that year.

(b) the conditions governing the issue and the term of validity of import licences.

Article 4

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, and in particular rules on:

- (a) the apportionment and allocation of quantities available between the operators referred to in Article 2; and

Article 5

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, 20 December 1990.

For the Council

The President

G. RUFFOLO

COUNCIL REGULATION (EEC) No 3839/90**of 20 December 1990****opening a Community tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (1991)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota at a rate of duty of 4 % for 1 500 tonnes of frozen thin skirt of bovine animals falling within CN code 0206 29 91; whereas that quota should accordingly be opened for 1991;

Whereas there should be a guarantee of, in particular, equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the rate laid down for that quota, to all imports of the product in question until the quota is exhausted;

Whereas the detailed rules for the application of this Regulation should be drawn up in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾,

Article 1

1. A Community tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91, amounting to a total of 1 500 tonnes, is hereby opened for 1991.
2. The Common Customs Tariff duty applicable to the quota shall be 4 %.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, and in particular:

- (a) provisions to guarantee the nature of the product, where it comes from and its origin;
- (b) provisions concerning recognition of the document enabling the guarantee referred to in (a) to be verified.

Article 3

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

It shall apply from 1 January 1991.

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

Done at Brussels, 20 December 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

COUNCIL REGULATION (EEC) No 3840/90

of 20 December 1990

opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Commission has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota at a rate of duty of 20 % for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and products falling within CN codes 0206 10 95 and 0206 29 91, the quantity of which, expressed in weight of product, has been fixed at 34 300 tonnes; whereas that quota should accordingly be opened for 1991;

Whereas there should be a guarantee of, in particular, equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the rate laid down for that quota to all imports of the products in question until the quota is exhausted; whereas, to that end, a system for using the Community tariff quota based on the presentation of a certificate of authenticity guaranteeing the nature of the products, their provenance and their place of origin should be set up;

Whereas the detailed rules for the application of this Regulation should be drawn up in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common orga-

nization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91, amounting to a total, expressed in weight of product, of 34 300 tonnes is hereby opened for 1991.

2. The Common Customs Tariff duty applicable to the quota shall be 20 %.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, and in particular:

- (a) provisions to guarantee the nature of the products, where they come from and their origin;
- (b) provisions concerning recognition of the document enabling the guarantee referred to in (a) to be verified.

Article 3

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

It shall apply from 1 January 1991.

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

Done at Brussels, 20 December 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

COUNCIL REGULATION (EEC) No 3841/90

of 20 December 1990

opening a Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90 (1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Commission has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota at a rate of duty of 20 %, for frozen buffalo meat falling within CN code 0202 30 90, the quantity of which has been fixed at 2 250 tonnes; whereas that quota should accordingly be opened for 1991;

Whereas there should be a guarantee of, in particular, equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the rate laid down for that quota to all imports of the products in question until the quota is exhausted; whereas, to that end, a system for using the Community tariff quota based on the presentation of a certificate of authenticity guaranteeing the nature of the products, their provenance and their place of origin should be set up;

Whereas the detailed rules for the application of this Regulation should be drawn up in accordance with the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90, amounting to a total of 2 250 tonnes, is hereby opened for 1991.
2. The Common Customs Tariff duty applicable to the quota shall be 20 %.

Article 2

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, and in particular:

- (a) provisions to guarantee the nature of the products, where they come from and their origin;
- (b) provisions concerning recognition of the document enabling the guarantee referred to in (a) to be verified.

Article 3

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

It shall apply from 1 January 1991.

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

Done at Brussels, 20 December 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

COUNCIL REGULATION (EEC) No 3842/90

of 21 December 1990

amending Regulation (EEC) No 430/87 concerning the import arrangements applicable to products covered by CN codes 0714 10 and 0714 90 and originating in certain third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 430/87⁽¹⁾, as last amended by Regulation (EEC) No 3846/89⁽²⁾, lays down the arrangements applicable to manioc and similar products originating in certain third countries which qualify on import into the Community for a levy subject to a ceiling of 6 % *ad valorem*, which expire on 31 December 1990 as regards Thailand and China;

Whereas, by Decision 90/637/EEC⁽³⁾, the Council approved the Protocol renewing the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade for 1991 to 1994 inclusive;

Whereas, consultations were held under Article 6 of the Trade and Economic Cooperation Agreement between the European Economic Community and the People's Republic of China⁽⁴⁾ concerning imports into the Community of manioc falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19; whereas the outcome of these consultations was a mutually satisfactory solution comprising, on the one hand, the restriction by China of its exports in 1991 and 1992 and to 350 000 tonnes of manioc and, on the other, the autho-

rization given by the Community for the importation of these quantities, subject to a levy of not more than 6 % *ad valorem*,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 430/87 is hereby amended as follows:

1. Article 1 (1) shall be replaced by the following:

'1. For products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand, the levy of not more than 6 % *ad valorem* applicable to imports shall be collected solely on the annual quantities resulting from the renewal of the Agreement approved by Decision 90/637/EEC⁽³⁾ for 1991, 1992, 1993 and 1994.'

⁽¹⁾ OJ No L 347, 12. 12. 1990, p. 23.

2. Paragraph 2 (c) shall be replaced by the following:

'(c) China: 350 000 tonnes per year for 1991 and 1992'.

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, 21 December 1990.

For the Council

The President

A. RUBERTI

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 3.

⁽³⁾ OJ No L 347, 12. 12. 1990, p. 23.

⁽⁴⁾ OJ No L 250, 19. 9. 1985, p. 2.

COUNCIL REGULATION (EEC) No 3843/90**of 21 December 1990****amending Regulation (EEC) No 1471/88 as regards imports of sweet potatoes intended for uses other than human consumption and originating in the People's Republic of China for 1991 and 1992**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1471/88 of 16 May 1988 concerning the arrangements applicable to imports of sweet potatoes and manioc starch intended for certain uses⁽¹⁾, as amended by Regulation (EEC) No 3847/89⁽²⁾, opens an annual tariff quota subject to zero duty for imports into the Community of sweet potatoes intended for uses other than human consumption, falling within CN code 0714 20 90 and originating in the People's Republic of China for 1988, 1989 and 1990;

Whereas consultations were held under Article 6 of the Trade and Economic Cooperation Agreement between the European Economic Community and the People's Republic of China⁽³⁾, concerning imports into the Community of sweet potatoes falling within CN code

0714 20 90; whereas the outcome of these consultations was a mutually satisfactory solution comprising, on the one hand, the restriction by China of its exports in 1991, and 1992 to 600 000 tonnes of sweet potatoes a year, and, on the other, the authorization given by the Community for the importation of these quantities,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 2 of Regulation (EEC) No 1471/88 is hereby replaced by the following:

'This quota shall be 600 000 tonnes per year for 1991 and 1992.'

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, 21 December 1990.

For the Council

The President

A. RUBERTI

⁽¹⁾ OJ No L 134, 31. 5. 1988, p. 1.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 5.

⁽³⁾ OJ No L 250, 19. 9. 1985, p. 2.

COMMISSION REGULATION (EEC) No 3844/90

of 28 December 1990

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 13 (1) of Regulation (EEC) No 2727/75 provides that a levy must be charged on imports of the products listed in Article 1 (a), (b) and (c) of that Regulation; whereas the levy is equal for each product to the threshold price less the cif price;

Whereas, the threshold prices for cereals and for wheat and rye flour, and wheat groats and meal, were fixed for the 1990/91 marketing year by Council Regulations (EEC) No 2734/75⁽⁵⁾, (EEC) No 1341/90⁽⁶⁾, (EEC) No 1344/90⁽⁷⁾ and Commission Regulation (EEC) No 1573/90⁽⁸⁾;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation No 156/67/EEC⁽⁹⁾, as last amended by Regulation (EEC) No 31/76⁽¹⁰⁾, and in particular the most favourable purchasing opportunities on the world market among those which are most representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal disturbances on the Community market; whereas the

quality of the goods offered must also be taken into account, whether this quality corresponds to the standard quality fixed in Council Regulations (EEC) No 2731/75⁽¹¹⁾, as last amended by Regulation (EEC) No 2094/87⁽¹²⁾, and (EEC) No 2734/75, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Commission Regulations No 158/67/EEC⁽¹³⁾, as last amended by Regulation (EEC) No 2124/87⁽¹⁴⁾, and No 159/67/EEC⁽¹⁵⁾;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas Council Regulation (EEC) No 715/90⁽¹⁶⁾ lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 December 1990;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 34.

⁽⁶⁾ OJ No L 134, 28. 5. 1990, p. 3.

⁽⁷⁾ OJ No L 134, 28. 5. 1990, p. 7.

⁽⁸⁾ OJ No L 149, 13. 6. 1990, p. 9.

⁽⁹⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹⁰⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽¹²⁾ OJ No L 196, 17. 7. 1987, p. 1.

⁽¹³⁾ OJ No 128, 27. 6. 1967, p. 2536/67.

⁽¹⁴⁾ OJ No L 197, 18. 7. 1987, p. 22.

⁽¹⁵⁾ OJ No 128, 27. 6. 1967, p. 2542/67.

⁽¹⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy ; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽¹⁾ ;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as set out in the Annex thereto ; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by ECU 0,73 or more,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 367, 29. 12. 1990, p. 1.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	(ECU/tonne)	
	Levies	
	Third country	
0709 90 60	140,23	(²) (³)
0712 90 19	140,23	(²) (³)
1001 10 10	197,65	(¹) (²)
1001 10 90	197,65	(¹) (²)
1001 90 91	189,50	
1001 90 99	189,50	
1002 00 00	155,73	(⁴)
1003 00 10	147,87	
1003 00 90	147,87	
1004 00 10	145,40	
1004 00 90	145,40	
1005 10 90	140,23	(²) (³)
1005 90 00	140,23	(²) (³)
1007 00 90	142,08	(⁴)
1008 10 00	59,74	
1008 20 00	126,27	(⁴)
1008 30 00	70,62	(⁵)
1008 90 10	(⁷)	(⁷)
1008 90 90	70,62	
1101 00 00	279,32	(⁶)
1102 10 00	232,04	(⁶)
1103 11 10	319,74	(⁶)
1103 11 90	300,57	(⁶)

(¹) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

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

(³) Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

(⁴) Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

(⁵) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(⁶) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

(⁷) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

(⁸) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 3845/90

of 28 December 1990

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the scale of premiums to be added to the import levies fixed in advance for cereals must include a premium for the current month and a premium for each of the three following months; whereas the amount of each premium must be the same throughout the Community;

Whereas Regulation (EEC) No 2745/75 of the Council⁽⁵⁾ laid down rules for the advance fixing of levies on cereals;

Whereas, under the terms of that Regulation, where the cif price for a cereal determined on the day on which the scale of premiums is fixed is higher than the cif forward delivery price for that cereal, the scale of the premium should, as a general rule, be equal to the difference between these two prices; whereas the cif price is that determined in accordance with Article 13 of Regulation (EEC) No 2727/75 on the day on which the scale of premiums is fixed; whereas the cif forward delivery price is also determined in accordance with Article 13 of Regulation (EEC) No 2727/75 but on the basis of offers at North Sea ports; whereas this price must be the cif price for shipment during the month in which the import licence is issued in the case of imports to be effected during that month; whereas, in the case of imports to be effected during the month following the month in which the import licence is issued, this price must be the cif price for shipment during that month; whereas, in the case of imports to be effected during the last two months

for which the import licence is valid, this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place;

Whereas this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place in the case of imports to be effected during the last two months for which the import licence is valid;

Whereas the premium shall be ECU 0 if the cif price determined on the day on which the premiums are fixed is equal to the cif forward delivery price or exceeds that price by not more than ECU 0,151 per tonne;

Whereas the premium may, however, be fixed at a higher level in exceptional circumstances and within certain specific limits;

Whereas Article 3 of CN code Regulation (EEC) No 1579/74 of the Commission of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and rice and for the advance fixing of this levy for these products and for compound feeding-stuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No 1740/78⁽⁷⁾, provides for the addition of a premium to the levy fixed in advance for products falling within CN code 1107; whereas this premium is, per 100 kilograms of processed product, equal to the premium applicable on the day of application for an import licence to the quantity of basic product taken as a basis for the calculation of the variable component of the levy;

Whereas, pursuant to Regulation (EEC) No 971/73 of the Commission of 9 April 1973 on the advance fixing of the levy on wheat and meslin flour⁽⁸⁾, a premium is added to the levy fixed in advance for the products falling within CN code 1101 00 00 referred to in Article 1 (c) of Regulation (EEC) No 2727/75; whereas this premium is, per tonne of processed product, equal to the premium applicable on the date of application for an import licence for the basic product, account being taken of the quantity of the basic cereal required for the production of one tonne of flour;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 76.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 95, 11. 4. 1973, p. 10.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last indent of Article 3 (1) of Regulation (EEC) No 1676/85,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 December 1990;

Whereas it follows from applying all these provisions that the premiums should be as set out in the Annex hereto;

whereas the amount of the premiums should be altered only if application of the abovementioned provisions entails a change of more than 0,151 ECU,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annex hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,27	3,20	3,27
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0,18	0,18	0

B. Malt

CN code	(ECU/tonne)				
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3846/90
of 28 December 1990
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 11 of Regulation (EEC) No 1418/76 provides for charging an import levy on paddy rice, husked rice, semi-milled rice, wholly milled rice and broken rice; whereas, in the case of husked rice, wholly milled rice and broken rice, the levy is equal to the difference between the threshold price and the cif price; whereas, in the case of paddy rice and semi-milled rice, the levy should be derived from the levies applicable to the corresponding husked rice and wholly milled rice;

Whereas the threshold prices for husked rice, wholly milled rice and broken rice were fixed for the 1990/91 marketing year by Commission Regulation (EEC) No 2104/90⁽⁵⁾;

Whereas, for the purpose of calculating cif prices, the Commission must take account of the factors indicated in Article 16 of Regulation (EEC) No 1418/76 and in Commission Regulation (EEC) No 1613/71 of 26 July 1971 laying down detailed rules for fixing cif prices and levies on rice and broken rice and the corrective amounts relating thereto⁽⁶⁾, as last amended by Regulation (EEC) No 2325/88⁽⁷⁾, and in particular the most favourable purchasing opportunities on the world market which are sufficiently representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal disturbances

on the Community market; whereas the quality of the goods offered must also be taken into account, whether this quality as fixed in Council Regulation (EEC) No 1423/76⁽⁸⁾, or whether adjustments need to be made by applying the corrective amounts provided for in Regulation (EEC) No 1613/71;

Whereas, furthermore, in the case of round grain and long grain husked rice and round grain and long grain wholly milled rice, the cif price is calculated on the basis of quotations or prices on the world market relating, for each type of rice, to the products specified in Article 4 of Regulation (EEC) No 1613/71; whereas, for this calculation, the conversion rates resulting from Commission Regulation No 467/67/EEC of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing⁽⁹⁾, as last amended by Regulation (EEC) No 2325/88, should be used where appropriate;

Whereas, when these conversions are being effected, the Commission must take account of the fact that certain offers are for rice containing a higher percentage of broken rice than that allowed for in the standard quality fixed by Regulation (EEC) No 1423/76 and, in that case, must adjust the offers so as to conform with the value of one kilogram of broken rice fixed by Regulation No 467/67/EEC; whereas no adjustment is made, however, if the prices for husked rice and semi-milled or wholly milled rice taken into consideration are lower than those provided for in the last subparagraph of Article 4 of Regulation No 467/67/EEC;

Whereas Regulation (EEC) No 1613/71 requires the Commission to take account of the fact that certain offers are for delivery cost and freight or relate to a product put up in bags and, if this is the case, to adjust such offers by applying the rates or amounts fixed by the abovementioned Regulation to make the offers comparable to offers for delivery cif or relating to a product presented in bulk;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned factors, offers made for other ports being adjusted, account being taken of the corrections necessitated by the difference in transport charges in relation to Rotterdam;

Whereas, if the conditions provided for in Article 1 (3) of Regulation (EEC) No 1613/71 obtain, the cif price may be calculated on the basis of offers for delivery during the following month or may be retained unaltered for a limited period;

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 191, 24. 7. 1990, p. 21.

⁽⁶⁾ OJ No L 168, 27. 7. 1971, p. 28.

⁽⁷⁾ OJ No L 202, 27. 7. 1988, p. 41.

⁽⁸⁾ OJ No L 166, 25. 6. 1976, p. 20.

⁽⁹⁾ OJ No 204, 24. 8. 1967, p. 1.

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them must be reduced by a fixed amount and by an amount corresponding to 50 % of the levy relating to third countries; whereas, pursuant to Articles 12 and 13 of 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)⁽¹⁾, the levy must be further reduced in the case of semi-milled and wholly milled rice;

Whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽²⁾;

Whereas Regulation (EEC) No 1423/76 determined the standard qualities for rice and broken rice;

Whereas Council Regulation (EEC) No 3877/86⁽³⁾ defined a special arrangement for the importation of certain quantities of Basmati rice into the Community; whereas this arrangement provides for a levy of 75 % of that calculated in accordance with Article 11 of Regulation (EEC) No 1418/76; whereas however this levy may not be less than the difference between the free-at-frontier price for Basmati rice and the threshold price for long-grain rice;

Whereas Council Regulation (EEC) No 3491/90⁽⁴⁾ made import arrangements for rice originating in Bangladesh;

Whereas levies are fixed once a week and are altered in the intervening period to take account of variations in threshold prices or in the factors used to determine cif

prices; whereas, in the case of husked rice, wholly milled rice and broken rice, the levies are altered only if variations in the factors used to calculate the levy entail an increase or a reduction of at least ECU 1,21 per tonne in the amount of the levy in force;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying all the abovementioned provisions that the levies should be fixed as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽³⁾ OJ No L 361, 20. 12. 1986, p. 1.

⁽⁴⁾ OJ No L 337, 4. 12. 1990, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾)	Third countries (except ACP or OCT) (⁽³⁾) (⁽⁴⁾)
1006 10 21	—	156,93	321,07
1006 10 23	242,45	158,03	323,26
1006 10 25	242,45	158,03	323,26
1006 10 27	242,45	158,03	323,26
1006 10 92	—	156,93	321,07
1006 10 94	242,45	158,03	323,26
1006 10 96	242,45	158,03	323,26
1006 10 98	242,45	158,03	323,26
1006 20 11	—	197,07	401,34
1006 20 13	303,06	198,44	404,08
1006 20 15	303,06	198,44	404,08
1006 20 17	303,06	198,44	404,08
1006 20 92	—	197,07	401,34
1006 20 94	303,06	198,44	404,08
1006 20 96	303,06	198,44	404,08
1006 20 98	303,06	198,44	404,08
1006 30 21	—	244,46	512,78 (⁽⁵⁾)
1006 30 23	452,64 (⁽⁵⁾)	289,87	603,52 (⁽⁵⁾)
1006 30 25	452,64 (⁽⁵⁾)	289,87	603,52 (⁽⁵⁾)
1006 30 27	452,64 (⁽⁵⁾)	289,87	603,52 (⁽⁵⁾)
1006 30 42	—	244,46	512,78 (⁽⁵⁾)
1006 30 44	452,64 (⁽⁵⁾)	289,87	603,52 (⁽⁵⁾)
1006 30 46	452,64 (⁽⁵⁾)	289,87	603,52 (⁽⁵⁾)
1006 30 48	452,64 (⁽⁵⁾)	289,87	603,52 (⁽⁵⁾)
1006 30 61	—	260,70	546,11 (⁽⁵⁾)
1006 30 63	485,24 (⁽⁵⁾)	311,14	646,98 (⁽⁵⁾)
1006 30 65	485,24 (⁽⁵⁾)	311,14	646,98 (⁽⁵⁾)
1006 30 67	485,24 (⁽⁵⁾)	311,14	646,98 (⁽⁵⁾)
1006 30 92	—	260,70	546,11 (⁽⁵⁾)
1006 30 94	485,24 (⁽⁵⁾)	311,14	646,98 (⁽⁵⁾)
1006 30 96	485,24 (⁽⁵⁾)	311,14	646,98 (⁽⁵⁾)
1006 30 98	485,24 (⁽⁵⁾)	311,14	646,98 (⁽⁵⁾)
1006 40 00	—	85,23	176,46

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

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

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

(⁽⁴⁾) The import levy on rice originating in Bangladesh is specified in Regulation (EEC) No 3491/90.

(⁽⁵⁾) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 3847/90

of 28 December 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the import levies fixed in advance for rice and broken rice must include a premium for the current month and a premium for each of the following months until the expiry of the period of validity of the import licence; whereas this period of validity was laid down in Article 8 of Commission Regulation (EEC) No 891/89 of 5 April 1989 on special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EEC) No 3633/90 ⁽⁴⁾;

Whereas Council Regulation (EEC) No 1428/76 ⁽⁵⁾ lays down rules for the advance fixing of levies on rice and broken rice;

Whereas under the terms of Regulation (EEC) No 1428/76, where the cif price for husked rice, for milled rice or for broken rice determined on the day on which the premiums are fixed is higher than the cif forward delivery price for the same product, the premium should as a general rule be equal to the difference between these two prices; whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76 on the day on which the premiums are fixed; whereas the detailed rules for determining cif prices were laid down in Commission Regulation (EEC) No 1613/71 of 26 July 1971 laying down detailed rules for fixing cif prices and levies on rice and broken rice and the corrective amounts relating thereto ⁽⁶⁾, as last amended by Regulation (EEC) No 2325/88 ⁽⁷⁾; whereas the cif forward delivery price is also determined in accordance with Article 16 of Regulation (EEC) No 1418/76 but on the basis of offers at North Sea ports; whereas this price must be the cif price for shipment during the month in which the import licence is issued in the case of imports to be effected during that month; whereas in the case of imports to be effected during the month following the month in which the import licence is issued, this price

must be the cif price for shipment during the month in which importation is expected to take place; whereas in the case of imports to be effected during the remaining months for which the import licence is valid, this price must be the cif price for shipment during the month preceding the month in which importation is expected to take place; whereas, if no offer for forward delivery is made for shipment during a given month, this price should be the price ruling for shipment during the last month in which an offer for forward delivery was made;

Whereas the premium shall be ECU 0 if the cif forward delivery price is equal to the cif price or lower by an amount not exceeding ECU 0,30 per tonne;

Whereas by virtue of Articles 6 and 7 of Regulation (EEC) No 1428/76 the premium may, however, be fixed at a higher level in exceptional circumstances and within certain specified limits;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying all these provisions that the premiums should be as set out in the Annex hereto; whereas the amount of the premiums should be altered only if application of the abovementioned provisions entails a change of more than ECU 0,30,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 355, 18. 12. 1990, p. 30.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 168, 27. 7. 1971, p. 28.

⁽⁷⁾ OJ No L 202, 27. 7. 1988, p. 41.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 1	1st period 2	2nd period 3	3rd period 4
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 3848/90

of 28 December 1990

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁹⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of 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)⁽¹⁰⁾;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽¹¹⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹⁰⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹¹⁾ OJ No L 370, 31. 12. 1990.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3842/90⁽²⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽³⁾, as amended by Regulation (EEC) No 222/88⁽⁴⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.
⁽²⁾ See page 8 of this Official Journal.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.
⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
0714 10 10 (*)	147,03	153,68
0714 10 91	150,66 (*) (*)	150,66
0714 10 99	148,85	153,68
0714 90 11	150,66 (*) (*)	150,66
0714 90 19	148,85 (*)	153,68
1102 20 10	257,90	263,94
1102 20 90	146,15	149,17
1102 30 00	207,10	210,12
1102 90 10	271,19	277,23
1102 90 30	265,01	271,05
1102 90 90	150,72	153,74
1103 12 00	265,01	271,05
1103 13 11	257,90	263,94
1103 13 19	257,90	263,94
1103 13 90	146,15	149,17
1103 14 00	207,10	210,12
1103 19 10	283,50	289,54
1103 19 30	271,19	277,23
1103 19 90	150,72	153,74
1103 21 00	311,54	317,58
1103 29 10	283,50	289,54
1103 29 20	271,19	277,23
1103 29 30	265,01	271,05
1103 29 40	257,90	263,94
1103 29 50	207,10	210,12
1103 29 90	150,72	153,74
1104 11 10	153,67	156,69
1104 11 90	301,32	307,36
1104 12 10	150,17	153,19
1104 12 90	294,46	300,50
1104 19 10	311,54	317,58
1104 19 30	283,50	289,54
1104 19 50	257,90	263,94
1104 19 91	351,68	357,72
1104 19 99	265,97	272,01
1104 21 10	241,06	244,08
1104 21 30	241,06	244,08
1104 21 50	376,65	382,69
1104 21 90	153,67	156,69
1104 22 10 10 (*)	150,17	153,19
1104 22 10 90 (*)	265,01	268,03
1104 22 30	265,01	268,03

CN code	Import levies (ECU/tonne)	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
1104 22 50	235,57	238,59
1104 22 90	150,17	153,19
1104 23 10	229,25	232,27
1104 23 30	229,25	232,27
1104 23 90	146,15	149,17
1104 29 11	230,20	233,22
1104 29 15	209,48	212,50
1104 29 19	236,42	239,44
1104 29 31	276,93	279,95
1104 29 35	252,00	255,02
1104 29 39	236,42	239,44
1104 29 91	176,54	179,56
1104 29 95	160,65	163,67
1104 29 99	150,72	153,74
1104 30 10	129,81	135,85
1104 30 90	107,46	113,50
1106 20 10	147,03 (*)	153,68
1106 20 91	227,05 (*)	251,23
1106 20 99	227,05 (*)	251,23
1107 10 11	308,08	318,96
1107 10 19	230,20	241,08
1107 10 91	268,17	279,05 (*)
1107 10 99	200,38	211,26
1107 20 00	233,52	244,40 (*)
1108 11 00	380,78	401,33
1108 12 00	230,68	251,23
1108 13 00	230,68	251,23 (*)
1108 14 00	115,34	251,23
1108 19 10	296,98	327,81
1108 19 90	115,34 (*)	251,23
1109 00 00	692,32	873,66
1702 30 51	300,89	397,61
1702 30 59	230,68	297,17
1702 30 91	300,89	397,61
1702 30 99	230,68	297,17
1702 40 90	230,68	297,17
1702 90 50	230,68	297,17
1702 90 75	315,22	411,94
1702 90 79	219,22	285,71
2106 90 55	230,68	297,17
2302 10 10	65,38	71,38
2302 10 90	140,11	146,11
2302 20 10	65,38	71,38
2302 20 90	140,11	146,11
2302 30 10	65,38	71,38
2302 30 90	140,11	146,11
2302 40 10	65,38	71,38
2302 40 90	140,11	146,11
2303 10 11	286,56	467,90

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories :
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (⁴) Taric code : clipped oats.
- (⁵) Taric code : CN code 1104 22 10, other than 'clipped oats'.
- (⁶) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (⁷) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States or in the overseas countries and territories.
- (⁸) On importation into Portugal, the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.
-

COMMISSION REGULATION (EEC) No 3849/90
of 28 December 1990
fixing the import levies on compound feedingstuffs

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 3577/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to

them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of 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 African, Caribbean and Pacific States or in the overseas countries and territories⁽⁶⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies	
	ACP and OCT	Third countries (other than ACP and OCT) ⁽¹⁾
2309 10 11	22,92	33,80
2309 10 13	691,57	702,45
2309 10 31	71,64	82,52
2309 10 33	740,29	751,17
2309 10 51	143,28	154,16
2309 10 53	811,93	822,81
2309 90 31	22,92	33,80
2309 90 33	691,57	702,45
2309 90 41	71,64	82,52
2309 90 43	740,29	751,17
2309 90 51	143,28	154,16
2309 90 53	811,93	822,81

⁽¹⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 3850/90

of 28 December 1990

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Council Regulation (EEC) No 3577/90 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75 ⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account must be taken of the quantity of cereals needed for

making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the corrective amount applicable to the refund on malt

Product code	(ECU/tonne)					
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

Product code	(ECU/tonne)					
	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3851/90

of 28 December 1990

fixing the production refund for white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Regulation (EEC) No 1771/90⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 2029/90⁽⁶⁾, specifies the method to be used for establishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the pro-

duction refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 33,556 for three months from 1 January to 31 March 1991. For flavoured sugars or sugars containing added colouring agents or containing other substances obtained from white sugar or raw sugar the production refund shall be established by multiplying this amount by the sucrose content of the sugar in question determined in accordance with the polarimetric method as a percentage of the dry matter weight.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 163, 29. 6. 1990, p. 1.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

⁽⁶⁾ OJ No L 186, 18. 7. 1990, p. 5.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3852/90

of 28 December 1990

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the exist-

ing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

(¹) OJ No L 281, 1. 11. 1975, p. 1.
(²) OJ No L 353, 17. 12. 1990, p. 23.
(³) OJ No L 281, 1. 11. 1975, p. 78.
(⁴) OJ No L 281, 1. 11. 1975, p. 65.
(⁵) OJ No L 182, 3. 7. 1987, p. 49.
(⁶) OJ No L 131, 22. 5. 1975, p. 15.

(⁷) OJ No L 164, 24. 6. 1985, p. 1.
(⁸) OJ No L 201, 31. 7. 1990, p. 9.

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (*)	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	0	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 600	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	0	— 50,00	— 50,00
1103 11 10 200	01	0	0	0	0	0	— 50,00	— 50,00
1103 11 10 500	01	0	0	0	0	0	— 50,00	— 50,00
1103 11 10 900	01	0	0	0	0	0	— 50,00	— 50,00
1103 11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(*) For the following destinations:

01 All third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 3853/90

of 28 December 1990

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 3577/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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 export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	140,00
	06	50,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	100,00
	05	100,00
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	07	87,00
	02	0
1003 00 90 000	04	87,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	150,00
1101 00 00 130	01	130,00
1101 00 00 150	01	120,00
1101 00 00 170	01	110,00
1101 00 00 180	01	100,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	150,00
1102 10 00 900	—	—
1103 11 10 100	01	230,00
1103 11 10 200	01	220,00
1103 11 10 500	01	190,00
1103 11 10 900	01	180,00
1103 11 90 100	01	150,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 The Soviet Union,
- 07 Poland.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 3854/90

of 28 December 1990

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 3577/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 ⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the

economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official*

Journal of the European Communities, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/79 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	176,13	1104 22 30 100	169,05
1102 20 10 300	150,97	1104 22 30 900	—
1102 20 10 900	—	1104 22 50 000	—
1102 20 90 100	150,97	1104 23 10 100	188,72
1102 20 90 900	—	1104 23 10 300	144,68
1102 30 00 000	—	1104 23 10 900	—
1102 90 10 100	147,39	1104 29 11 000	—
1102 90 10 900	100,23	1104 29 15 000	—
1102 90 30 100	178,99	1104 29 19 000	—
1102 90 30 900	—	1104 29 91 000	107,67
1103 12 00 100	178,99	1104 29 95 000	105,10
1103 12 00 900	—	1104 30 10 000	26,92
1103 13 11 100	226,46	1104 30 90 000	31,45
1103 13 11 300	176,13	1107 10 11 000	191,65
1103 13 11 500	150,97	1107 10 91 000	174,90
1103 13 11 900	—	1108 11 00 100	215,34
1103 13 19 100	226,46	1108 11 00 900	—
1103 13 19 300	176,13	1108 12 00 100	201,30
1103 13 19 500	150,97	1108 12 00 900	—
1103 13 19 900	—	1108 13 00 100	201,30
1103 13 90 100	150,97	1108 13 00 900	—
1103 13 90 900	—	1108 14 00 100	—
1103 14 00 000	—	1108 14 00 900	—
1103 19 10 000	105,10	1108 19 10 100	264,91
1103 19 30 100	152,30	1108 19 10 900	—
1103 19 30 900	—	1108 19 90 100	—
1103 21 00 000	109,82	1108 19 90 900	—
1103 29 20 000	100,23	1109 00 00 100	0,00
1103 29 30 000	—	1109 00 00 900	—
1103 29 40 000	128,33	1702 30 51 000	262,94
1104 11 90 100	147,39	1702 30 59 000	201,30
1104 11 90 900	—	1702 30 91 000	262,94
1104 12 90 100	198,88	1702 30 99 000	201,30
1104 12 90 300	159,10	1702 40 90 000	201,30
1104 12 90 900	—	1702 90 50 100	262,94
1104 19 10 000	109,82	1702 90 50 900	201,30
1104 19 50 110	201,30	1702 90 75 000	275,52
1104 19 50 130	163,55	1702 90 79 000	191,23
1104 19 50 150	—	2106 90 55 000	201,30
1104 19 50 190	—	2302 10 10 000	26,54
1104 19 50 900	—	2302 10 90 100	26,54
1104 19 91 000	—	2302 10 90 900	—
1104 21 10 100	147,39	2302 20 10 000	26,54
1104 21 10 900	—	2302 20 90 100	26,54
1104 21 30 100	147,39	2302 20 90 900	—
1104 21 30 900	—	2302 30 10 000	26,54
1104 21 50 100	196,52	2302 30 90 000	26,54
1104 21 50 300	157,22	2302 40 10 000	26,54
1104 21 50 900	—	2302 40 90 000	26,54
1104 22 10 100	159,10	2303 10 11 100	100,65
1104 22 10 900	—	2303 10 11 900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3855/90

of 28 December 1990

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽⁴⁾, as last amended by Regulation (EEC) No 944/87 ⁽⁵⁾, provides that, when export refunds on cereal-based compound

feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs ⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87 ⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice ⁽⁸⁾, as last amended by Regulation (EEC) No 3049/89 ⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 292, 11. 10. 1989, p. 10.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the export refunds on
cereal-based compound feedingstuffs

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	5,94
	09	—
2309 10 11 190	01	5,45
	09	—
2309 10 11 210	01	11,87
	09	—
2309 10 11 290	01	10,89
	09	—
2309 10 11 310	01	23,75
	09	—
2309 10 11 390	01	21,78
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	5,94
	09	—
2309 10 13 190	01	5,45
	09	—
2309 10 13 210	01	11,87
	09	—
2309 10 13 290	01	10,89
	09	—
2309 10 13 310	01	23,75
	09	—
2309 10 13 390	01	21,78
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	5,94
	09	—
2309 10 31 190	01	5,45
	09	—
2309 10 31 210	01	11,87
	09	—
2309 10 31 290	01	10,89
	09	—
2309 10 31 310	01	23,75
	09	—
2309 10 31 390	01	21,78
	09	—
2309 10 31 410	01	35,62
	09	—
2309 10 31 490	01	32,67
	09	—
2309 10 31 510	01	47,49
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 31 590	01	43,56
	09	—
2309 10 31 610	01	59,37
	09	—
2309 10 31 690	01	54,46
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	5,94
	09	—
2309 10 33 190	01	5,45
	09	—
2309 10 33 210	01	11,87
	09	—
2309 10 33 290	01	10,89
	09	—
2309 10 33 310	01	23,75
	09	—
2309 10 33 390	01	21,78
	09	—
2309 10 33 410	01	35,62
	09	—
2309 10 33 490	01	32,67
	09	—
2309 10 33 510	01	47,49
	09	—
2309 10 33 590	01	43,56
	09	—
2309 10 33 610	01	59,37
	09	—
2309 10 33 690	01	54,46
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	5,94
	09	—
2309 10 51 190	01	5,45
	09	—
2309 10 51 210	01	11,87
	09	—
2309 10 51 290	01	10,89
	09	—
2309 10 51 310	01	23,75
	09	—
2309 10 51 390	01	21,78
	09	—
2309 10 51 410	01	35,62
	09	—
2309 10 51 490	01	32,67
	09	—
2309 10 51 510	01	47,49
	09	—
2309 10 51 590	01	43,56
	09	—
2309 10 51 610	01	59,37
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 51 690	01	54,46
	09	—
2309 10 51 710	01	71,24
	09	—
2309 10 51 790	01	65,35
	09	—
2309 10 51 810	01	77,72
	09	—
2309 10 51 890	01	71,29
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	5,94
	09	—
2309 10 53 190	01	5,45
	09	—
2309 10 53 210	01	11,87
	09	—
2309 10 53 290	01	10,89
	09	—
2309 10 53 310	01	23,75
	09	—
2309 10 53 390	01	21,78
	09	—
2309 10 53 410	01	35,62
	09	—
2309 10 53 490	01	32,67
	09	—
2309 10 53 510	01	47,49
	09	—
2309 10 53 590	01	43,56
	09	—
2309 10 53 610	01	59,37
	09	—
2309 10 53 690	01	54,46
	09	—
2309 10 53 710	01	71,24
	09	—
2309 10 53 790	01	65,35
	09	—
2309 10 53 810	01	77,72
	09	—
2309 10 53 890	01	71,29
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	5,94
	09	—

(ECU / tonne)		
Product code	Destination (1)	Amount of refund
2309 90 31 190	01	5,45
	09	—
2309 90 31 210	01	11,87
	09	—
2309 90 31 290	01	10,89
	09	—
2309 90 31 310	01	23,75
	09	—
2309 90 31 390	01	21,78
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	5,94
	09	—
2309 90 33 190	01	5,45
	09	—
2309 90 33 210	01	11,87
	09	—
2309 90 33 290	01	10,89
	09	—
2309 90 33 310	01	23,75
	09	—
2309 90 33 390	01	21,78
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	5,94
	09	—
2309 90 41 190	01	5,45
	09	—
2309 90 41 210	01	11,87
	09	—
2309 90 41 290	01	10,89
	09	—
2309 90 41 310	01	23,75
	09	—
2309 90 41 390	01	21,78
	09	—
2309 90 41 410	01	35,62
	09	—
2309 90 41 490	01	32,67
	09	—
2309 90 41 510	01	47,49
	09	—
2309 90 41 590	01	43,56
	09	—
2309 90 41 610	01	59,37
	09	—
2309 90 41 690	01	54,46
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	5,94
	09	—
2309 90 43 190	01	5,45
	09	—

(ECU / tonne)		
Product code	Destination (1)	Amount of refund
2309 90 43 210	01	11,87
	09	—
2309 90 43 290	01	10,89
	09	—
2309 90 43 310	01	23,75
	09	—
2309 90 43 390	01	21,78
	09	—
2309 90 43 410	01	35,62
	09	—
2309 90 43 490	01	32,67
	09	—
2309 90 43 510	01	47,49
	09	—
2309 90 43 590	01	43,56
	09	—
2309 90 43 610	01	59,37
	09	—
2309 90 43 690	01	54,46
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	5,94
	09	—
2309 90 51 190	01	5,45
	09	—
2309 90 51 210	01	11,87
	09	—
2309 90 51 290	01	10,89
	09	—
2309 90 51 310	01	23,75
	09	—
2309 90 51 390	01	21,78
	09	—
2309 90 51 410	01	35,62
	09	—
2309 90 51 490	01	32,67
	09	—
2309 90 51 510	01	47,49
	09	—
2309 90 51 590	01	43,56
	09	—
2309 90 51 610	01	59,37
	09	—
2309 90 51 690	01	54,46
	09	—
2309 90 51 710	01	71,24
	09	—
2309 90 51 790	01	65,35
	09	—
2309 90 51 810	01	77,72
	09	—

(ECU/tonne)

Product code	Destination (1)	Amount of refund
2309 90 51 890	01	71,29
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	5,94
	09	—
2309 90 53 190	01	5,45
	09	—
2309 90 53 210	01	11,87
	09	—
2309 90 53 290	01	10,89
	09	—
2309 90 53 310	01	23,75
	09	—
2309 90 53 390	01	21,78
	09	—
2309 90 53 410	01	35,62
	09	—
2309 90 53 490	01	32,67
	09	—
2309 90 53 510	01	47,49
	09	—
2309 90 53 590	01	43,56
	09	—
2309 90 53 610	01	59,37
	09	—
2309 90 53 690	01	54,46
	09	—
2309 90 53 710	01	71,24
	09	—
2309 90 53 790	01	65,35
	09	—
2309 90 53 810	01	77,72
	09	—
2309 90 53 890	01	71,29
	09	—
2309 90 53 900	—	—

(1) The destinations are as follows:

- 01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77 and Greenland,
09 Other destinations.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3856/90
of 28 December 1990
fixing production refunds in the cereals and rice sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors ⁽³⁾, as last amended by Regulation (EEC) No 3655/90 ⁽⁴⁾ and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EEC) No 3056/90 ⁽⁶⁾, provides that the production refund shall be fixed on a each month taking into account the export refund valid for maize during the month in question, less a lump sum representing in particular forwarding costs, multiplied by a coefficient of 1,6; whereas the same Article provides for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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 production refunds payable in the cereals and rice sectors in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with amended Regulation (EEC) No 2169/86 shall be as follows in ECU 177,30 per tonne.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 362, 27. 12. 1990, p. 33.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 294, 25. 10. 1990, p. 13.

COMMISSION REGULATION (EEC) No 3857/90**of 28 December 1990****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁵⁾, as last amended by Regulation (EEC) No 1714/88 ⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation

(EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry ⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75 ⁽⁸⁾, as amended by Regulation (EEC) No 1714/88;

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the export refunds on syrups
and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of refund per 100 kg of dry matter ⁽²⁾
1702 40 10 100		38,12
1702 60 10 000		38,12
1702 60 90 000	0,3812	
1702 90 30 000		38,12
1702 90 60 000	0,3812	
1702 90 71 000	0,3812	
1702 90 90 900	0,3812	
2106 90 30 000		38,12
2106 90 59 000	0,3812	

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC)
No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3858/90

of 28 December 1990

fixing the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1428/78 ⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period

between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75 ⁽⁵⁾, as last amended by Regulation (EEC) No 3577/90, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁷⁾,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4417	—
1702 20 90	0,4417	—
1702 30 10	—	53,84
1702 40 10	—	53,84
1702 60 10	—	53,84
1702 60 90	0,4417	—
1702 90 30	—	53,84
1702 90 60	0,4417	—
1702 90 71	0,4417	—
1702 90 90	0,4417	—
2106 90 30	—	53,84
2106 90 59	0,4417	—

COMMISSION REGULATION (EEC) No 3859/90

of 28 December 1990

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾ and in particular Article 16 (8) thereof,

Whereas, in accordance with Article 303 of the Act of Accession, a reduced levy is applied during the period of seven years following accession on imports into Portugal of certain quantities of raw sugar originating in certain third countries;

Whereas Commission Regulation (EEC) No 599/86⁽³⁾, as last amended by Regulation (EEC) No 3462/90⁽⁴⁾, fixes the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the Commission, be fixed as shown in Article 1 of this Regulation;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 December 1990,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (CN codes 1701 11 10 and 1701 12 10) is fixed for this quality type at ECU 28,11 per 100 kilograms.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 18.

⁽⁴⁾ OJ No L 336, 1. 12. 1990, p. 23.

⁽⁵⁾ OJ No L 164, 24. 6. 1990, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 3860/90

of 28 December 1990

altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 3697/90 ⁽³⁾, as amended by Regulation (EEC) No 3772/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3697/90 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 3697/90 are hereby altered to the amounts shown in the Annex hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 357, 20. 12. 1990, p. 40.

⁽⁴⁾ OJ No L 360, 22. 12. 1990, p. 77.

ANNEX

to the Commission Regulation of 28 December 1990 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	35,05 ⁽¹⁾	
1701 11 90 910	34,61 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,05 ⁽¹⁾	
1701 12 90 910	34,61 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3812
1701 99 10 100	38,12	
1701 99 10 910	37,62	
1701 99 10 950	37,62	
1701 99 90 100		0,3812

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 3861/90

of 28 December 1990

fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 10, 0201 10 90, 0201 20 11 and 0201 20 19, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3988/87⁽⁴⁾;

Whereas the guide prices for adult bovine animals to be applied from 14 May 1990 were fixed by Council Regulation (EEC) No 1188/90⁽⁵⁾;

Whereas the prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1252/90 of 11 May 1990 establishing the prices and amounts fixed in ecus by the Council in the beef and veal sector and reduced as a result of the monetary realignment of 5 January 1990⁽⁶⁾;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.
⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.
⁽⁵⁾ OJ No L 119, 11. 5. 1990, p. 36.
⁽⁶⁾ OJ No L 121, 12. 5. 1990, p. 30.

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty;

Whereas Commission Regulation (EEC) No 611/77 ⁽¹⁾, as amended by Regulation (EEC) No 925/77 ⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for

example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽³⁾, as last amended by Regulation (EEC) No 3784/90 ⁽⁴⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 109, 30. 4. 1977, p. 1.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 364, 28. 12. 1990, p. 21.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas levies must be fixed having regard to the obligations arising from international agreements concluded by the Community; whereas account should also be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾, and of Council Decision 87/605/EEC of 21 December 1987 on the conclusion of the additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽²⁾, anticipating a reduction in the levy applicable on imports into the Community of certain products in the beef and veal sector originating in and coming from Yugoslavia;

Whereas Council Regulation (EEC) No 715/90⁽³⁾ lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾,
- for the other currencies, an exchange rate based on the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 7 January 1991.

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽²⁾ OJ No L 389, 31. 12. 1987, p. 72.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia (*)	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	26,502	(⁽¹⁾) 124,192
0102 90 31	21,788	(⁽¹⁾) 26,502	(⁽¹⁾) 124,192
0102 90 33	—	26,502	(⁽¹⁾) 124,192
0102 90 35	21,788	26,502	(⁽¹⁾) 124,192
0102 90 37	21,788	26,502	(⁽¹⁾) 124,192
— Net weight —			
0201 10 10	—	50,353	(⁽¹⁾) 235,964
0201 10 90	41,397	50,353	(⁽¹⁾) 235,964
0201 20 21	—	50,353	(⁽¹⁾) 235,964
0201 20 29	41,397	50,353	(⁽¹⁾) 235,964
0201 20 31	—	40,282	(⁽¹⁾) 188,771
0201 20 39	33,118	40,282	(⁽¹⁾) 188,771
0201 20 51	49,677	60,423	(⁽¹⁾) 283,157
0201 20 59	49,677	60,423	(⁽¹⁾) 283,157
0201 20 90	—	75,530	(⁽¹⁾) 353,946
0201 30 00	—	86,395	(⁽¹⁾) 404,864
0206 10 95	—	86,395	(⁽¹⁾) 404,864
0210 20 10	—	75,530	353,946
0210 20 90	—	86,395	404,864
0210 90 41	—	86,395	404,864
0210 90 90	—	86,395	404,864
1602 50 10	—	86,395	404,864
1602 90 61	—	86,395	404,864

(⁽¹⁾) In accordance with Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

(*) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 3862/90
of 28 December 1990
fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

(c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

(d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

(a) 100 % where the market price is more than or equal to 98 % of the guide price;

(b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

(c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

(d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 14 May 1990 have been fixed by Council Regulation (EEC) No 1188/90 ⁽⁵⁾;

Whereas the prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1252/90 of 11 May 1990 establishing the prices and amounts fixed in ecus by the Council in the beef and veal sector and reduced as a result of the monetary realignment of 5 January 1990 ⁽⁶⁾;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁵⁾ OJ No L 119, 11. 5. 1990, p. 36.

⁽⁶⁾ OJ No L 121, 12. 5. 1990, p. 30.

coefficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽¹⁾, as last amended by Regulation (EEC) No 3784/90 ⁽²⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the

prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ;

Whereas Council Regulation (EEC) No 715/90 ⁽³⁾ lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77 ;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽²⁾ OJ No L 364, 28. 12. 1990, p. 21.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over

a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 7 January 1991.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on frozen beef and veal ⁽¹⁾

(ECU/100 kg)

CN code	Levy
	— Net weight —
0202 10 00	(¹) 197,163
0202 20 10	(¹) 197,163
0202 20 30	(¹) 157,730
0202 20 50	(¹) 246,454
0202 20 90	(¹) 295,745
0202 30 10	(¹) 246,454
0202 30 50	(¹) 246,454
0202 30 90	(¹) 339,120
0206 29 91	(¹) 339,120

(¹) In accordance with Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

COMMISSION REGULATION (EEC) No 3863/90

of 28 December 1990

fixing the sluice-gate prices and levies for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 8 and 12 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, must be fixed in advance for each quarter in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1611/90 of 15 June 1990 fixing the sluice-gate prices and levies on pigmeat⁽³⁾;

Whereas, since sluice-gate prices and levies for pigmeat were last fixed by Commission Regulation (EEC) No 2652/90⁽⁴⁾, for the period 1 October to 31 December 1990, they must be fixed anew for the period 1 January to 31 March 1991; whereas such prices and levies should in principle be fixed by reference to feed grain prices for the period 1 July to 30 November 1990;

Whereas, when the sluice-gate price applicable from 1 October, 1 January and 1 April is being fixed, trends in world market prices for feed grain are to be taken into account only if the value of the quantity of feed grain required varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter; whereas this minimum was fixed by Regulation (EEC) No 2766/75 of the Council⁽⁵⁾, as last amended by Regulation (EEC) No 3906/87⁽⁶⁾, at 3 %;

Whereas the value of the quantity of feed grain varies by more than 3 % from that used for the preceding quarter; whereas trends in world market prices for feed grain must therefore be taken into account when fixing sluice-gate prices for the period 1 January to 31 March 1991;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is being fixed;

Whereas, since a new sluice-gate price has been fixed trends in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, in the case of pigment products, in respect of which the rate of duty has been bound within GATT, the levies should be limited to the amounts resulting from that binding;

Whereas, by Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁷⁾ and 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 African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁸⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain pigmeat products;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 January to 31 March 1991, the sluice-gate prices and the levies provided for in Articles 12 and 8 respectively of Regulation (EEC) No 2759/75 for the products specified in Article 1 (1) of that Regulation shall be as shown in the Annex.

2. Provided that, in the case of products falling within CN codes 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10, 1602 10 00, 1602 20 90 or 1602 90 10, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 18.

⁽⁴⁾ OJ No L 252, 15. 9. 1990, p. 15.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽⁶⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽⁷⁾ OJ No L 370, 31. 12. 1990.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the sluice-gate prices and levies
on pigmeat

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
0103 91 10	69,09	52,26	—
0103 92 11	58,76	44,45	—
0103 92 19	69,09	52,26	—
0203 11 10	89,85	67,96	—
0203 12 11	130,28	98,54	—
0203 12 19	100,63	76,12	—
0203 19 11	100,63	76,12	—
0203 19 13	145,56	110,10	—
0203 19 15	78,17	59,13	—
0203 19 55	145,56	110,10	—
0203 19 59	145,56	110,10	—
0203 21 10	89,85	67,96	—
0203 22 11	130,28	98,54	—
0203 22 19	100,63	76,12	—
0203 29 11	100,63	76,12	—
0203 29 13	145,56	110,10 ⁽¹⁾	—
0203 29 15	78,17	59,13	—
0203 29 55	145,56	110,10 ⁽¹⁾	—
0203 29 59	145,56	110,10	—
0206 30 21	108,72	82,23	7
0206 30 31	79,07	59,80	4
0206 41 91	108,72	82,23	7
0206 49 91	79,07	59,80	4
0209 00 11	35,94	27,18	—
0209 00 19	39,53	29,90	—
0209 00 30	21,56	16,31	—
0210 11 11	130,28	98,54 ⁽¹⁾	—
0210 11 19	100,63	76,12	—
0210 11 31	253,38	191,65	—
0210 11 39	199,47	150,87	—
0210 12 11	78,17	59,13 ⁽¹⁾	—
0210 12 19	130,28	98,54	—
0210 19 10	115,01	86,99	—
0210 19 20	125,79	95,14	—
0210 19 30	100,63	76,12	—
0210 19 40	145,56	110,10 ⁽¹⁾	—
0210 19 51	145,56	110,10	—
0210 19 59	145,56	110,10	—
0210 19 60	199,47	150,87	—
0210 19 70	250,68	189,61	—
0210 19 81	253,38	191,65	—
0210 19 89	253,38	191,65	—
0210 90 31	108,72	82,23	—
0210 90 39	79,07	59,80	—
1501 00 11	28,75	21,75	3
1501 00 19	28,75	21,75	—
1601 00 10	125,79	111,84 ⁽²⁾	24
1601 00 91	211,15	193,39 ⁽¹⁾ ⁽²⁾	—

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
1601 00 99	143,76	130,87 ⁽¹⁾ ⁽²⁾	—
1602 10 00	100,63	96,91	26
1602 20 90	116,81	134,95	25
1602 41 10	220,13	200,93	—
1602 42 10	184,19	164,47	—
1602 49 11	220,13	210,03	—
1602 49 13	184,19	178,97	—
1602 49 15	184,19	161,14 ⁽¹⁾	—
1602 49 19	121,30	109,37 ⁽¹⁾	—
1602 49 30	100,63	93,12	—
1602 49 50	60,20	64,33	—
1602 90 10	116,81	109,61	26
1602 90 51	121,30	108,03	—
1902 20 30	60,20	60,99	—

⁽¹⁾ The levy on products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽²⁾ The levy on products originating in the ACP States/OCT countries and listed in Article 8 of Regulation (EEC) No 715/90 reduced by 50 % within the limits of the quotas referred to in that Regulation.

NB: The CN codes and the footnotes are defined in amended Commission Regulation (EEC) No 2658/87 (OJ No L 256, 7. 9. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3864/90
of 28 December 1990
fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3986/87⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EEC) No 2826/90⁽⁵⁾, last fixed for the period 1 October to 31 December 1990, they must be fixed anew for the period 1 January to 31 March 1991; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 July to 30 November 1990;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required for the production of poultrymeat varies by more than

3 % from that used for the preceding quarter; whereas this variation must accordingly be taken into account in fixing sluice-gate prices for the period 1 January to 31 March 1991;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price is to be fixed for certain product; changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, by Council Regulations (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries⁽⁶⁾ and (EEC) 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 African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁷⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultry meat products;

Whereas Council Regulation (EEC) No 3833/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain agricultural products originating in developing countries⁽⁸⁾ partially or totally suspends Common Tariff duties, in particular on certain poultry meat products;

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁵⁾ OJ No L 268, 29. 9. 1990, p. 69.

⁽⁶⁾ OJ No L 370, 31. 12. 1990.

⁽⁷⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁸⁾ OJ No L 370, 31. 12. 1990.

HAS ADOPTED THIS REGULATION :

Article 1

1. In respect of the products specified in Article 1 (1) of Regulation (EEC) No 2777/75, the levies provided for in Article 3 thereof and the sluice-gate prices provided for in Article 7 thereof shall be as shown in the Annex hereto.

2. However, in the case of products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the sluice-gate prices and levies for poultrymeat ⁽¹⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	22,27	6,44	—
0105 19 10	98,85	21,19	—
0105 19 90	22,27	6,44	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	77,15	26,26	—
0105 99 10	86,94	40,58	—
0105 99 20	112,76	40,61	—
0105 99 30	102,46	30,49	—
0105 99 50	118,55	42,36	—
0207 10 11	96,94	32,99	—
0207 10 15	110,22	37,52	—
0207 10 19	120,10	40,87	—
0207 10 31	146,37	43,55	—
0207 10 39	160,44	47,74	—
0207 10 51	102,28	47,74	—
0207 10 55	124,20	57,97	—
0207 10 59	138,00	64,41 ⁽²⁾	—
0207 10 71	161,08	58,01	—
0207 10 79	151,93	61,73 ⁽²⁾	—
0207 10 90	169,35	60,52	—
0207 21 10	110,22	37,52	—
0207 21 90	120,10	40,87	—
0207 22 10	146,37	43,55	—
0207 22 90	160,44	47,74	—
0207 23 11	124,20	57,97	—
0207 23 19	138,00	64,41 ⁽²⁾	—
0207 23 51	161,08	58,01	—
0207 23 59	151,93	61,73 ⁽²⁾	—
0207 23 90	169,35	60,52	—
0207 31 00	1 610,80	580,10	3 ⁽²⁾
0207 39 11	282,64	109,20	—
0207 39 13	132,11	44,96	—
0207 39 15	91,27	33,97	—
0207 39 17	63,18	23,52	—
0207 39 21	181,86	61,91	—
0207 39 23	170,84	58,16	—
0207 39 25	280,82	104,52	—
0207 39 27	63,18	23,52	—
0207 39 31	307,38	91,46	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	176,48	52,51	—
0207 39 35	91,27	33,97	—
0207 39 37	63,18	23,52	—
0207 39 41	234,19	69,68	—
0207 39 43	109,78	32,66	—
0207 39 45	197,60	58,79	—
0207 39 47	280,82	104,52	—
0207 39 51	63,18	23,52	—
0207 39 53	319,05	129,63 (?)	—
0207 39 55	282,64	109,20	—
0207 39 57	151,80	70,85	—
0207 39 61	167,12	67,90 (?)	—
0207 39 63	186,29	66,57	—
0207 39 65	91,27	33,97 (?)	—
0207 39 67	63,18	23,52 (?)	—
0207 39 71	227,90	92,60 (?)	—
0207 39 73	181,86	61,91	—
0207 39 75	220,30	89,51 (?)	—
0207 39 77	170,84	58,16	—
0207 39 81	193,30	83,79 (?)	—
0207 39 83	280,82	104,52	—
0207 39 85	63,18	23,52	—
0207 39 90	161,47	60,10	10
0207 41 10	282,64	109,20	—
0207 41 11	132,11	44,96	—
0207 41 21	91,27	33,97	—
0207 41 31	63,18	23,52	—
0207 41 41	181,86	61,91	—
0207 41 51	170,84	58,16	—
0207 41 71	280,82	104,52	—
0207 41 90	63,18	23,52	—
0207 42 10	307,38	91,46	—
0207 42 11	176,48	52,51	—
0207 42 21	91,27	33,97	—
0207 42 31	63,18	23,52	—
0207 42 41	234,19	69,68	—
0207 42 51	109,78	32,66	—
0207 42 59	197,60	58,79	—
0207 42 71	280,82	104,52	—
0207 42 90	63,18	23,52	—
0207 43 11	319,05	129,63 (?)	—
0207 43 15	282,64	109,20	—
0207 43 21	151,80	70,85	—
0207 43 23	167,12	67,90 (?)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	186,29	66,57	—
0207 43 31	91,27	33,97 ⁽¹⁾	—
0207 43 41	63,18	23,52 ⁽¹⁾	—
0207 43 51	227,90	92,60 ⁽¹⁾	—
0207 43 53	181,86	61,91	—
0207 43 61	220,30	89,51 ⁽¹⁾	—
0207 43 63	170,84	58,16	—
0207 43 71	193,30	83,79 ⁽¹⁾	—
0207 43 81	280,82	104,52	—
0207 43 90	63,18	23,52	—
0207 50 10	1 610,80	580,10	3 ⁽²⁾
0207 50 90	161,47	60,10	10
0209 00 90	140,41	52,26	—
0210 90 71	1 610,80	580,10	3
0210 90 79	161,47	60,10	10
1501 00 90	168,49	62,71	18
1602 31 11	292,74	87,10	17
1602 31 19	308,90	114,97	17
1602 31 30	168,49	62,71	17
1602 31 90	98,29	36,58	17
1602 39 11	277,86	108,88	—
1602 39 19	308,90	114,97	17
1602 39 30	168,49	62,71	17
1602 39 90	98,29	36,58	17

⁽¹⁾ The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP/OCT countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

⁽²⁾ The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3834/90 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽³⁾ The Common Customs Tariff duties on these products originating in the developing countries and listed in Regulation (EEC) No 3833/90 are suspended and no levy is to be collected.

COMMISSION REGULATION (EEC) No 3865/90

of 28 December 1990

fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 2 ⁽⁷⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 2 (1) of Regulation (EEC) No 1491/85, aid is to be granted for soya beans harvested within the Community where the guide price for a marketing year exceeds the world price; whereas the said aid is to be equal to the difference between those two prices;

Whereas the guide price for soya beans for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1319/90 ⁽³⁾; whereas, pursuant to Articles 95 and 293 of the Act of Accession of Spain and Portugal, aid for soya beans harvested in these two Member States is to be calculated in accordance with the provisions of paragraphs 2 and 3 of the said Articles;

Whereas the prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1756/90 of 27 June 1990 establishing the guide price fixed in ecus by the Council in the soya bean sector and reduced as a result of the monetary realignment of 5 January 1990 ⁽⁴⁾;

Whereas, pursuant to Council Regulation (EEC) No 2194/85 of 25 July 1985 adopting general rules concerning special measures for soya beans ⁽⁵⁾, as last amended by Regulation (EEC) No 1231/89 ⁽⁶⁾, the world price for soya beans is to be determined on the basis of the most favourable actual purchasing possibility, with the exception of offers and prices which may not be considered as representative of the actual market trend; whereas account is to be taken of offers made on the

world market as well as the prices quoted on exchanges which are important in terms of international trade; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the identification day; whereas such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 33 of Commission Regulation (EEC) No 2537/89 of 8 August 1989 laying down detailed rules for the application of the special measure for soya beans ⁽⁷⁾, as last amended by Regulation (EEC) No 2427/90 ⁽⁸⁾;

Whereas, pursuant to Regulation (EEC) No 2537/89, the world market price is to be fixed per 100 kilograms and calculated on the basis of the most favourable offers and quotations for delivery within 30 days following the date when the said offers and quotations were recorded;

Whereas, where the offers and quotations do not comply with the said conditions, the necessary adjustments must be carried out, particularly those referred to in Article 40 of Regulation (EEC) No 2537/89;

Whereas the abatement of the subsidy for soya seed which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has been fixed by Commission Regulation (EEC) No 3217/90 ⁽⁹⁾;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁰⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹¹⁾,

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 132, 23. 5. 1990, p. 13.

⁽⁴⁾ OJ No L 162, 28. 6. 1990, p. 19.

⁽⁵⁾ OJ No L 204, 2. 8. 1985, p. 1.

⁽⁶⁾ OJ No L 128, 11. 5. 1989, p. 24.

⁽⁷⁾ OJ No L 245, 22. 8. 1989, p. 8.

⁽⁸⁾ OJ No L 228, 22. 8. 1990, p. 15.

⁽⁹⁾ OJ No L 308, 8. 11. 1990, p. 19.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 201, 31. 7. 1990, p. 9.

— for the other currencies, an exchange rate based on an average of the ecus rates published in the 'C' series of the *Official Journal of the European Communities* over a period to be determined, multiplied by the factor referred to in the preceding indent;

Whereas the aid shall be fixed as often as the market situation so requires and so that it can be applied at least twice a month, one of which times shall be from the first day of each month;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that the

subsidy on soya beans should be as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the aid provided for in Article 2 of Regulation (EEC) No 1491/85 shall be as set out in the Annex hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the aid for soya beans

(ECU/100 kg)

	Current period 1	First period 2	Second period 3	Third period 4	Fourth period 5	Fifth period 6
Seed harvested :						
— Spain	18,473	18,236	18,109	18,295	18,438	18,280
— another Member State	24,017	23,780	23,653	23,839	23,982	23,824

COMMISSION REGULATION (EEC) No 3866/90
of 28 December 1990
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 3709/90⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1990/91 marketing year were fixed by Council Regulations (EEC) No 1317/90⁽⁷⁾ and (EEC) No 1318/90⁽⁸⁾;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed by Regulation (EEC) No 1317/90 for the 1990/91 marketing year;

Whereas the standard quality for sunflower seed has been maintained by the Council for the 1989/90 and 1990/91 marketing years; whereas the coefficients of equivalence applied to the prices of sunflower seed from third countries have been fixed by Commission Regulation No 225/67/EEC⁽⁹⁾, as last amended by Regulation (EEC) No 2869/87⁽¹⁰⁾;

Whereas the target prices and the intervention prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1756/90 of 27 June 1990 establishing the target and intervention prices for colza, rape and sunflower seed and the guide and minimum prices for soya beans, fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽¹¹⁾;

Whereas the abatement of the subsidy for colza and rape seed which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has been fixed by Commission Regulation (EEC) No 2509/90⁽¹²⁾;

Whereas the abatement of the subsidy for sunflower seed which arise from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) 2833/90⁽¹³⁾;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽¹⁴⁾, as last amended by Regulation (EEC) No 1983/82⁽¹⁵⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 358, 21. 12. 1990, p. 13.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 132, 23. 5. 1990, p. 9.

⁽⁸⁾ OJ No L 132, 23. 5. 1990, p. 11.

⁽⁹⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

⁽¹⁰⁾ OJ No L 273, 26. 9. 1987, p. 16.

⁽¹¹⁾ OJ No L 162, 28. 6. 1990, p. 19.

⁽¹²⁾ OJ No L 237, 1. 9. 1990, p. 7.

⁽¹³⁾ OJ No L 268, 29. 9. 1990, p. 86.

⁽¹⁴⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽¹⁵⁾ OJ No L 215, 23. 7. 1982, p. 6.

that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Regulation No 225/67/EEC provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded;

Whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by ECU 0,242;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should

be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 1321/90⁽²⁾, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 3603/90⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 15.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 350, 14. 12. 1990, p. 57.

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be adjusted as provided for in Council Regulation (EEC) No 478/86⁽¹⁾; whereas this aid is, for seed harvested in these Member States, to be determined in line with the provisions of Articles 95 (2) and (3) and 293 (2) and (3) of the Act of Accession;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ecus resulting from the calculation referred to above plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽²⁾, as last amended by Regulation (EEC) No 1539/90⁽³⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price less percentage referred to in Article 5, paragraph 1 of the said regulation or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate multiplied by the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90⁽⁵⁾;

(b) for Member States other than those referred to in (a), the difference between:

- the agricultural conversion rate, and
- the average rate of the ecu as published in the C Series of the *Official Journal of the European Communities* during a period to be determined multiplied by the factor referred to in the second indent of point (a);

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ecus and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation; whereas, pursuant to the same Article, the spot and forward exchange rates for the ecu in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Regulation (EEC) 1920/87 for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽²⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽³⁾ OJ No L 145, 8. 6. 1990, p. 20.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

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

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	25,970	25,970	25,970	25,970	25,970	25,970
— Other Member States	19,000	19,000	19,000	19,000	19,000	19,000
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	44,73	44,73	44,73	44,73	44,73	44,80
— Netherlands (Fl)	50,40	50,40	50,40	50,40	50,40	50,46
— BLEU (Bfrs/Lfrs)	922,57	922,57	922,57	922,57	922,57	922,57
— France (FF)	150,02	150,02	150,02	150,02	150,02	150,02
— Denmark (Dkr)	170,62	170,62	170,62	170,62	170,62	170,62
— Ireland (£ Irl)	16,697	16,697	16,697	16,697	16,697	16,697
— United Kingdom (£)	14,325	14,317	14,309	14,284	14,276	14,231
— Italy (Lit)	33 468	33 468	33 468	33 468	33 468	33 368
— Greece (Dr)	3 928,97	3 908,67	3 883,03	3 830,85	3 824,54	3 706,51
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in Portugal (Esc)	5 430,95	5 431,16	5 431,36	5 423,67	5 423,74	5 391,67

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	28,470	28,470	28,470	28,470	28,470	28,470
— Other Member States	21,500	21,500	21,500	21,500	21,500	21,500
2. Final aids:						
Seed harvested and processed in:						
— Federal Republic of Germany (DM)	50,61	50,61	50,61	50,61	50,61	50,68
— Netherlands (Fl)	57,03	57,03	57,03	57,03	57,03	57,09
— BLEU (Bfrs/Lfrs)	1 043,96	1 043,96	1 043,96	1 043,96	1 043,96	1 043,96
— France (FF)	169,76	169,76	169,76	169,76	169,76	169,76
— Denmark (Dkr)	193,07	193,07	193,07	193,07	193,07	193,07
— Ireland (£ Irl)	18,894	18,894	18,894	18,894	18,894	18,894
— United Kingdom (£)	16,274	16,266	16,258	16,233	16,225	16,180
— Italy (Lit)	37 871	37 871	37 871	37 871	37 871	37 772
— Greece (Dr)	4 486,23	4 465,93	4 440,29	4 388,11	4 381,80	4 263,77
— Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	5 952,64	5 952,85	5 953,05	5 945,36	5 945,43	5 913,36

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1. Gross aids (ECU):					
— Spain	27,272	27,266	27,259	27,253	27,247
— Portugal	36,240	36,240	36,240	36,240	36,240
— Other Member States	24,000	24,000	24,000	24,000	24,000
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	56,50	56,50	56,50	56,50	56,50
— Netherlands (Fl)	63,66	63,66	63,66	63,66	63,66
— BLEU (Bfrs/Lfrs)	1 165,35	1 165,35	1 165,35	1 165,35	1 165,35
— France (FF)	189,50	189,50	189,50	189,50	189,50
— Denmark (Dkr)	215,52	215,52	215,52	215,52	215,52
— Ireland (£ Irl)	21,091	21,091	21,091	21,091	21,091
— United Kingdom (£)	18,152	18,143	18,133	18,104	18,095
— Italy (Lit)	42 275	42 275	42 275	42 275	42 275
— Greece (Dr)	4 999,23	4 975,76	4 946,14	4 886,06	4 878,55
— Portugal (Esc)	7 575,27	7 575,51	7 575,75	7 567,25	7 567,33
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	4 231,62	4 231,76	4 228,40	4 223,66	4 223,66
— in another Member State (Pta)	4 295,52	4 296,57	4 294,22	4 290,52	4 291,44

(1) For seed harvested in Member States other than Spain and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0186140.

ANNEX IV

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

(value of ECU 1)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
DM	2,041940	2,039490	2,036890	2,034790	2,034790	2,028030
Fl	2,299390	2,296680	2,294090	2,291850	2,291850	2,284530
Bfrs/Lfrs	42,178600	42,137100	42,116000	42,077400	42,077400	41,985300
FF	6,948130	6,943660	6,941570	6,939130	6,939130	6,935700
Dkr	7,879510	7,871490	7,870100	7,861830	7,861830	7,862350
£Irl	0,766651	0,766451	0,766417	0,766579	0,766579	0,767061
£	0,710623	0,712462	0,714125	0,715171	0,715171	0,717780
Lit	1 540,86	1 543,19	1 544,75	1 547,64	1 547,64	1 554,10
Dr	213,08600	215,12500	216,40300	219,27900	219,27900	226,45300
Esc	181,19400	181,49900	181,78800	182,57000	182,57000	184,44900
Pta	130,23800	130,65200	131,06000	131,29200	131,29200	132,44300

COMMISSION REGULATION (EEC) No 3867/90

of 28 December 1990

fixing the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾,

Having regard to Council Regulation No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds⁽³⁾, as last amended by the Act of Accession of Greece, and in particular the second sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽⁴⁾, as last amended by Regulation (EEC) No 3709/90⁽⁵⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁶⁾, as last amended by Regulation (EEC) No 2206/90⁽⁷⁾, and in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats⁽⁸⁾, as last amended by Regulation (EEC) No 2662/87⁽⁹⁾, and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the target price and the monthly increases in the target price for colza, rape and sunflower seed for the

1990/91 marketing year were fixed by Regulations (EEC) No 1317/90⁽¹⁰⁾ and (EEC) No 1318/90⁽¹¹⁾;

Whereas the prices fixed by the Council are to be reduced in accordance with Article 2 of Commission Regulation (EEC) No 784/90 of 29 March 1990 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⁽¹²⁾;

Whereas Article 28 of Regulation No 136/66/EEC provides that a refund may be granted on exports to third countries of oil seeds harvested within the Community; whereas the amount of this refund may not exceed the difference between prices within the Community and prices on the world market where the former are higher than the latter; whereas Article 21 of Regulation No 136/66/EEC provides that, at present, Article 28 of that Regulation applies only to colza, rape and sunflower seeds;

Whereas the refund for colza and rape seeds produced in Spain or Portugal is adjusted in accordance with Council Regulation (EEC) No 478/86⁽¹³⁾;

Whereas Article 3 of Regulation No 142/67/EEC provides that when the refund is being calculated account must be taken of prices ruling on the various Community markets which are representative from the point of view of processing and exportation; the most favourable quotations recorded on the various markets of importing third countries and costs incurred in placing the goods on the world market; whereas, when the amount of the refund is being fixed, account must also be taken of the level of market prices within the Community for the oil seeds referred to in Article 21 of Regulation No 136/66/EEC and the future trend of these prices; whereas, furthermore, account should be taken of the economic aspect of the proposed exports and the situation in the Community regarding the supply of and demand for these seeds;

Whereas the abatement of the subsidy for colza and rape seed which arises from the system of maximum guaranteed quantities for the 1990/91 marketing year has been fixed by Commission Regulation (EEC) No 2509/90⁽¹⁴⁾;

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 358, 21. 12. 1990, p. 13.

⁽⁶⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁸⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽⁹⁾ OJ No L 252, 3. 9. 1987, p. 6.

⁽¹⁰⁾ OJ No L 132, 23. 5. 1990, p. 9.

⁽¹¹⁾ OJ No L 132, 23. 5. 1990, p. 11.

⁽¹²⁾ OJ No L 83, 30. 3. 1990, p. 102.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽¹⁴⁾ OJ No L 237, 1. 9. 1990, p. 7.

Whereas Article 1 of Commission Regulation (EEC) No 651/71 of 29 March 1971 on certain detailed rules for the application of export refunds on oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 1815/84⁽²⁾, provides that the amount of the refund must be calculated on the basis of the weight of exported seeds; whereas this weight must be adjusted to take account of any differences between the percentages of moisture and impurities found to exist and those used to define the standard quality for which the target price is fixed; whereas, when this adjustment is being made, the weight of the exported seeds must be increased by the amount of the difference between the actual moisture and impurities content and that used to define the standard quality if the former is lower than the latter; whereas, if the opposite applies, the weight of the exported seeds must be reduced by the same amount;

Whereas the standard quality referred to above was defined in Article 2 of Council Regulation (EEC) No 1102/84⁽³⁾;

Whereas Article 2 of Regulation No 142/67/EEC provides that the refund may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 4 of Regulation (EEC) No 651/71 provides for the publication of the amount of the final refund obtained from the conversion into each of the national currencies of the amount of the refund in ecus plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽⁴⁾, as last amended by Regulation (EEC) No 1539/90⁽⁵⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price reduced by 7,5 % or the refund of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

- (a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:
 - the conversion rate used under the common agricultural policy, and
 - the conversion rate resulting from the central rate of the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85⁽⁶⁾ as last amended by Regulation (EEC) No 2205/90⁽⁷⁾.
- (b) In the case of Member States other than those referred to in (a), the difference between:
 - the agricultural conversion rate, and
 - the average rate of the ecu as published in the C Series of the *Official Journal of the European*

Communities during a period to be determined, multiplied by the factor referred to in the second indent of (a).

Whereas pursuant to Article 2 (2) of Regulation (EEC) No 1569/72 forward differential amounts are to be determined where the forward exchange rate for one or more currencies differs from the spot rate by at least a given percentage; whereas this percentage has been fixed at 0,5 by Regulation (EEC) No 1813/84;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas it follows from applying these provisions to the current situation of the oil seeds market and to the rates or prices of these products that, pursuant to Article 4 of Regulation (EEC) No 651/71, the amount of the refund in ecus and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed in accordance with the Annex to this Regulation; whereas it is not necessary to fix a refund for sunflower seed;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants; whereas in the interests of sound market management a reduction should be made;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 shall be as set out in the Annex hereto.
2. There shall be no refund on sunflower seed.
3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 75, 30. 3. 1971, p. 16.

⁽²⁾ OJ No L 170, 29. 6. 1984, p. 46.

⁽³⁾ OJ No L 113, 28. 4. 1984, p. 8.

⁽⁴⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁵⁾ OJ No L 145, 8. 6. 1990, p. 20.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross refunds (BCU):						
— Spain	0,000	0,278	—	—	—	—
— Portugal	24,470	24,748	—	—	—	—
— other Member States	17,500	17,778	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	41,20	41,85	—	—	—	—
— Netherlands (Fl)	46,42	47,16	—	—	—	—
— BLEU (Bfrs/Lfrs)	849,74	863,23	—	—	—	—
— France (FF)	138,17	140,37	—	—	—	—
— Denmark (Dkr)	157,15	159,64	—	—	—	—
— Ireland (£ Irl)	15,379	15,623	—	—	—	—
— United Kingdom (£)	13,102	13,319	—	—	—	—
— Italy (Lit)	30 825	31 315	—	—	—	—
— Greece (Dr)	3 561,24	3 606,53	—	—	—	—
— Spain (Pta)	53,50	96,01	—	—	—	—
— Portugal (Esc)	5 119,29	5 177,30	—	—	—	—

COMMISSION REGULATION (EEC) No 3868/90
of 28 December 1990
fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having Having regard to the Act of Accession of Greece,

and in particular paragraphs 3 and 10 of Protocol 4 on cotton annexed thereto, as amended by Protocol 14 annexed to the Act of Accession of Spain and of Portugal, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 5 of Regulation (EEC) No 2169/81, aid must be granted for unginned cotton harvested in the Community when the world market price for unginned cotton is below the guide price;

Whereas the aid is equal to the difference between these two prices;

Whereas the guide price for 1990/90 marketing year was fixed by Council Regulation (EEC) No 1355/90 ⁽⁴⁾

Whereas the prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 2219/90 of 30 July 1990 establishing the guide price fixed in ecus by the Council in the cotton sector and reduced as a result of the monetary realignment of 5 January 1990 ⁽⁵⁾;

Whereas, under the system of maximum guaranteed quantities, the amount of the aid is subject to the reduction provided for in Commission Regulation (EEC) No 2511/90 ⁽⁶⁾ as regards cotton seed;

Whereas the world market price for unginned cotton is determined periodically on the basis of the world market prices recorded for ginned cotton and cotton seed, taking

into account the estimated yield of the Community harvest in cotton seed and in ginned cotton and also the net cost of ginning;

Whereas the world market price for ginned cotton and cotton seed is determined in accordance with Article 4 of Regulation (EEC) No 2169/81;

Whereas, if the world market price for unginned cotton cannot be determined as described above, this price shall be established on the basis of the most recent price determined;

Whereas the world market price for unginned cotton is equal to the sum of the values for ginned cotton and cotton seed defined in Article 1 of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton ⁽⁷⁾, as last amended by Regulation (EEC) No 2432/90 ⁽⁸⁾, minus the cost of ginning;

Whereas the above values are established on the basis of the prices determined in accordance with Articles 2 and 3 of Commission Regulation (EEC) No 1201/89; whereas the world market price is determined on the basis of the most favourable offers and quotations recorded, excluding offers and quotations which cannot be regarded as representative of the real market trend;

Whereas the necessary adjustments must be made in cases where the offers and quotations recorded do not satisfy the requirements indicated above;

Whereas, pursuant to Article 4 (4) of Regulation (EEC) No 2169/81, if there are no suitable offers or quotations for determining the world market price for cotton seed, that price shall be established on the basis of the most favourable offers and quotations for cotton seed recorded on the Community market or, if those offers and quotations cannot be established on the basis of the value of the products obtained from processing the seed in the Community, less the processing cost; whereas this value is determined in accordance with Article 4 of Regulation (EEC) No 1201/89;

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

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 134, 28. 5. 1990, p. 20.

⁽⁵⁾ OJ No L 202, 31. 7. 1990, p. 26.

⁽⁶⁾ OJ No L 237, 1. 9. 1990, p. 9.

⁽⁷⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁸⁾ OJ No L 228, 22. 8. 1990, p. 23.

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the aid must be fixed once a month, and in such a way that it can be applied from the first day of the month following the date of fixing; whereas it may be altered between fixings;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that the aid for cotton should be as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be 44,277 ECU per 100 kilograms.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 3869/90

of 28 December 1990

fixing the rate of the aid for dried fodder

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 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 2275/89⁽²⁾, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 1192/90⁽³⁾ for the marketing year 1990/1991;

Whereas the prices fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1758/90 of 27 June 1990 establishing the guide price fixed in ecus by the Council in the dried fodder sector and reduced as a result of the monetary realignment of 5 January 1990⁽⁴⁾;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁵⁾, as last amended by Regulation (EEC) No 1110/89⁽⁶⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No

1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁷⁾, as last amended by Regulation (EEC) No 1757/90⁽⁸⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of Regulation (EEC) No 1117/78; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 42.

⁽⁴⁾ OJ No L 162, 28. 6. 1990, p. 22.

⁽⁵⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁶⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁷⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁸⁾ OJ No L 162, 28. 6. 1990, p. 21.

Whereas, if the aid system is to operate normally, refunds should be calculated on the following basis;

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a conversion rate based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the additional aid applicable in these two Member States is to be adjusted by an amount equal to the amount of customs duties on imports of these

products from third countries; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the rate of the aid for dried fodder

Aid applicable from 1 January 1991 to dried fodder:

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates			Fodder otherwise dried	
	Spain	Portugal	Other Member States	Portugal	Other Member States
Aid	99,685	107,778	108,305	74,838	75,365

Aid in case of advance fixing for the month of:

(ECU/tonne)

February 1991	99,120	107,208	107,740	74,268	74,800
March 1991	99,120	107,208	107,740	74,268	74,800
April 1991	96,682	104,752	105,302	71,812	72,362
May 1991 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
June 1991 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
July 1991 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
August 1991 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
September 1991 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000
October 1991 ⁽¹⁾	0,000	0,000	0,000	0,000	0,000

⁽¹⁾ In accordance with Article 6 (b) of Regulation (EEC) No 1528/78.

COMMISSION REGULATION (EEC) No 3870/90

of 28 December 1990

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 2249/90⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1189/90⁽⁷⁾; whereas, as provided for in Article 2a of

Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has been fixed by Commission Regulation (EEC) No 2510/90⁽⁹⁾;

Whereas the threshold price activating the aid and the minimum price fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1755/90 of 27 June 1990 establishing the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽¹⁰⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.
⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.
⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.
⁽⁴⁾ OJ No L 203, 1. 8. 1990, p. 56.
⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.
⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.
⁽⁷⁾ OJ No L 119, 11. 5. 1990, p. 37.

⁽⁸⁾ OJ No L 119, 11. 5. 1990, p. 40.
⁽⁹⁾ OJ No L 237, 1. 9. 1990, p. 8.
⁽¹⁰⁾ OJ No L 162, 28. 6. 1990, p. 18.
⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.
⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.
⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1834/90⁽³⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 (1) of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

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, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 94.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Peas used :							
— in Spain	6,207	6,365	6,523	6,681	6,681	6,681	—
— in Portugal	6,225	6,383	6,541	6,699	6,699	6,699	—
— in another Member State	6,360	6,518	6,676	6,834	6,834	6,834	—
Field beans used :							
— in Spain	6,360	6,518	6,676	6,834	6,834	6,834	—
— in Portugal	6,225	6,383	6,541	6,699	6,699	6,699	—
— in another Member State	6,360	6,518	6,676	6,834	6,834	6,834	—

Products used in animal feed :

(ECU per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
A. Peas used :							
— in Spain	9,007	8,908	9,066	9,223	9,180	9,180	—
— in Portugal	9,056	8,959	9,117	9,274	9,231	9,231	—
— in another Member State	9,056	8,959	9,117	9,274	9,231	9,231	—
B. Field beans used :							
— in Spain	9,007	8,908	9,066	9,223	9,180	9,180	—
— in Portugal	9,056	8,959	9,117	9,274	9,231	9,231	—
— in another Member State	9,056	8,959	9,117	9,274	9,231	9,231	—
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,286	10,945	10,945	10,945	10,887	10,887	—
— in Portugal	11,351	11,012	11,012	11,012	10,955	10,955	—
— in another Member State	11,351	11,012	11,012	11,012	10,955	10,955	—
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,286	10,945	10,945	10,945	10,887	10,887	—
— in Portugal	11,351	11,012	11,012	11,012	10,955	10,955	—
— in another Member State	11,351	11,012	11,012	11,012	10,955	10,955	—

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	308,82	316,49	324,16	331,83	331,83	331,83	—
— Denmark (Dkr)	57,11	58,53	59,95	61,37	61,37	61,37	—
— Federal Republic of Germany (DM)	14,97	15,34	15,72	16,09	16,09	16,09	—
— Greece (Dr)	1 258,86	1 294,17	1 329,48	1 364,79	1 364,79	1 364,79	—
— Spain (Pta)	976,25	1 000,50	1 024,75	1 049,01	1 049,01	1 049,01	—
— France (FF)	50,22	51,46	52,71	53,96	53,96	53,96	—
— Ireland (£ Irl)	5,589	5,728	5,867	6,006	6,006	6,006	—
— Italy (Lit)	11 203	11 481	11 759	12 038	12 038	12 038	—
— Netherlands (Fl)	16,87	17,29	17,71	18,13	18,13	18,13	—
— Portugal (Esc)	1 327,18	1 360,15	1 393,12	1 426,09	1 426,09	1 426,09	—
— United Kingdom (£)	4,958	5,081	5,204	5,327	5,327	5,327	—

Amounts to be deducted in the case of :

- Peas used in Spain (Pta): 23,49,
- Peas, and field beans used in Portugal (Esc): 28,17.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	439,73	435,02	442,69	450,31	448,22	448,22	—
— Denmark (Dkr)	81,32	80,45	81,87	83,28	82,89	82,89	—
— Federal Republic of Germany (DM)	21,32	21,09	21,46	21,83	21,73	21,73	—
— Greece (Dr)	1 885,70	1 861,72	1 897,03	1 932,11	1 922,11	1 922,11	—
— Spain (Pta)	1 390,08	1 375,19	1 399,44	1 423,54	1 416,94	1 416,94	—
— France (FF)	71,50	70,74	71,98	73,22	72,88	72,88	—
— Ireland (£ Irl)	7,958	7,873	8,012	8,150	8,112	8,112	—
— Italy (Lit)	15 952	15 781	16 059	16 336	16 260	16 260	—
— Netherlands (Fl)	24,02	23,76	24,18	24,60	24,49	24,49	—
— Portugal (Esc)	1 889,77	1 869,53	1 902,50	1 935,26	1 926,29	1 926,29	—
— United Kingdom (£)	7,060	6,984	7,107	7,230	7,196	7,196	—
Amounts to be deducted in the case of use :							
— Spain (Pta)	7,52	7,83	7,83	7,83	7,83	7,83	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	—

[illegible]

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	17,66	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	3,27	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,86	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	84,57	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	55,83	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	2,87	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,320	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	959	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,96	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	75,90	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,284	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed :

(in national currency per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
Products harvested in :							
— BLEU (Bfrs/Lfrs)	551,16	534,70	534,70	534,70	531,93	531,93	—
— Denmark (Dkr)	101,93	98,89	98,89	98,89	98,37	98,37	—
— Federal Republic of Germany (DM)	26,72	25,92	25,92	25,92	25,79	25,79	—
— Greece (Dr)	2 403,87	2 325,05	2 325,05	2 325,05	2 311,80	2 311,80	—
— Spain (Pta)	1 742,36	1 690,32	1 690,32	1 690,32	1 681,57	1 681,57	—
— France (FF)	89,62	86,95	86,95	86,95	86,50	86,50	—
— Ireland (£ Irl)	9,975	9,677	9,677	9,677	9,627	9,627	—
— Italy (Lit)	19 994	19 397	19 397	19 397	19 297	19 297	—
— Netherlands (Fl)	30,11	29,21	29,21	29,21	29,06	29,06	—
— Portugal (Esc)	2 368,68	2 297,94	2 297,94	2 297,94	2 286,05	2 286,05	—
— United Kingdom (£)	8,849	8,584	8,584	8,584	8,540	8,540	—
Amounts to be deducted in the case of use in :							
— Spain (Pta)	9,98	10,28	10,28	10,28	10,44	10,44	—
— Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00	—

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	12,85	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	2,38	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,62	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	61,51	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	40,61	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	2,09	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,232	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	959	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,70	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	55,20	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,206	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	212,777	130,312	6,89509	0,767417	1 538,24	2,31643	181,499	0,709564

COMMISSION REGULATION (EEC) No 3871/90

of 28 December 1990

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 3381/90⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month; and whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of refunds, aids or other measures having equivalent effect, applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question, to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) 1771/90⁽⁶⁾, provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within CN codes ex 1702 60 90 and ex 1702 90 90 having a certain purity, and unprocessed isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas, therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product on the day of acceptance of the export declaration; whereas this system is the only one which discards the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁹⁾, as last amended by Regulation (EEC) No 1615/90⁽¹⁰⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽¹⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽²⁾ OJ No L 163, 29. 6. 1990, p. 1.

⁽³⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 152, 16. 6. 1990, p. 33.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 and 3, the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

2. For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1010/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

- (a) applicable on the date of export of the goods, when the rate is not fixed in advance; or
- (b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 3 (2) of Commission Regulation (EEC) No 798/80 ⁽¹⁾, if the goods have been placed under the export refund advance payment arrangements.

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, 28 December 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 87, 1. 4. 1980, p. 42.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:

White sugar:	38,12
Raw sugar:	34,76
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$38,12 \times \frac{S^{(1)}}{100}$ or
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
Molasses:	—
Isoglucose ⁽²⁾ :	38,12 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 3872/90

of 28 December 1990

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3641/90 ⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 3381/90 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward-processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EEC) No 1048/89 ⁽⁸⁾, lay down that butter at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 5.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 327, 27. 11. 1990, p. 4.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 111, 22. 4. 1989, p. 24.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

Where Article 8 (2) of Regulation (EEC) No 3035/80 is applied to exports of one of the goods referred to in

Article 4 (1), (2) or (3) of Regulation (EEC) No 570/88, the rate of the refund on milk products shall be that applicable to the use of reduced price butter, unless the exporter provides proof that the product does not contain reduced-price butter.

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 28 December 1990.

For the Commission

Martin BANGEMANN

Vice-President

ANNEX

to the Commission Regulation of 28 December 1990 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 70,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): a) Where goods containing reduced-price butter which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of other goods	51,80 115,00
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) Where goods containing reduced-price butter which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	— 181,00 175,00

COMMISSION REGULATION (EEC) No 3873/90

of 28 December 1990

fixing the rates of the refunds applicable to certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 3577/90⁽²⁾, and in particular the first sentence of the
fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice⁽³⁾, as last amended by Regulation (EEC)
No 1806/89⁽⁴⁾, and in particular the first sentence of the
fourth subparagraph of Article 17 (2) thereof,Whereas Article 16 (1) of Regulation (EEC) No 2727/75
and Article 17 (1) of Regulation (EEC) No 1418/76
provides that the difference between quotations of prices
on the world market for the products listed in Article 1 of
each of those Regulations and the prices within the
Community may be covered by an export refund;Whereas Council Regulation (EEC) No 3035/80 of 11
November 1980 laying down general rules for granting
export refunds on certain agricultural products exported
in the form of goods not covered by Annex II to the
Treaty, and the criteria for fixing the amount of such
refunds⁽⁵⁾, as last amended by Regulation (EEC) No
3381/90⁽⁶⁾, specifies the products for which a rate of
refund should be fixed, to be applied where these
products are exported in the form of goods listed in
Annex B to Regulation (EEC) No 2727/75 or in Annex B
to Regulation (EEC) No 1418/76 as appropriate;Whereas, in accordance with the first subparagraph of
Article 4 (1) of Regulation (EEC) No 3035/80, the rate of
the refund per 100 kilograms for each of the basic
products in question must be fixed for each month;Whereas, in accordance with paragraph 2 of that Article,
that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in
obtaining supplies of the basic products in question
on the Community market and the prices ruling on
the world markets;
- (b) the level of the refunds on exports of processed agri-
cultural products covered by Annex II to the Treaty
which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the
industries which use Community products and those
which use third-country products under inward
processing arrangements;

Whereas in the absence of evidence that no production
refund was granted pursuant to Council Regulation (EEC)
No 1009/86 of 25 March 1986 establishing general rules
applying to production refunds in the cereals and rice
sector⁽⁷⁾, as last amended by Regulation (EEC) No
3655/90⁽⁸⁾, the export refund should be reduced by the
amount of the production refund applicable on the day of
acceptance of the export declaration; whereas this system
is the only one which avoids the risk of fraud;Whereas Commission Regulation (EEC) No 28/90⁽⁹⁾
specifies new criteria for the classification of products
falling within CN code 3505 10 50; whereas it is there-
fore necessary to adopt certain provisions to ensure the
deduction from any export refund payable of the amount
of the production refund in cases where the product in
question has previously benefited from a production
refund pursuant to Regulation (EEC) No 1009/86, prior to
the implementation of the new criteria;Whereas Council Regulation (EEC) No 565/80 of 4
March 1980 on the advance payment of export refunds in
respect of agricultural products⁽¹⁰⁾, as amended by Regu-
lation (EEC) No 2026/83⁽¹¹⁾, and Commission Regulation
(EEC) No 3665/87 of 27 November 1987 laying down
common detailed rules for the application of the system
of export refunds on agricultural products⁽¹²⁾, as last
amended by Regulation (EEC) No 1615/90⁽¹³⁾, lay down
rules on the advance payment of export refunds that must
be adhered to when these are adjusted;⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.⁽⁶⁾ OJ No L 327, 27. 11. 1990, p. 4.⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 6.⁽⁸⁾ OJ No L 362, 27. 12. 1990, p. 33.⁽⁹⁾ OJ No L 3, 6. 1. 1990, p. 9.⁽¹⁰⁾ OJ No L 62, 7. 3. 1980, p. 5.⁽¹¹⁾ OJ No L 199, 22. 7. 1983, p. 12.⁽¹²⁾ OJ No L 351, 14. 12. 1987, p. 1.⁽¹³⁾ OJ No L 152, 16. 6. 1990, p. 33.

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽¹⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas, in order to ensure equitable treatment between maize products exported in the form of pellets, rolled or flaked grains falling within CN code 1904 10 and other maize products, it is necessary to differentiate the refunds on those goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products

used in the manufacture of the products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1009/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable pursuant to Regulation (EEC) No 1009/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

The provisions of Article 1 (2) and (3) of this Regulation shall also apply to starches having on acetyl content by weight in the dry product of 0,25 % or more but less than 0,5 %

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 28 December 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 275, 29. 9. 1987, p. 36.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
1001 10 90	Durum wheat : — On exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — In all other cases	 9,387 14,441
1001 90 99	Common wheat, and meslin (mixed wheat and rye): — On exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — In all other cases	 6,999 10,767
1002 00 00	Rye	10,510
1003 00 90	Barley	11,000
1004 00 90	Oats	9,944
1005 90 00	Maize, other than hybrid maize for sowing): — Maize in pellets, rolled or flake grains with a fat content exceeding 1,5 % in the form of goods falling within CN code 1904 10 — In all other cases	 7,129 12,581
1006 20	Round grain husked rice	23,141
	Medium grain husked rice	22,483
	Long grain husked rice	22,483
ex 1006 30	Round grain wholly milled rice	30,083
	Medium grain wholly milled rice	37,443
	Long grain wholly milled rice	37,443
1006 40 00	Broken rice	17,428
1007 00 90	Sorghum	6,649
1101 00 00	Wheat or meslin flour : — On exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — In all other cases	 8,277 12,733
1102 10 00	Rye flour	21,127
1103 11 10	Durum wheat groats and meal : — On exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — In all other cases	 14,549 22,384
1103 11 90	Common wheat groats and meal : — On exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — In all other cases	 8,277 12,733

COMMISSION REGULATION (EEC) No 3874/90

of 21 December 1990

concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

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

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

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

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

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII d by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1990; whereas Belgium has prohibited fishing for this

stock as from 15 December 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII d by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1990.

Fishing for common sole in the waters of ICES division VII d by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 15 December 1990.

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

Done at Brussels, 21 December 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3875/90

of 21 December 1990

concerning the stopping of fishing for common sole by vessels flying the flag of the United Kingdom

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

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

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

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

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII e by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1990; whereas the

United Kingdom has prohibited fishing for this stock as from 15 December 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII e by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1990.

Fishing for common sole in the waters of ICES division VII e by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

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

Done at Brussels, 21 December 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3876/90

of 21 December 1990

concerning the stopping of fishing for horse mackerel by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas, according to the information communicated to the Commission, catches of horse mackerel in the waters of ICES division II a (EC zone), IV (EC zone) by vessels flying the flag of a Member State or registered in a Member State have reached the total allowable catches for

1990; whereas the United Kingdom has prohibited fishing for this stock as from 15 December 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of horse mackerel in the waters of ICES division II a (EC zone), IV (EC zone) by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the total allowable catches for 1990.

Fishing for horse mackerel in the waters of ICES division II a (EC zone), IV (EC zone) by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 21 December 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3877/90

of 21 December 1990

concerning the stopping of fishing for common sole by vessels flying the flag of
a Member State

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

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

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

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

Whereas, according to the information communicated to
the Commission, catches of common sole in the waters of
ICES divisions III a; III b, c, d (EC-zone) by vessels flying

the flag of a Member State or registered in a Member
State have reached the total allowable catches for 1990,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES divisions
III a; III b, c, d (EC zone) by vessels flying the flag of a
Member State or registered in a Member State are deemed
to have exhausted the total allowable catches for 1990.

Fishing for common sole in the waters of ICES divisions
III a; III b, c, d (EC-zone) by vessels flying the flag of a
Member State or registered in a Member State is prohi-
bited, as well as the retention on board, the transhipment
and the landing of such stock captured by the abovementi-
oned vessels after the date of entry into force of this
Regulation.

Article 2

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

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

Done at Brussels, 21 December 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3878/90
of 21 December 1990
concerning the stopping of fishing for common sole by vessels flying the flag of
a Member State

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

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

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

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

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of

ICES division II, IV by vessels flying the flag of a Member State or registered in a Member State have reached the total allowable catches for 1990,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division II, IV by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the total allowable catches for 1990.

Fishing for common sole in the waters of ICES division II, IV by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 21 December 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3879/90

of 21 December 1990

laying down rules for implementing the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99, originating in Thailand and exported from that country in 1991, 1992, 1993 and 1994

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to certain products falling within CN codes 0714 10 and 0714 90 and coming from certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3842/90⁽²⁾ and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 1340/90⁽⁴⁾, and in particular Article 12 (2) thereof,

Whereas by Decision 90/637/EEC⁽⁵⁾ the Council approved the renewal of the Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade until 1994; whereas under that agreement the quantities to be imported into the Community subject to a maximum levy of 6 % are only such quantities as result from the renewal of that agreement;

Whereas the rules for implementing the expiring import arrangements were laid down by Regulation (EEC) No 480/87⁽⁶⁾ and these, as a result, expire on 31 December 1990; whereas another Regulation should therefore be adopted from 1 January 1991 for the duration of the agreement;

Whereas, following the amendment by the Council of Regulation (EEC) No 430/87, detailed rules of application should be laid down for the period during which the agreement is to apply, viz until the end of 1994;

Whereas under the arrangements being extended the Community import licence is issued upon production of an export certificate issued by the Thai authorities, a model of which has been communicated to the Commission;

Whereas the importation of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 is subject to

the submission of an import licence, the common detailed rules for the application of which were laid down by Commission Regulation (EEC) No 3719/88⁽⁷⁾, as last amended by Regulation (EEC) No 1599/90⁽⁸⁾; whereas Commission Regulation (EEC) No 891/89⁽⁹⁾, as last amended by Regulation (EEC) No 2553/90⁽¹⁰⁾, lays down special detailed rules for the application of the system of licences for cereals and rice;

Whereas experience has shown that it is advisable to maintain measures which, under certain conditions, either facilitate the release for free circulation of quantities of products exceeding those given in the import licences, or allow the difference between the figure given in the import licences and the smaller figure actually imported to be carried forward;

Whereas, in order to ensure the correct application of the agreement, it is necessary to establish a system of strict and systematic controls that take account of the information given on the Thai export certificates and the Thai authorities' procedures for issuing export certificates;

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

Products falling within CN codes 0714 10 10, 0714 10 90 and 0714 10 99 originating in Thailand shall benefit from the arrangements provided for in the Cooperation Agreement if imported under cover of import licences;

- (a) which are issued subject to the submission of a certificate for export to the European Economic Community issued by the Department of Foreign Trade, Ministry of Commerce, Government of Thailand, hereinafter referred to as an 'export certificate', which meets the requirements laid down under Title I;
- (b) which meet the requirements laid down under Title II.

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ See page 8 of this Official Journal.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽⁵⁾ OJ No L 347, 12. 12. 1990, p. 23.

⁽⁶⁾ OJ No L 49, 18. 2. 1987, p. 13.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 151, 15. 6. 1990, p. 29.

⁽⁹⁾ OJ No L 90, 7. 4. 1989, p. 13.

⁽¹⁰⁾ OJ No L 241, 4. 9. 1990, p. 6.

TITLE I

Export certificates

Article 2

1. There shall be one original and at least one copy of the export certificate, to be made out of a form of which a specimen is given in Annex I. This form shall be used for export certificates issued by the Thai authorities from 1 July 1991. Until this date the export certificate to be used shall be as in the specimen given in Annex II.

The size of the form shall be approximately 210 × 297 millimetres. The original shall be made out on white paper having a printed yellow guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

2. The forms shall be printed and completed in English.

3. The original and the copies shall be completed in typescript or in handwriting. In the latter case, they must be completed in ink and in block capitals.

4. Each export certificate shall bear a pre-printed serial number; in the upper section it shall also bear a certificate number. The copies shall bear the same numbers as the original.

Article 3

1. Export certificates issued in 1991, 1992, 1993 or 1994 shall be valid for 120 days from the date of issue. The date of issue of the certificate shall be counted as part of the period of validity of the certificate.

For the certificate to be valid, the sections thereof must be duly completed and it must be authenticated, as stipulated in the instructions indicated thereon. The shipped weight must be written out in full and also given in figures.

2. The export certificate shall be duly authenticated when it indicates the date of issue and bears the stamp of the issuing body and the signature of the person or persons authorized to sign it.

TITLE II

Import licences

Article 4

1. An application for an import licence for products falling within CN codes 0714 10 10, 0714 10 90 and 0714 10 99 shall be submitted to the competent authorities in the Member States accompanied by the original of the export certificate. The original of the said export certificate shall be retained by the body which issues the import licence. However, where the application for an

import licence relates to only a part of the quantity indicated on the export certificate, the issuing body shall indicate on the original the quantity for which the original was used and, after affixing its stamp, shall return the original to the party concerned.

Only the quantity indicated under 'shipped weight' on the export certificate shall be taken into consideration for the issue of the import licence.

2. Where it is found that the quantities actually unloaded in a given consignment are greater than the total figuring on the import licences issued for this consignment the competent authorities who issued the import licences concerned shall, at the request of the importer, communicate to the Commission by telex, case by case and as soon as possible, the number or numbers of the Thai export certificates, the number or numbers of the import licences, the excess quantity concerned and the name of the cargo vessel.

The Commission shall make contact with the Thai authorities so that new export certificates may be drawn up. Pending their being drawn up, the excess quantities may not be released for free circulation under the conditions laid down in the voluntary restraint agreement between the European Economic Community and Thailand, as long as new import licences for the quantities in question cannot be presented. New import licences shall be issued under the conditions laid down in Article 7.

3. Paragraph 2 notwithstanding however, where it is found that the quantities actually unloaded in a given consignment exceed by no more than 2 % those covered by the import licences presented, the competent authorities in the Member State of release for free circulation shall, at the request of the importer, authorize the release for free circulation of the excess quantities on payment of a levy of 6 % *ad valorem*, and on the lodging by the importer of a security of an amount equal to the difference between the levy at the full rate and the levy paid.

The Commission shall, upon receipt of the information referred to in the first subparagraph of paragraph 2, make contact with the Thai authorities so that new export certificates can be drawn up.

The security shall be released on submission to the competent authorities of the Member State of release for free circulation of an import licence for the additional quantity. The application for such a licence shall not be subject to the lodging of the security referred to in Article 14 (2) of Regulation (EEC) No 3719/88 and Article 5 of this Regulation. The licence shall be issued under the conditions laid down in Article 7 and on submission of one or more new export certificates issued by the Thai authorities. Section 20 of the additional import licence shall bear one of the following:

- Certificado complementario, apartado 3 del artículo 4 del Reglamento (CEE) n° 3879/90
- Supplerende licens, forordning (EØF) nr. 3879/90 artikel 4, stk. 3

- Zusätzliche Lizenz — Artikel 4 Absatz 3 der Verordnung (EWG) Nr. 3879/90
- Συμπληρωματικό πιστοποιητικό — Άρθρο 4 παράγραφος 3 του κανονισμού (ΕΟΚ) αριθ. 3879/90
- Licence for additional quantity, Article 4 (3) of Regulation (EEC) No 3879/90
- Certificat complémentaire, règlement (CEE) n° 3879/90 article 4 paragraphe 3
- Titolo complementare, regolamento (CEE) n. 3879/90 articolo 4, paragrafo 3
- Aanvullend certificaat — artikel 4, lid 3, van Verordening (EEG) nr. 3879/90
- Certificado complementar, n° 3 do artigo 4° do Regulamento (CEE) n° 3879/90.

The security shall be forfeit in respect of the quantities for which an import licence for the additional quantity is not submitted within four months, except in cases of *force majeure*, from the date of acceptance of the declaration of release for free circulation referred to in the first subparagraph. It shall be forfeit in particular in respect of quantities for which an import licence for the additional quantity has not been issued in accordance with Article 7 (1).

Following imputation and endorsement by the competent authority of the import licence for the additional quantity, and upon the release of the security provided for in the first subparagraph, the licence shall be returned as quickly as possible to the issuing body.

4. Applications for licences may be lodged in any Member State and licences issued shall be valid in the 12 Member States.

The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply to imports made under the agreement between the European Economic Community and Thailand.

Article 5

By way of derogation from Article 12 of Regulation (EEC) No 891/89, the security relating to the import licences provided for under this Regulation shall be ECU 5 per tonne.

Article 6

1. Applications for an import licence and the licence itself shall be marked in section 8 'THAILAND'.

2. The licence shall bear the following indications in one of the language versions given below:

(a) in section 24:

- Exacción reguladora limitada al 6 % *ad valorem* (aplicación del Acuerdo de cooperación)

- Importafgiften begrænses til 6 % af værdien (jf. samarbejdsaftalen)
- Beschränkung der Abschöpfung auf 6 % des Zollwerts (Anwendung des Kooperationsabkommens)
- Εισφορά κατ' ανώτατο όριο 6 % κατ' αξία (εφαρμογή της συμφωνίας συνεργασίας)
- Levy limited to 6 % *ad valorem* (application of the Cooperation Agreement)
- Prélèvement limité à 6 % *ad valorem* (application de l'accord de coopération)
- Prelievo limitato al 6 % *ad valorem* (applicazione dell'accordo di cooperazione)
- Heffing beperkt tot 6 % *ad valorem* (toepassing van de Samenwerkingsovereenkomst)
- Direito nivelador limitado a 6 % *ad valorem* (aplicação do Acordo de Cooperação);

(b) in section 20:

- Nombre del barco (indicar el nombre del barco que figura en el certificado de exportación tailandés)
- Skibets navn (skibsnavn, der er anført i det thailandske eksportcertifikat)
- Name des Schiffes (Angabe des in der thailändischen Bescheinigung für die Ausfuhr eingetragenen Schiffsnamens)
- Ονομασία του πλοίου (σημειώστε την ονομασία του πλοίου που αναγράφεται στο ταϋλανδικό πιστοποιητικό εξαγωγής)
- Name of the cargo vessel (state the name of the vessel given on the Thai export certificate)
- Nom du bateau (indiquer le nom du bateau figurant sur le certificat d'exportation thaïlandais)
- Nome della nave (indicare il nome della nave che figura sul titolo di esportazione thailandese)
- Naam van het schip (zoals aangegeven in het Thaise uitvoercertificaat)
- Nome do navio (indicar o nome do navio que consta do certificado de exportação tailandês);
- Número y fecha del certificado de exportación tailandés
- Det thailandske eksportcertifikats nummer og dato
- Nummer und Datum der thailändischen Bescheinigung für die Ausfuhr
- Αριθμός και ημερομηνία του ταϋλανδικού πιστοποιητικού εξαγωγής
- Serial number and date of issue of the Thai export certificate
- Numéro et date du certificat d'exportation thaïlandais
- Numero e data del titolo di esportazione thailandese
- Nummer en datum van het Thaise uitvoercertificaat
- Número e data do certificado de exportação tailandês.

3. A licence shall be accepted in support of a declaration for release into free circulation only if, notably in the light of a copy of the bill of lading presented by the party concerned, it is shown that the products for which the release into free circulation is requested have been transported to the Community by vessel referred to in the import licence.

4. Subject to application of Article 4 (3) and notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall be entered to that effect in section 19 of the said licence.

Article 7

1. The import licence shall be issued on the fifth working day following the day on which the application was lodged, after the Commission has informed the competent authorities of the Member States by telex that the conditions laid down in the Cooperation Agreement have been fulfilled.

In the event of non-observance of the conditions governing the issue of the licence, the Commission may, where necessary, and following consultation with the Thai authorities, adopt appropriate measures.

2. At the request of the party concerned, and following communication of the Commission's agreement by telex, the import licence may be issued within a shorter period.

Article 8

By way of derogation from Article 8 of Regulation (EEC) No 891/89, the last day of the period of validity of the

import licence shall correspond to the last day of the period of validity of the export certificate plus 30 days.

Article 9

1. The Member States shall communicate to the Commission each day by telex the following information concerning each application for a licence:

- the quantity for which each import licence is requested, with the indication, where appropriate, 'licence for additional quantity',
- name of applicant for import licence,
- the number of the export certificate submitted, as indicated in the upper section of the certificate,
- the date of issue of the export certificate,
- the total quantity for which the export certificate was issued,
- the name of the exporter indicated on the export certificate.

2. At the end of the first half on the year following, at the latest, the authorities responsible for issuing import licences shall communicate to the Commission by telex a complete list of quantities not taken up indicated on the back of the import licences, the name of the cargo vessel and the numbers of export certificates in question.

TITLE III

Final provisions

Article 10

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, 21 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

SERIAL No

**ORIGINAL****DEPARTMENT OF FOREIGN TRADE**
**MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND**
EXPORT CERTIFICATE

SPECIAL FORM FOR MANIOC PRODUCTS UNDER CN CODES 0714 10 10, 0714 10 91, 0714 10 99

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		4. COUNTRY/COUNTRIES OF DESTINATION IN EEC	
5. TYPE OF MANIOC PRODUCTS	6. WEIGHT (TONNES)	7. PACKING	
☐ CN CODE 0714 10 10 ☐ CN CODE 0714 10 91 ☐ CN CODE 0714 10 99	SHIPPED WEIGHT	☐ IN BULK ☐ BAGS ☐ OTHERS	
	ESTIMATED NET WEIGHT		

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCTS ARE PRODUCED IN AND ARE EXPORTED FROM THAILAND

DEPARTMENT OF FOREIGN TRADE

DATE

NAME AND SIGNATURE OF AUTHORIZED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE OF EEC AUTHORITIES :

SERIAL No



ORIGINAL

DEPARTMENT OF FOREIGN TRADE

**MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND**

EXPORT CERTIFICATE

SPECIAL FORM FOR MANIOC PRODUCTS UNDER TARIFF CCT No 07.06 A

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		4. COUNTRY/COUNTRIES OF DESTINATION IN EEC	
5. TYPE OF MANIOC PRODUCTS	6. WEIGHT (TONNES)	7. PACKING	
☐ PELLETS ☐ CHIPS ☐ OTHERS	SHIPPED WEIGHT	☐ IN BULK ☐ BAGS ☐ OTHERS	
	ESTIMATED NET WEIGHT		

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCTS ARE PRODUCED IN AND ARE EXPORTED FROM THAILAND

DEPARTMENT OF FOREIGN TRADE

DATE

.....
NAME AND SIGNATURE OF AUTHORIZED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE OF EEC AUTHORITIES:

COMMISSION REGULATION (EEC) No 3880/90
of 19 December 1990

derogating for the 1990/91 wine year from Regulation (EEC) No 2721/88 in regard to the date of submission for approval of contracts for preventive distillation and amending Regulation (EEC) No 2273/90 introducing preventive distillation as provided for in Article 38 of Council Regulation (EEC) No 822/87 for the 1990/91 wine 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 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 Article 38 (5) thereof,

Whereas Article 6 of Commission Regulation (EEC) No 2721/88 of 31 August 1988 laying down detailed rules for voluntary distillation as provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87 ⁽³⁾, as amended by Regulation (EEC) No 2355/89 ⁽⁴⁾, stipulates that distillation contracts and declarations are to be submitted for approval no later than four months after the opening for the particular wine year of the distillation operation in question; whereas for the 1990/91 wine year this time limit is, owing to market uncertainty following a much lower than average harvest, too short for the preventive distillation operation opened on 1 September 1990; whereas it should be put back;

Whereas Article 1 (2) of Regulation (EEC) No 2273/90 ⁽⁵⁾ limits to 19 % of their table-wine production the quantity which producers in the Spanish part of the wine-growing zones may have distilled; whereas this percentage is based on hypothetical yields in Spanish wine-growing areas which have been far exceeded; whereas, in order to have

comparable results for the entire Community, the above-mentioned percentage should therefore be adjusted;

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

By derogation from the first subparagraph of Article 6 (1) of Regulation (EEC) No 2721/88 contracts and declarations for the preventive distillation operation opened for the 1990/91 wine year by Commission Regulation (EEC) No 2273/90 may be submitted to the competent agency for approval up to 31 January 1991.

Article 2

The percentage of 19 shown in the second subparagraph of Article 1 (1) of Regulation (EEC) No 2273/90 is hereby replaced by 30.

Article 3

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

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.
⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.
⁽³⁾ OJ No L 241, 1. 9. 1988, p. 88.
⁽⁴⁾ OJ No L 222, 1. 8. 1989, p. 60.
⁽⁵⁾ OJ No L 204, 2. 8. 1990, p. 49.

COMMISSION REGULATION (EEC) No 3881/90**of 19 December 1990****amending Regulation (EEC) No 606/86 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten**

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 83 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for applying 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 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector ⁽³⁾ as a result of the integration of the territory of the former German Democratic Republic into the Community, and in particular Article 3 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 ⁽⁴⁾, and in particular the first subparagraph of Article 5 (1) thereof,

Whereas, pursuant to the Act of Accession of Spain and Portugal, provision should be made for 1991 for the fixing of indicative ceilings for imports into Spain from the Community of Ten; whereas, given the potential for exports from the Community of Ten, and in order to

continue to open up the Spanish market gradually, the said ceilings should be increased to 20 %; whereas, for this purpose, the Annex to Commission Regulation (EEC) No 606/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 3102/90 ⁽⁶⁾, should be replaced by the Annex hereto;

Whereas Community traders may export cheese to Spain 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 Spain;

Whereas pursuant to Article 5 (2) of Council Regulation (EEC) No 3792/85 the supplementary trade mechanism drawn up in respect of Community imports into Spain can apply to imports from Portugal where these show signs of a significant increase; whereas such a situation is likely to arise in respect of trade in milk products between Portugal and Spain; whereas the rules relating to the supplementary trade mechanism between the Community of Ten and Spain should therefore be extended to imports into Spain from Portugal and the ceilings given in the Annex raised accordingly; whereas, in addition, in order to prevent abrupt changes in the traditional trade in cheese in the Community, specific quantities should be laid down for Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 606/86 is hereby amended as follows:

1. '1990' in Article 1 (1) is replaced by 1991.

2. 'Article 2 (2) is replaced by the following:

'2. As regards cheese, excluding curd, the indicative ceiling referred to in the Annex shall be broken down by category, prior to quarterly division, as follows:

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽⁴⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁵⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁶⁾ OJ No L 296, 27. 10. 1990, p. 24.

Category	Quantity (tonnes)	
	Community of Ten	Portugal
1. Processed cheese	1 534	568'
2. Havarti, fat content 60 %	1 972	
3. Edammer in balls, Gouda	10 074	
4. Soft, ripened cow's milk cheese	1 862	
5. Cheddar, Chester	300	
5 a Fresh cheese falling within CN codes ex 0406 10, 0406 90 71, 0406 90 91, 0406 90 97, grated or powdered cheese, of all kinds, falling within CN code 0406 20, and cheeses manufactured exclusively from sheep's milk or goat's milk, the storage life of which does not exceed 45 days from the date of manufacture	900	568'
6. Other, excluding blue-veined cheese, Emmentaler, Gruyère, Parmigiano Reggiano, Grana Padano	4 027	

3. In Article 2a, the following second paragraph is added :

'However, until 31 December 1990, traders established for at least 12 months in the territory of the former German Democratic Republic shall not be required to have carried on export activities for at least 12 months.'

4. In the third indent of Article 3 (1), the words 'and the corresponding securities as indicated in Article 4 shall be forfeit' are deleted.
5. The following Article 4a is inserted :

'Article 4a

The provisions of this Regulation shall apply *mutatis mutandis* to imports from Portugal within the limit of the indicative ceilings set out in the Annex.'

6. The Annex is replaced by the following :

ANNEX

Indicative ceilings

CN code	Description	Quantity (tonnes)	
		Community of Ten	Portugal
ex 0401	Milk and cream not concentrated nor containing added sugar or other sweetening matter, other than in immediate packings of a net content not exceeding 2 litres	347 600	
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugar or other sweetening matter, nor flavoured, nor containing added fruit or cacao other than in immediate packings of a net content not exceeding 2 litres		
ex 0404	Whey, not concentrated nor containing added sugar or other sweetening matter; products consisting of natural milk constituents, other than in immediate packings of a net content not exceeding 2 litres		

(tonnes)			
CN code	Description	Quantity Community of Ten and Portugal	
ex 0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter in immediate packings of a net content not exceeding 2 litres	87 400	
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated nor containing added sugar or other sweetening matter, nor flavoured, or containing added fruit or cocoa, in immediate packings of a net content not exceeding 2 litres		
ex 0404	Whey, not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, in immediate packings of a net content not exceeding 2 litres		
0405	Butter and other fats and oils derived from milk	2 930	
		Community of Ten	Portugal
ex 0406	Cheese, excluding curd, Emmentaler, Gruyère, blue-veined cheese, Parmigiano Reggiano and Grana Padano	20 669	668'

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3882/90

of 19 December 1990

laying down detailed rules for the monitoring of import lamb prices

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat⁽¹⁾ and goatmeat and in particular Articles 11 (5) and 12 (5) and 28 thereof,

Whereas, by Council Decisions No 89/572/EEC⁽²⁾, 89/673/EEC⁽³⁾, 90/114/EEC⁽⁴⁾ and 90/173/EEC⁽⁵⁾ provision is made in the temporary adaptation of voluntary restraint agreements concluded between the Community and certain third countries for the introduction of a price monitoring mechanism;

Whereas, it is appropriate to monitor a wide range of prices for imported products; whereas, Member States should notify the Commission promptly of prices monitored;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall, on the 15th day of each month, notify the Commission, for each non-member country of origin, of the 'free at frontier offer price' or the 'cost, insu-

rance freight (cif) value' and the quantity imported of live animals and sheepmeat recorded during the calendar month preceding the date of such notification and falling within CN codes 0104 10 90, 0204 10 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 30 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00.

2. Member States shall also notify the Commission on the 15th day of each month for each non-member country of origin of the price of imported live lamb and of the wholesale prices of the following imported lamb products which would be reported to them by traders or other competent market observers in respect of the preceding calendar month indicating both their importance in volume terms and the precise stage of price formation concerned; carcasses and half carcasses of lambs, fresh or chilled; short forequarters of lamb, fresh or chilled; chines and or best ends of lamb, fresh or chilled; legs of lamb, fresh or chilled; other cuts of lamb, fresh or chilled; boneless cuts of lamb, fresh or chilled; carcasses and half carcasses of lamb, frozen; short forequarters of lamb, frozen; chines and or best ends of lamb frozen; legs of lamb, frozen; other cuts of lamb, frozen; boneless cuts of lamb, frozen.

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.

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

Done at Brussels, 19 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 318, 31. 10. 1989, p. 13.

⁽³⁾ OJ No L 396, 30. 12. 1989, p. 17.

⁽⁴⁾ OJ No L 69, 16. 3. 1990, p. 61.

⁽⁵⁾ OJ No L 95, 12. 4. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3883/90

of 27 December 1990

derogating from Regulation (EEC) No 2377/80 in respect of issue of import
licences under certain special arrangements in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal⁽¹⁾, as last amended by Regulation (EEC)
No 571/89⁽²⁾, and in particular Article 15 (2) thereof,

Whereas certain special import arrangements for products
in the beef and veal sector, referred to in Articles 9 to 11
of Commission Regulation (EEC) No 2377/80⁽³⁾, as last
amended by Regulation (EEC) No 2996/90⁽⁴⁾ have not
yet been decided by the Council for 1991; whereas,
consequently, it is necessary to derogate from Regulation
(EEC) No 2377/80 with regard to the periods for lodging
applications and for the granting of licences within the
framework of these special systems;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 15 of Regulation (EEC) No 2377/80 notwithstan-
ding,

- no application for a licence may be lodged in respect
of the arrangements referred to in Articles 9 to 11 of
Regulation (EEC) No 2377/80,
- the information provided for in Article 15 (4) (a) and
(b) of the said Regulation shall not be communicated.

Article 2

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

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

Done at Brussels, 27 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 286, 18. 10. 1990, p. 17.

COMMISSION REGULATION (EEC) No 3884/90

of 27 December 1990

laying down detailed rules for the application of the import arrangements provided for by Council Regulations (EEC) No 3840/90 and (EEC) No 3841/90 in the beef and veal sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3840/90 of 20 December 1990 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1991) (1), and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 3841/90 of 20 December 1990 opening a Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90 (1991) (2), and in particular Article 2 thereof,

Whereas Regulations (EEC) No 3840/90 and (EEC) No 3841/90 opened quotas for high-quality beef and veal and for buffalo meat; whereas the rules for the application of these arrangements must be established;

Whereas the exporting non-member countries have undertaken to issue certificates of authenticity guaranteeing the origin of these products; whereas the form and layout of these certificates and the procedures for using them must be specified; whereas the certificate of authenticity must be issued by an appropriate authority in a non-member country, the standing of which is such as to ensure that the special arrangements are properly applied;

Whereas, pursuant to Article 2 of Commission Regulation (EEC) No 2377/80 (3), as last amended by Regulation (EEC) No 2996/90 (4), a licence is required for all imports into the Community of beef and veal products; whereas some of the non-member countries exporting meat under this Regulation have undertaken to restrict their exports of such products; whereas the licence must be endorsed as required by the provisions in Article 12 of Regulation (EEC) No 2377/80;

Whereas in order to ensure that the importing of these meats is managed efficiently it is appropriate to provide for the non-transferability of certificates;

Whereas provision must be made for the Member States to transmit relevant information in connection with these special imports;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quota for fresh, chilled or frozen beef and veal provided for in Article 1 (1) of Regulation (EEC) No 3840/90 shall be allocated as follows:

(a) 17 000 tonnes of chilled, boned or boneless meat, falling within CN codes 0201 30 and 0206 10 95, and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals aged between 22 and 24 months, having two permanent incisors and presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef", cuts of which may bear the letters "sc" (special cuts)';

(b) 5 000 tonnes product weight of meat, falling within CN codes 0201 20 90, 0201 30, 0202 20 90, 0202 30, 0206 10 95 and 0206 29 91, and answering the following definition:

'Selected cuts of fresh, chilled or frozen beef derived from bovine animals which do not have more than four permanent incisor teeth, the carcasses of which have a dressed weight of not more than 327 kilograms (720 pounds), a compact appearance with a good eye of meat of light and uniform colour, and adequate but not excessive fat cover. The meat shall be certified "high-quality beef EEC";

(c) 2 300 tonnes of boned or boneless meat, falling within CN codes 0201 30, 0202 30 90, 0206 10 95 and 0206 29 91, and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef". These cuts may bear the letters "sc" (special cuts)';

(1) See page 6 of this Official Journal.

(2) See page 7 of this Official Journal.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 286, 18. 10. 1990, p. 17.

- (d) 10 000 tonnes product weight of meat, falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91, and answering the following definition:

'Carcases of any cuts from cattle not over 30 months of age which have been fed for 100 days or more on a nutritionally balanced, high-energy-feed concentration ration containing no less than 70 % grain and at least 20 pounds total feed per day. Beef graded USDA "UNITED STATES DEPARTMENT OF AGRICULTURE" "choice" or "prime" automatically meets the definition above. Meat graded A2, A3 and A4 under the standards of the Canadian Ministry of Agriculture automatically meets the definition above'.

2. The tariff quota for frozen buffalo meat provided for in Article 1 (1) of Regulation (EEC) No 3841/90 shall be administered in accordance with the provisions of this Regulation.

Article 2

1. The total suspension of the import levy for the meat referred to in Article 1 shall be subject to the presentation, at the time it is put into free circulation, of a certificate of authenticity and, in respect of the meat referred to in Article 1 (1) (d), to the presentation of the import licence referred to in Article 12 of Regulation (EEC) No 2377/80.

The import certificates requested for the meats under Article 1 (1) (d) shall not be transferable.

2. The certificate of authenticity shall be made out in one original and not less than one copy on a form corresponding to the model in Annex I.

The form shall measure approximately 210 × 297 mm.

The paper shall weigh not less than 40 g/m² and shall be white.

3. The forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language or one of the official languages of the exporting country.

The appropriate definition under Article 1 (1) relative to the meat originating from the exporting country shall be shown on the back of the form.

4. The particulars on the original and the copies shall be either typewritten or handwritten. In the latter case they must be printed in block capitals.

5. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

Article 3

1. The certificate of authenticity shall be valid for three months from the date it was issued.

The original certificate of authenticity and one copy shall be presented to the customs authority when the product covered by the certificate is put into free circulation.

However, the certificate may not be presented after 31 December of its year of issue.

2. The copy of the certificate of authenticity referred to in paragraph 1 shall be sent by the customs authorities of the Member State in which the product is placed in free circulation to the designated authorities of that Member State responsible for the communication under Article 6 (1).

Article 4

1. A certificate of authenticity shall be valid only if it is duly completed and endorsed, in accordance with the instruction in Annexes I and II, by one of the issuing authorities listed in Annex II.

2. The certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the person or persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authorities listed in Annex II shall:

- (a) be recognized as competent by the exporting country;
- (b) undertake to check the particulars set out in the certificates of authenticity;
- (c) undertake to communicate to the Commission and to the Member States, on request, any useful information enabling the particulars set out in the certificates of authenticity to be evaluated.

2. The list shall be amended if the requirement in paragraph 1 (a) is no longer met or if an issuing authority fails to fulfil one of the obligations incumbent on it.

Article 6

1. The Member States shall communicate to the Commission, in respect of each period of 10 days, not later than 15 days after that period, the quantities of products referred to in Article 1 that have been put into free circulation, broken down by their country of origin and combined nomenclature code.

2. Under this Regulation the period of 10 days means :

- from the first to 10th of the month inclusive,
- from the 11th to 20th of the month inclusive,
- from the 21st to the last day of the month inclusive.

Article 7

The lodging of licence applications and the issuing of import licences for the meat referred to in Article 1 (1) (d) shall be effected in accordance with the provisions of Articles 12 and 15 of Regulation (EEC) No 2377/80.

Article 8

In all Community instruments in which reference is made to Commission Regulation (EEC) No 263/81 ⁽¹⁾, or to Articles of that Regulation, such references shall be treated as references to this Regulation or to the corresponding Articles hereof.

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, 27 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 27, 31. 1. 1981, p. 52.

ANNEX I

1 Exporter	2 Certificate No	ORIGINAL	
4 Consignee	3 Issuing authority		
	5 CERTIFICATE OF AUTHENTICITY BEEF AND VEAL		
6 Means of transport			
7 Marks, numbers, number and kind of packages ; description of goods		8 Gross weight (kg)	9 Net weight (kg)
10 Net weight (in words)			
11 CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the beef described in this certificate complies with the specification shown overleaf (a) for high-quality beef ('I'); (b) for buffalo meat ('I').			
Place :		Date :	
Signature and stamp (or printed seal)			

DEFINITIONS

**High-quality beef originating in
(appropriate definition)**

Buffalo meat originating in Australia

*ANNEX II***LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY****— JUNTA NACIONAL DE CARNES**

for meat originating in Argentina, answering the definition in Article 1 (1) (a).

— AUSTRALIAN MEAT AND LIVESTOCK CORPORATION

for meat originating in Australia :

(a) answering the definition in Article 1 (1) (b);

(b) referred to in Article 1 (2).

— INSTITUTO NACIONAL DE CARNES (INAC)

for meat originating in Uruguay, answering the definition in Article 1 (1) (c).

— FOOD SAFETY AND INSPECTION SERVICE (FSIS) OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

for meat originating in the United States of America, answering the definition in Article 1 (1) (d).

— FOOD PRODUCTION AND INSPECTION BRANCH-AGRICULTURE CANADA, DIRECTION GÉNÉRALE PRODUCTION ET INSPECTION DES ALIMENTS-AGRICULTURE CANADA

for meat originating in Canada, answering the definition in Article 1 (1) (d).

COMMISSION REGULATION (EEC) No 3885/90

of 27 December 1990

laying down detailed rules for the application of the import arrangements provided for in Council Regulation (EEC) No 3838/90 for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3838/90 of 20 December 1990 opening, allocating and providing for the administration of a Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 (1991)⁽¹⁾, and in particular Article 4 thereof,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal⁽²⁾, as last amended by Regulation (EEC) No 571/89⁽³⁾, and in particular Article 15 (2) thereof,

Whereas Regulation (EEC) No 3838/90 lays down the method for administering the Community tariff quota for frozen beef covered by CN code 0202 and for products covered by CN code 0206 29 91 and splits this quota into two parts, one of 45 050 tonnes apportioned between traditional importers and the other of 7 950 tonnes apportioned between the operators which have carried out beef exchanges with third countries;

Whereas, in order to ensure a smooth switchover from the arrangements based on national administration to arrangements subject to Community administration, while taking into account the commercial peculiarities of the products in question, provision should be made for the allocation on a proportional basis of the first part to traditional importers who can prove that, during 1988, 1989 and 1990, they imported products covered by the quota; whereas, however, within the framework of the procedure based on the submission of application from interested parties and their acceptance to the extent determined by the Commission, importers who can demonstrate the genuine nature of their business, and who apply for quantities of some significance should be granted access to the second part; whereas verification of the latter criterion requires that applications from a particular trader are to be submitted in the same Member State;

Whereas, in order to avoid speculation, operators who at 1 January 1991 were no longer engaged in activity in the beef sector should be excluded from access to the quota;

Whereas Commission Regulation (EEC) No 3719/88⁽⁴⁾, as amended by Regulation (EEC) No 1599/90⁽⁵⁾, lays down common detailed rules for the application at the system of import and export licences and advance-fixing certificates for agricultural products; whereas Commission Regulation (EEC) No 2377/80⁽⁶⁾, as last amended by Regulation (EEC) No 2996/90⁽⁷⁾, lays down special detailed rules on the system of import licences to the beef sector;

Whereas provision should be made for the Member States to forward information on the import arrangement in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantity referred to in Article 2(a) of Regulation (EEC) No 3838/90 (45 050 tonnes) shall be reserved for importers who can furnish proof of having imported frozen meat covered by CN code 0202 and products covered by CN code 0206 29 91 covered by the quota referred to in Council Regulations (EEC) No 234/88⁽⁸⁾, (EEC) No 4076/88⁽⁹⁾ and (EEC) No 3889/89⁽¹⁰⁾ during the last three years.

2. The quantity referred to in Article 2(b) of Regulation (EEC) No 3838/90 (7 950 tonnes) shall be reserved for operators who can furnish proof of having imported and/or exported during 1989 and 1990, at least 50 tonnes per year of beef not subject to the quotas referred to in Regulations (EEC) No 4076/88 and (EEC) No 3889/89.

3. The proof referred to in paragraphs 1 and 2 shall be provided by means of the customs document of release for free circulation or export document. For reference years 1988 and 1989 Member States may provide that the proof of import may be furnished by the holder whose name appears in box 4 of import licences.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 151, 14. 6. 1990, p. 29.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 286, 18. 10. 1990, p. 17.

⁽⁵⁾ OJ No L 24, 29. 1. 1988, p. 4.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 5.

⁽⁷⁾ OJ No L 378, 27. 12. 1989, p. 16.

⁽¹⁾ See page 3 of this Official Journal.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 61, 4. 3. 1989, p. 43.

4. The 45 050 tonnes shall be allocated between the various importers in proportion to their imports during the reference years.

5. The 7 950 tonnes shall be allocated in proportion to the quantities applied for by importers.

Article 2

1. Operators referred to in Article 4 (1) who, at 1 January 1990 were no longer engaged in any activity in the beef sector shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers each having rights under Article 1 (1), shall benefit from the same rights as the companies from which they were formed.

Article 3

1. Eligibility under the import arrangements provided for in Article 1 shall be subject to presentation of an application for an import licence.

2. Licence applications and licences shall contain:

(a) in section 20, one of the following endorsements:

- Carne de vacuno congelada [Reglamento (CEE) n° 3885/90]
- frosset kød af hornkvæg (forordning (EØF) nr. 3885/90)
- Gefrorenes Rindfleisch (Verordnung (EWG) Nr. 3885/90)
- Κατεψυγμένο βόειο κρέας (κανονισμός (ΕΟΚ) αριθ. 3885/90)
- frozen meat of bovine animals (Regulation (EEC) No 3885/90)
- Viande bovine congelée (règlement (CEE) n° 3885/90)
- Carni bovine congelate (regolamento (CEE) n. 3885/90)
- Bevroren rundvlees (Verordening (EEG) nr. 3885/90)
- Carne de bovino congelada [Reglamento (CEE) n° 3885/90];

(b) in section 8, the country of origin;

(c) in section 24, one of the following endorsements:

- exacción reguladora suspendida para ... (cantidad para la que se haya extendido el certificado) kg
- suspension af importafgift for ... (den mængde licensen er udstedt for) kg
- Aussetzung der Abschöpfung für ... kg (Menge, für die die Lizenz erteilt wurde)
- αναστέλλεται η εισφορά για ... (ποσότητα για την οποία χορηγήθηκε το πιστοποιητικό) kg
- levy suspended for ... (quantity for which the licence was issued) kg
- prélèvement suspendu pour ... (quantité pour laquelle le certificat a été délivré) kg
- prelievo sospeso per ... (quantitativo per il quale è stato rilasciato il certificato) kg

— Heffing geschorst voor ... (hoeveelheid waarvoor het certificaat is afgegeven) kg

— Direito nivelador suspenso para ... kg (quantidade para a qual foi emitido o certificado).

3. For the purposes of applying the arrangements, where the quantities are imported under the terms of Article 8 (4) of Regulation (EEC) No 3719/88, the levy fixed in accordance with Article 12 of Regulation (EEC) No 805/68 and the Common Customs Tariff duty of 20 % shall be charged on the quantities exceeding those indicated in the import licence.

Article 4

1. For the purposes of applying Article 1 (1) importers shall present to the competent authorities the application for an import licence together with the proof referred to in Article 1 (3) by 25 January 1991 at the latest. The Member States shall forward to the Commission by 7 February 1991 at the latest, a list of importers containing in particular the importers' names and the addresses and the quantities of meat imported under the quota referred to in Regulation (EEC) No 3838/90, during each of the years in question.

2. For the purposes of applying Article 1 (2) (b) applications together with the proof referred to in Article 1 (3) from importers may be lodged up to 25 January 1991.

The application or applications lodged by the same party may relate to an overall quantity not exceeding 50 tonnes of frozen meat, product weight.

Member States shall forward to the Commission by 7 February 1991 at the latest a list of applicants including in particular the quantities applied for and the countries of origin indicated.

Article 5

Licence applications referred to in Article 4 shall be admissible only where the applicant declares in writing that he has not lodged and undertakes not to lodge any application under the same special arrangements in any Member State other than that in which application is lodged; if an applicant lodges applications in respect of the same special arrangements in two or more Member States, none of these applications shall be admissible.

All applications from the same applicant shall be regarded as a single application.

Article 6

1. The Commission shall decide to what extent applications may be accepted.

Subject to the Commission having decided that applications be accepted, import licences shall be issued from 18 February 1991.

2. As regards the applications referred to in Article 4 (2), if the quantities for which licences are applied for exceed the quantities available, the Commission shall reduce the amounts applied for by a fixed percentage.

3. If the reduction referred to in paragraph 2 results in a quantity of less than five tonnes per application, the allocation shall be by drawing lots, by batches of five tonnes.

Article 7

For the purpose of applying the arrangements provided for by Regulation (EEC) No 3838/90 the quantities to be imported must meet the conditions laid down in Article 17 (2) (f) of Council Directive 72/462/EEC⁽¹⁾.

Article 8

1. Regulation (EEC) No 2377/80 shall apply.
2. However, notwithstanding Articles 3 and 6 of Regulation (EEC) No 2377/80, the security for import

licences shall be ECU 10 per 100 kilograms net weight, and the term of validity of the licences shall expire on 31 December 1991.

3. The security referred to in paragraph 2 shall be lodged when the licences referred to in Article 6 (1), second subparagraph are issued.

Article 8

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

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

Done at Brussels, 27 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

COMMISSION REGULATION (EEC) No 3886/90

of 27 December 1990

laying down detailed rules for the application of import arrangements provided for in Council Regulation (EEC) No 3839/90 for frozen thin skirt of bovine animals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3839/90 of 20 December 1990 opening a Community tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (1991)⁽¹⁾, and in particular Article 2 thereof,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal⁽²⁾, as last amended by Regulation (EEC) No 571/89⁽³⁾, and in particular Article 15 (2) thereof,

Whereas Commission Regulation (EEC) No 3719/88⁽⁴⁾, as amended by Regulation (EEC) No 1599/90⁽⁵⁾, lays down detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products; whereas Commission Regulation (EEC) No 2377/80⁽⁶⁾, as last amended by Regulation (EEC) No 2996/90⁽⁷⁾, lays down detailed rules for implementing the arrangements for import licences for beef and veal;

Whereas detailed rules for the application of the arrangements laid down in Regulation (EEC) No 3839/90 should be adopted;

Whereas it has proved necessary to take account of trade in this product for the purposes of allocating that quota; whereas trade has been recorded for Argentina on the one hand and for other third countries on the other hand and whereas a quota should accordingly be fixed on that basis for Argentina and another for other third countries;

Whereas Argentina must issue certificates of authenticity guaranteeing the origin of those products; whereas the form and layout of those certificates and the procedures for using them must be specified;

Whereas certificates of authenticity must be issued by an appropriate authority in a third country; whereas such authorities must present all the necessary guarantees to ensure that the arrangements in question operate properly;

Whereas provision must be made for the Member States to forward information on the imports in question;

Whereas for other countries, the quota should be managed only on the basis of Community import licences, provision being made for derogations in certain particular respects, from the applicable provisions;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quota for frozen thin skirt provided for in Article 1 (1) of Regulation (EEC) No 3839/90 shall be allocated as follows:

- (a) 700 tonnes originating in and coming from Argentina;
 - (b) 800 tonnes originating in and coming from other third countries.
2. Only whole thin skirt may be imported under the quota.

Article 2

1. The total suspension of the import levy for the meat referred to in Article 1 (1) (a) shall be subject to the presentation of a certificate of authenticity when it is released for free circulation.

2. The Common Customs Tariff duty under this quota shall be 4 %.

3. Certificates of authenticity shall be made out in one original and not less than one copy on a form corresponding to the specimen in Annex I.

The form shall measure approximately 210 × 297 millimetres. The paper shall weigh not less than 40 grams per square metre and shall be white.

4. The forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language or one of the official languages of the exporting country.

5. The particulars on the original and the copies shall be either typewritten or handwritten. In the latter case they must be printed in block capitals.

6. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

⁽¹⁾ See page 5 of this Official Journal.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 151, 14. 6. 1990, p. 29.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 286, 18. 10. 1990, p. 17.

Article 3

1. Certificates of authenticity shall be valid for three months from the date of issue.

The original certificate of authenticity and one copy shall be presented to the customs authorities when the product covered by the certificate is released for free circulation. However, certificates may not be presented after 31 December of the year of issue.

2. Copies of certificates of authenticity as referred to in paragraph 1 shall be forwarded by the customs authorities of the Member State in which the product is released for free circulation to the authorities designated by that Member State for the purposes of the notification provided for in Article 6 (1).

Article 4

1. Certificates of authenticity shall be valid only if they are duly completed and endorsed, in accordance with the instructions in Annex I, by an issuing authority listed in Annex II.

2. A certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the person or persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authorities listed in Annex II shall :
 - (a) be recognized as competent by the exporting country ;
 - (b) undertake to check the particulars on the certificates of authenticity ;
 - (c) undertake to supply the Commission and the Member States, on request, with any information enabling the particulars on the certificates of authenticity to be evaluated.

2. The list shall be revised if the requirement in paragraph 1 (a) is no longer met or if an issuing authority fails to fulfil one of the obligations incumbent on it.

Article 6

1. The Member States shall notify the Commission, in respect of each period of 10 days, not later than 15 days after that period, of the quantities of products referred to in Article 1 that have been released for free circulation, broken down by their country of origin and CN code.

The information notified shall also include the year of issue of the certificate of authenticity.

2. For the purposes of this Regulation, the period of 10 days means the period :

- from the 1st to the 10th of the month,
- from the 11th to the 20th of the month,
- from the 21st to the last day of the month.

Article 7

1. For products referred to in Article 1 (1) (b), the import levy shall be totally suspended and the Common Customs Tariff duty applicable shall be 4 %.

2. In order to qualify for the import arrangements referred to in Article 1 (1) (b) :

- (a) the licence application or applications lodged by any one applicant must relate to a total quantity corresponding to not less than five tonnes of meat by weight of product and to not more than the quantity available under the arrangements in question ;

- (b) section 20 of licence applications and of the licences themselves shall contain one of the following endorsements :

- Músculos del diafragma y delgados [Reglamento (CEE) n° 3886/90]
- Mellemgulv (forordning (EØF) nr. 3886/90)
- Saumfleisch (Verordnung (EWG) Nr. 3886/90)
- Διάφραγμα [κανονισμός (ΕΟΚ) αριθ. 3886/90]
- Thin skirt (Regulation (EEC) No 3886/90)
- Hampe [règlement (CEE) n° 3886/90]
- Pezzi detti « hampes » (regolamento (CEE) n. 3886/90)
- Omloop (Verordening (EEG) nr. 3886/90)
- Diafragma [Regulamento (CEE) n° 3886/90] ;

- (c) the country of origin shall be indicated in section 8 of licence applications and of the licences themselves ;

- (d) applications must be natural or legal persons who, at the time the application was submitted, have for at least 12 months been engaged in the trade in beef and/or veal between Member States or with third countries and whose names are entered in the official register of a Member State.

3. For the purposes of applying these special arrangements, where the quantities are imported under the terms of Article 8 (4) of Regulation (EEC) No 3719/88, the levy fixed in accordance with Article 12 of Regulation (EEC) No 805/68 and the Common Customs Tariff duty of 20 % shall be charged on the quantities exceeding those indicated in the import licence.

Section 24 of licenses shall contain one of the following endorsements :

- Exacción reguladora suspendida para ... (cantidad para la cual se ha expedido el certificado) kg
- Importafgift suspenderet for ... (den mængde, som licensen er udstedt for) kg

- Aussetzung der Abschöpfung für ... kg (Menge, für die die Lizenz erteilt wurde)
- Η εισφορά έχει ανασταλεί για ... (ποσότητα για την οποία εκδόθηκε το πιστοποιητικό) kg
- Levy suspended for ... (quantity for which the licence or certificate was issued) kg
- Prélèvement suspendu pour ... (quantité pour laquelle le certificat a été délivré) kg
- Prelievo sospeso per ... (quantità per la quale è stato rilasciato il titolo) kg
- Heffing geschorst voor ... (hoeveelheid waarvoor het certificaat is afgegeven) kg
- Direito nivelador suspenso para ... (quantidade para a qual o certificado foi emitido) kg.

Article 8

1. The applications referred to in Article 7 may be lodged up to 25 January 1991.
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 under the same special arrangements in any Member State other than that where his present application is lodged; if an applicant lodges applications in respect of the same special arrangements in two or more Member States, none of the applications shall be considered.

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

3. Member States shall notify the Commission on 7 February 1991 of the total quantity covered by applications. That notification shall cover the list of

applicants and the countries of origin indicated. All notifications, including nil returns, shall be made by telex and shall be sent before 4 p.m. on the stipulated working day.

4. The Commission shall decide to what extent the applications referred to in Article 7 may be accepted. If the quantities for which licences are applied for exceed the quantities available, the Commission shall reduce the amounts applied for by a fixed percentage.

5. Subject to the Commission having decided that applications be accepted, licences shall be issued on 18 February 1991.

Article 9

1. Without prejudice to this Regulation, the provisions of Regulation (EEC) No 2377/80 shall apply.
2. However, pursuant to this Regulation, the security for import licences shall be ECU 10 per 100 kilograms net weight and the period of validity shall expire on 31 December 1991.
3. Certificates shall not be transferable.

Article 10

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

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

Done at Brussels, 27 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1 Exporter	2 Certificate No	ORIGINAL						
4 Consignee	3 Issuing authority							
	5 CERTIFICATE OF AUTHENTICITY BEEF AND VEAL Thin skirt							
6 Means of transport	<table border="1"> <tr> <td data-bbox="15 873 1029 1635" rowspan="2">7 Marks, numbers, number and kind of packages ; description of goods</td> <td data-bbox="1029 873 1204 952">8 Gross weight (kg)</td> <td data-bbox="1204 873 1372 952">9 Net weight (kg)</td> </tr> <tr> <td colspan="2" data-bbox="1029 952 1372 1635"></td> </tr> </table>			7 Marks, numbers, number and kind of packages ; description of goods	8 Gross weight (kg)	9 Net weight (kg)		
7 Marks, numbers, number and kind of packages ; description of goods	8 Gross weight (kg)	9 Net weight (kg)						
10 Net weight (in words)								
11 CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the thin skirt described in this certificate complies with the specifications referred to in Article 1 (2) of Commission Regulation (EEC) No 4025/89 within the limit referred to in Article 1 (1) of that Regulation and that originates in Argentina. Place : Date : Signature and stamp (or printed seal)								

*ANNEX II***LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY**

JUNTA NACIONAL DE CARNES:

for thin skirt originating in Argentina as referred to in Article 1 (1) (a).

COMMISSION REGULATION (EEC) No 3887/90

of 21 December 1990

amending for the eleventh time Regulation (EEC) No 646/86 fixing the export refunds on wine

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 Article 56 (4) thereof,

Whereas Commission Regulation (EEC) No 646/86 ⁽³⁾, as last amended by Regulation (EEC) No 2220/90 ⁽⁴⁾, fixed the export refunds on wine;

Whereas Spanish prices have, subsequent to alignment with those of the Community of Ten, fallen considerably, although not uniformly for all categories, because of the abundance of the 1990/91 vintage in Spain; whereas, in order to continue to provide balanced conditions of competition between Spanish operators and those in the other Member States, certain refunds applicable in Spain must be adjusted; whereas since refunds cannot be fixed in advance in the wine sector these adjustments shall be delayed in order to permit realization of export operations in hand and to avoid imposition of an unwarranted penalty on operators;

Whereas there are good prospects at the moment for disposal of table wine in certain third country markets, in particular Yugoslavia; whereas the list of third countries for which export refunds are granted should be lengthened, at least up to the end of 1991; whereas the refund for a new destruction is to be determined on the basis of current market quotations; whereas prices on the

Spanish market will be pushed upwards by the massive distillation operations introduced by Commission Regulation (EEC) No 3747/90 ⁽⁵⁾ and (EEC) No 3748/90 ⁽⁶⁾; whereas provision should be made such that when the impact of these measures occurs export refund for Yugoslavia are brought into line with those for other destination;

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

The Annex to Regulation (EEC) No 646/86 is hereby replaced:

- (a) from the date of entry into force of this Regulation until 28 February 1991, by Annex I to this Regulation;
- (b) from 1 March 1991 onwards, by Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 21 December 1990.

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 60, 1. 3. 1986, p. 46.

⁽⁴⁾ OJ No L 202, 31. 7. 1990, p. 28.

⁽⁵⁾ OJ No L 360, 22. 12. 1990, p. 34.

⁽⁶⁾ OJ No L 360, 22. 12. 1990, p. 37.

ANNEX I

Export refunds applicable until 28 February 1991

Product code	For export to (1)	Refund amount applicable in the Community as constituted at 31 December 1985	Refund amount applicable in Spain
		in ecu/% vol/hl	
2009 60 11 100 (?)	01 ; 02 ; 09	1,30	1,10
2009 60 19 100 (?)	01 ; 02 ; 09	1,30	1,10
2009 60 51 100 (?)	01 ; 02 ; 09	1,30	1,10
2009 60 71 100 (?)	01 ; 02 ; 09	1,30	1,10
		in ecu/hl	
2204 21 25 110	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 21 25 130	02 ; 09	0,80	—
2204 21 25 190	02	1,80	1,50
	03	1,65	0,90
	09	1,65	1,30
		in ecu/hl	
2204 21 25 910	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 21 29 130	02 ; 09	0,80	—
2204 21 29 190	02	1,80	1,67
	03	1,65	0,90
	09	1,65	1,52
		in ecu/hl	
2204 21 35 110	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 21 35 130	02 ; 09	0,80	—
2204 21 35 190	02	1,80	1,50
	03	1,65	0,90
	09	1,65	1,30
2204 21 39 130	02 ; 03	0,80	—
2204 21 39 190	02	1,80	1,67
	03	1,65	0,90
	09	1,65	1,52
		in ecu/hl	
2204 21 49 910	02 ; 09	17,25	—
2204 21 59 910	02 ; 09	17,25	—
2204 29 25 110	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 29 25 130	02 ; 09	0,80	—
2204 29 25 190	02	1,80	1,50
	03	1,65	0,90
	09	1,65	1,30

Product code	For export to ⁽¹⁾	Refund amount applicable in the Community as constituted at 31 December 1985	Refund amount applicable in Spain
2204 29 25 910	02 ; 09	in ecu/hl	
		5,50	—
		in ecu/% vol/hl	
2204 29 29 130	02 ; 09	0,80	—
2204 29 29 190	02	1,80	1,67
	03	1,65	0,90
	09	1,65	1,52
2204 29 35 110	02 ; 09	in ecu/hl	
		5,50	—
		in ecu/% vol/hl	
2204 29 35 130	02 ; 09	0,80	—
2204 29 35 190	02	1,80	1,50
	03	1,65	0,90
	09	1,65	1,30
2204 29 39 130	02 ; 09	0,80	—
2204 29 39 190	02	1,80	1,67
	03	1,65	0,90
	09	1,65	1,52
2204 29 49 910	02 ; 09	in ecu/hl	
		17,25	—
		17,25	—
2204 30 91 100 ⁽²⁾	01 ; 02 ; 09	in ecu/% vol/hl	
		1,30	1,10
		1,30	1,10

⁽¹⁾ The destinations are as follows :

- 01 Venezuela ;
- 02 All countries of the African continent with the exception of those explicitly excluded under 09 ;
- 03 Yugoslavia ;
- 09 All other destinations with the exception of the following third countries :
 - all countries of the American continent within the meaning of Commission Regulation (EEC) No 3639/86, as extended by Regulation (EEC) No 634/89 (OJ No L 70, 14. 3. 1989, p. 17),
 - South Africa,
 - Algeria,
 - Australia,
 - Austria,
 - Cyprus,
 - Israel,
 - Morocco,
 - Switzerland,
 - Tunisia,
 - Turkey.

⁽²⁾ The alcoholic strength to be used is the potential alcoholic strength by volume.

NB : The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EEC) No 3399/90 (OJ No L 331, 29. 11. 1990, p. 1).

ANNEX II

Export refunds applicable from 1 March 1991

Product code	For export to (1)	Refund amount applicable in the Community as constituted at 31 December 1985	Refund amount applicable in Spain
		in ecu/% vol/hl	
2009 60 11 100 (?)	01 ; 02 ; 09	1,30	0,90
2009 60 19 100 (?)	01 ; 02 ; 09	1,30	0,90
2009 60 51 100 (?)	01 ; 02 ; 09	1,30	0,90
2009 60 71 100 (?)	01 ; 02 ; 09	1,30	0,90
		in ecu/hl	
2204 21 25 110	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 21 25 130	02 ; 09	0,80	—
2204 21 25 190	02	1,80	1,30
	09	1,65	1,10
		in ecu/hl	
2204 21 25 910	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 21 29 130	02 ; 09	0,80	—
2204 21 29 190	02	1,80	1,61
	09	1,65	1,46
		in ecu/hl	
2204 21 35 110	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 21 35 130	02 ; 09	0,80	—
2204 21 35 190	02	1,80	1,30
	09	1,65	1,10
2204 21 39 130	02 ; 09	0,80	—
2204 21 39 190	02	1,80	1,61
	09	1,65	1,46
		in ecu/hl	
2204 21 49 910	02 ; 09	17,25	—
2204 21 59 910	02 ; 09	17,25	—
2204 29 25 110	02 ; 09	5,50	—
		in ecu/% vol/hl	
2204 29 25 130	02 ; 09	0,80	—
2204 29 25 190	02	1,80	1,30
	09	1,65	1,10

Product code	For export to ⁽¹⁾	Refund amount applicable in the Community as constituted at 31 December 1985	Refund amount applicable in Spain
2204 29 25 910	02 ; 09	in ecu/hl	
		5,50	—
		in ecu/% vol/hl	
2204 29 29 130	02 ; 09	0,80	—
2204 29 29 190	02	1,80	1,61
	09	1,65	1,46
2204 29 35 110	02 ; 09	in ecu/hl	
		5,50	—
		in ecu/% vol/hl	
2204 29 35 130	02 ; 03	0,80	—
2204 29 35 190	02	1,80	1,30
	09	1,65	1,10
2204 29 39 130	02	0,80	—
2204 29 39 190	02	1,80	1,61
	09	1,65	1,46
2204 29 49 910	02 ; 09	in ecu/hl	
		17,25	—
		in ecu/% vol/hl	
2204 29 59 910	02 ; 09	17,25	—
2204 30 91 100 ⁽²⁾	01 ; 02 ; 09	1,30	0,90
		1,30	0,90
		1,30	0,90

⁽¹⁾ The destinations are as follows :

01 Venezuela ;

02 All countries of the African continent with the exception of those explicitly excluded under 09 ;

09 All other destinations with the exception of the following third countries :

- all countries of the American continent within the meaning of Commission Regulation (EEC) No 3639/86, as extended by Regulation (EEC) No 634/89 (OJ No L 70, 14. 3. 1989, p. 17),
- South Africa,
- Algeria,
- Australia,
- Austria,
- Cyprus,
- Israel,
- Morocco,
- Switzerland,
- Tunisia,
- Turkey,
- Yugoslavia (from 1 September 1991).

⁽²⁾ The alcoholic strength to be used is the potential alcoholic strength by volume.

NB : The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EEC) No 3399/90 (OJ No L 331, 29. 11. 1990, p. 1).

COMMISSION REGULATION (EEC) No 3888/90**of 27 December 1990****extending Regulation (EEC) No 2819/79 making imports of certain textile products from certain third countries subject to Commission surveillance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as last amended by Regulation (EEC) No 3156/90 ⁽²⁾, and in particular Article 10 thereof,

Having consulted the advisory committee set up under Article 5 of Regulation (EEC) No 288/82,

Whereas, by virtue of Regulation (EEC) No 2819/79 ⁽³⁾, as last amended by Regulation (EEC) No 4033/89 ⁽⁴⁾, the Commission has established a system of Community surveillance for imports of certain textile products listed in the Annex and originating in the Mediterranean countries which has signed Agreements establishing preferential arrangements with the Community, that is to say Egypt, Turkey and Malta;

Whereas this Regulation expires on 31 December 1990;

Whereas the situation which to the introduction of the said surveillance system still exists; whereas that system should therefore remain in force,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2819/79 is hereby extended until 31 December 1991.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 27 December 1990.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 304, 1. 11. 1990, p. 5.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ OJ No L 382, 30. 12. 1989, p. 72.

COMMISSION REGULATION (EEC) No 3889/90

of 27 December 1990

amending and extending the periods of validity of Regulations (EEC) No 3044/79, (EEC) No 1782/80, (EEC) No 4121/88, (EEC) No 4033/89, on Community surveillance of imports of certain textile products originating in Malta, Egypt and Turkey

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

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as last amended by Regulation (EEC) No 3156/90 ⁽²⁾, and in particular Article 10 thereof,

Having consulted the advisory committee set up under Article 5 of Regulation (EEC) No 288/82,

Whereas Commission Regulation (EEC) No 2819/79 ⁽³⁾, the period of validity of which was last amended by Regulation (EEC) No 3888/90 ⁽⁴⁾, makes imports of certain textile products originating in certain non-member countries subject to Community surveillance;

Whereas by Regulation (EEC) No 3044/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 3928/87 ⁽⁶⁾, the Commission established Community surveillance of imports of certain textile products originating in Malta;

Whereas, by Regulation (EEC) No 1782/80 ⁽⁷⁾, as last amended by Regulation (EEC) No 3928/87, the Commission established Community surveillance of imports of certain textile products originating in Egypt;

Whereas by Regulations (EEC) No 4121/88 ⁽⁸⁾ and (EEC) No 4033/89 ⁽⁹⁾, the Commission established Community surveillance of imports of certain textile products originating in Turkey;

Whereas the provisions of Regulation (EEC) No 3044/79 should be defined as applying to trousers (category 6) originating in Malta;

Whereas those Regulations expire on 31 December 1990;

Whereas the reasons that justified the introduction of the above Regulations are still valid; whereas the said Regulations should therefore be extended for an additional period,

HAS ADOPTED THIS REGULATION:

Article 1

Community surveillance of imports of certain textile products, established by Regulations (EEC) No 3044/79, (EEC) No 1782/80, (EEC) No 4121/88 and (EEC) No 4033/89 is hereby extended until 31 December 1991.

Article 2

Annex I to Regulation (EEC) No 3044/79 is hereby replaced by the Annex to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 27 December 1990.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 304, 1. 11. 1990, p. 5.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ See page 151 of this Official Journal.

⁽⁵⁾ OJ No L 343, 31. 12. 1979, p. 8.

⁽⁶⁾ OJ No L 369, 29. 12. 1987, p. 31.

⁽⁷⁾ OJ No L 174, 9. 7. 1980, p. 16.

⁽⁸⁾ OJ No L 361, 29. 12. 1988, p. 28.

⁽⁹⁾ OJ No L 382, 30. 12. 1989, p. 72.

ANNEX

ANNEX I

Category	CN code	Description	Units	Third countries
6	6203 41 10	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres	1 000 pieces	Malta'
	6203 41 90			
	6203 42 31			
	6203 42 33			
	6203 42 35			
	6203 42 90			
	6203 43 19			
	6203 43 90			
	6203 49 19			
	6203 49 50			
	6204 61 10			
	6204 62 31			
	6204 62 33			
	6204 62 35			
	6204 63 19			
	6204 69 19			

COMMISSION REGULATION (EEC) No 3890/90
of 27 December 1990
on temporary measures for the sheepmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 5 and 155 thereof,

Whereas Article 4 (2) of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, states that the Community quotation for the standard Community quality for fresh or chilled sheep carcasses is to be instituted in all Member States by 1 January 1991 at the latest;

Whereas the Commission has sent the Council a proposal on determination of this Community standard quality; whereas the Council has not so far taken a decision on this matter; whereas the transitional provisions set out in Article 22 (3) of Regulation (EEC) No 3013/89 expire at the end of the 1990 marketing year;

Whereas the Commission must discharge its responsibilities under the Treaty by taking the action that is essential in the meantime to ensure that the market organization in question continues to operate and disturbances are avoided; whereas in particular the arrangements for determining the prices of fresh or chilled carcasses on the representative markets of each quotation area must continue to operate and the provisions of Commission Regulation (EEC) No 1481/86 of 15 May 1986 on the determination of prices of fresh or chilled lamb carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the

Community⁽²⁾, as last amended by Regulation (EEC) No 3983/89⁽³⁾, must remain applicable;

Whereas this action is intended solely to maintain existing arrangements temporarily and is without prejudice to any subsequent decision of the Council,

HAS ADOPTED THIS REGULATION:

Article 1

Prices of fresh or chilled sheep carcasses on the representative Community markets shall be established on the basis of the prices recorded on the representative market or markets of each quotation area, as defined in Article 4 (1) of Regulation (EEC) No 3013/89, for the various categories of fresh or chilled sheep carcasses. The provisions set out in Article 22 (3) of that Regulation shall apply.

Article 2

For the purpose of determination of fresh or chilled sheep carcass prices in accordance with Article 1 the provisions set out in Regulation (EEC) No 1481/86 shall be applicable.

Article 3

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

It shall be applicable until the measures adopted by the Council in application of Article 4 (2) of Regulation (EEC) No 3013/89 become applicable.

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

Done at Brussels, 27 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1986, p. 12.

⁽³⁾ OJ No L 380, 29. 12. 1989, p. 26.

COMMISSION REGULATION (EEC) No 3891/90

of 21 December 1990

reintroducing the levying of the customs duties applicable to the products of category No 28 (Order No 40.0280) originating in Thailand and Pakistan, to which the preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas in pursuance of Article 10 of Regulation (EEC) No 3897/89 preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be reintroduced at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of the products of category No 28 (Order No 40.0280) originating in Thailand and Pakistan, the relevant ceiling amounts to 104 000 (pieces); whereas that ceiling was reached on 15 March 1990 by charges or imports into the Community of the products in question originating in Thailand and Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to reintroduce the levying of customs duties for the products in question with regard to Thailand and Pakistan;

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1990 the levying of customs duties, suspended in pursuance of Regulation (EEC) No 3897/89, shall be reintroduced on imports into the Community of the following products, originating in Thailand and Pakistan:

Order No	Category (unit)	CN code	Description
40.0280	28 (1 000 pieces)	6103 41 10	Trousers, bib and brace overalls, breeches and shorts (other than swimwear) knitted or crocheted, of wool, of cotton or man-made fibres
		6103 41 90	
		6103 42 10	
		6103 42 90	
		6103 43 10	
		6103 43 90	
		6103 49 10	
		6103 49 91	
		6104 61 10	
		6104 61 90	
		6104 62 10	
		6104 62 90	
		6104 63 10	
		6104 63 90	
		6104 69 10	
		6104 69 91	

Article 2

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

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

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

Done at Brussels, 21 December 1990.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 3892/90

of 21 December 1990

reintroducing the levying of the customs duties applicable to the products of category No 97 (Order No 40.0970) originating in China, to which the preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas in pursuance of Article 10 of Regulation (EEC) No 3897/89 preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be reintroduced at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of the products of category No 97 (Order No 40.0970) originating in China the relevant ceiling amounts to four tonnes; whereas that ceiling was reached on 20 March 1990 by charges of imports into the Community of the products in question originating in China, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to reintroduce the levying of customs duties for the products in question with regard to China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 January 1991 the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3897/89, shall be reintroduced on imports into the Community of the following products, originating in China:

Order No	Category (unit)	CN code	Description
40.0970	97 (tonnes)	5608 11 11 5608 11 19 5608 11 91 5608 11 99 5608 19 11 5608 19 19 5608 19 31 5608 19 39 5608 19 91 5608 19 99 5608 90 00	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope

Article 2

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

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

Done at Brussels, 21 December 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

COMMISSION REGULATION (EEC) No 3893/90
of 28 December 1990
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90 ⁽³⁾, as last amended by Regulation (EEC) No 3807/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 December 1990,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 December 1990.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 365, 28. 12. 1990, p. 77.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 28 December 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,13 ⁽¹⁾
1701 11 90	39,13 ⁽¹⁾
1701 12 10	39,13 ⁽¹⁾
1701 12 90	39,13 ⁽¹⁾
1701 91 00	44,17
1701 99 10	44,17
1701 99 90	44,17 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

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

COMMISSION REGULATION (EEC) No 3894/90

of 28 December 1990

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾ provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed

from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	123,00
1107 10 99 000	135,00
1107 20 00 000	158,00

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 3895/90

of 28 December 1990

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 14 (4) thereof,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3848/90⁽⁷⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁸⁾ amended Council Regulation (EEC) No 2744/75⁽⁹⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

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

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 December 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾, as last amended by Regulation (EEC) No 1740/78⁽¹¹⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to Regulation (EEC) No 3848/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ See page 22 of this Official Journal.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 28 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 December 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
1103 21 00	338,72	344,76
1104 19 10	338,72	344,76
1104 29 11	250,28	253,30
1104 29 31	301,09	304,11
1104 29 91	191,94	194,96
1104 30 10	141,14	147,18
1107 10 11	334,96	345,84
1107 10 19	250,28	261,16
1108 11 00	414,00	434,55
1109 00 00	752,72	934,06
2302 10 10	66,65	72,65
2302 10 90	142,83	148,83
2302 20 10	66,65	72,65
2302 20 90	142,83	148,83
2302 30 10	66,65	72,65
2302 30 90	142,83	148,83
2302 40 10	66,65	72,65
2302 40 90	142,83	148,83

(*) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

CORRIGENDA

Corrigendum to Council Decision 90/655/EEC of 4 December 1990 amending Decision 87/277/EEC on the allocation of the catch possibilities for cod in the Spitzbergen and Bear Island area and in Division 3M as defined in the NAFO Convention

(Official Journal of the European Communities No L 353 of 17 December 1990)

On page 57, the last phrase of the recital :

- for:* '... whereas that Decision should therefore be amended in order to take account of catches made by the former German Democratic Republic during the reference periods used in calculating the percentage allocations in the index in the Annex to that decision,'
- read:* '... whereas that Decision should therefore be amended in order to take account of catches made by the former German Democratic Republic for the calculation of the percentage allocations in the Annex to that Decision,'
-