

Official Journal

of the European Communities

ISSN 0378-6978

L 15

Volume 33

19 January 1990

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 123/90 of 18 January 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 124/90 of 18 January 1990 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 125/90 of 18 January 1990 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products	5
Commission Regulation (EEC) No 126/90 of 18 January 1990 adjusting the agricultural conversion rates for the pigmeat sector in Greece	8
Commission Regulation (EEC) No 127/90 of 18 January 1990 repealing Regulation (EEC) No 73/90 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus	9
Commission Regulation (EEC) No 128/90 of 18 January 1990 fixing the import levies on white sugar and raw sugar	10
Commission Regulation (EEC) No 129/90 of 18 January 1990 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	12
Commission Regulation (EEC) No 130/90 of 18 January 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5	14
Commission Regulation (EEC) No 131/90 of 18 January 1990 fixing the amount of the subsidy on oil seeds	17
Commission Regulation (EEC) No 132/90 of 18 January 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	21

Contents (continued)

II *Acts whose publication is not obligatory*

Commission

90/25/EEC:

- * **Commission Decision of 20 December 1989 relating to a proceeding under Article 85 of the EEC Treaty (IV/32.265 — Concordato Incendio) 25**

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 123/90

of 18 January 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽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 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1915/89⁽⁵⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 17 January 1990;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1915/89 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 January 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 18 January 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 18 January 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	32,80	131,96 ^(?) ^(?)
0712 90 19	32,80	131,96 ^(?) ^(?)
1001 10 10	40,11	173,13 ^(?) ^(?)
1001 10 90	40,11	173,13 ^(?) ^(?)
1001 90 91	33,59	133,34
1001 90 99	33,59	133,34
1002 00 00	58,71	126,00 ^(*)
1003 00 10	49,88	115,79
1003 00 90	49,88	115,79
1004 00 10	41,28	120,32
1004 00 90	41,28	120,32
1005 10 90	32,80	131,96 ^(?) ^(?)
1005 90 00	32,80	131,96 ^(?) ^(?)
1007 00 90	49,88	136,13 ^(*)
1008 10 00	49,88	22,51
1008 20 00	49,88	66,21 ^(*)
1008 30 00	49,88	0,00 ^(?)
1008 90 10	(?)	(?)
1008 90 90	49,88	0,00
1101 00 00	60,91	200,56
1102 10 00	96,07	190,28
1103 11 10	76,80	282,98
1103 11 90	64,84	215,66

(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 486/85 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 reduced by 50 %.

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

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

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

COMMISSION REGULATION (EEC) No 124/90

of 18 January 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3707/89 ⁽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 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89 ⁽⁵⁾ and subsequent amending Regulations;

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

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

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 17 January 1990;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

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

Article 2

This Regulation shall enter into force on 19 January 1990.

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

Done at Brussels, 18 January 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 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 18 January 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	0,40	0,40	0
0712 90 19	0	0,40	0,40	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	0,40	0,40	0
1005 90 00	0	0,40	0,40	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	14,70	14,70	14,58
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	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 125/90

of 18 January 1990

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 15 and 16 January 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 19 January 1990.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 126/90

of 18 January 1990

adjusting the agricultural conversion rates for the pigmeat sector in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

as to avoid the creation of new monetary compensatory amounts ;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, as amended by Regulation (EEC) No 3063/89⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1889/87⁽⁴⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so

Whereas the movement of the market rate for the Greek drachma during the reference period 10 to 16 January 1990 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁵⁾, as last amended by Regulation (EEC) No 63/90⁽⁶⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁷⁾, as last amended by Regulation (EEC) No 3118/89⁽⁸⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Greece effective from 22 January 1990 ; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to prevent the creation of these new monetary compensatory amounts having regard to the criteria in Article 7 of Regulation (EEC) No 3578/88,

HAS ADOPTED THIS REGULATION :

Article 1

In Annex IV to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following :

Products	Agricultural conversion rates			
	ECU 1 = Dr...	Applicable until	ECU 1 = Dr...	Applicable from
'Pigmeat	210,216	21 January 1990	210,500	22 January 1990'

Article 2

This Regulation shall enter into force on 22 January 1990.

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

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 293, 12. 10. 1989, p. 34.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 8, 11. 1. 1990, p. 43.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ OJ No L 300, 18. 10. 1989, p. 13.

COMMISSION REGULATION (EEC) No 127/90**of 18 January 1990****repealing Regulation (EEC) No 73/90 applying the duty in the Common Customs
Tariff to imports of fresh lemons originating in Cyprus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 73/90 ⁽²⁾ applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 73/90 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 73/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 19 January 1990.

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

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 10, 12. 1. 1990, p. 34.

COMMISSION REGULATION (EEC) No 128/90**of 18 January 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 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 121/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 1990.

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

Done at Brussels, 18 January 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 187, 1. 7. 1989, p. 13.⁽⁴⁾ OJ No L 14, 18. 1. 1990, p. 16.

ANNEX

to the Commission Regulation of 18 January 1990 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>	
CN code	Levy
1701 11 10	30,85 ⁽¹⁾ ...
1701 11 90	30,85 ⁽¹⁾
1701 12 10	30,85 ⁽¹⁾ ...
1701 12 90	30,85 ⁽¹⁾
1701 91 00	34,50
1701 99 10	34,50
1701 99 90	34,50 ⁽²⁾ ...

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 129/90**of 18 January 1990****altering the basic amount of 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 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 syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 4008/89⁽³⁾, as last amended by Regulation (EEC) No 75/90⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4008/89 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 4008/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 January 1990.

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

Done at Brussels, 18 January 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 382, 30. 12. 1989, p. 13.

⁽⁴⁾ OJ No L 10, 12. 1. 1990, p. 38.

ANNEX

to the Commission Regulation of 18 January 1990 altering the basic amount of 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	0,3450	—
1702 20 90	0,3450	—
1702 30 10	—	46,44
1702 40 10	—	46,44
1702 60 10	—	46,44
1702 60 90	0,3450	—
1702 90 30	—	46,44
1702 90 60	0,3450	—
1702 90 71	0,3450	—
1702 90 90	0,3450	—
2106 90 30	—	46,44
2106 90 59	0,3450	—

COMMISSION REGULATION (EEC) No 130/90

of 18 January 1990

**fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5**

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1115/88 ⁽²⁾,Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽³⁾, as last amended by Regulation (EEC) No 1075/89 ⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 25 December 1989, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 1310/88 of 11 May 1988 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat ⁽⁵⁾ the weekly amounts of the guide level are set out pursuant to Article 9a (3) of Regulation (EEC) No 1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 25

December 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 25 December 1989, the level of the premium is fixed at ECU 31,714 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 25 December 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 25 December 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 January 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	14,906	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	31,714	0
0204 21 00	31,714	0
0204 50 11		0
0204 22 10	22,200	
0204 22 30	34,885	
0204 22 50	41,228	
0204 22 90	41,228	
0204 23 00	57,719	
0204 30 00	23,786	
0204 41 00	23,786	
0204 42 10	16,650	
0204 42 30	26,165	
0204 42 50	30,922	
0204 42 90	30,922	
0204 43 00	43,291	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	41,228	
0210 90 19	57,719	
1602 90 71 :		
— unboned (bone-in)	41,228	
— boned or boneless	57,719	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 131/90
of 18 January 1990
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 3756/89⁽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 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3010/89⁽⁷⁾, as last amended by Regulation (EEC) No 46/90⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3010/89 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

This Regulation shall enter into force on 19 January 1990.

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

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 365, 15. 12. 1989, p. 7.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 288, 6. 10. 1989, p. 17.

⁽⁸⁾ OJ No L 8, 11. 1. 1990, p. 5.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	25,036	25,113	25,191	25,469	25,599	23,040
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	59,38	59,57	59,76	60,47	60,78	55,02
— Netherlands (Fl)	66,04	66,24	66,45	67,19	67,54	61,01
— BLEU (Bfrs/Lfrs)	1 208,91	1 212,63	1 216,40	1 229,82	1 236,10	1 112,53
— France (FF)	190,62	191,19	191,77	193,91	194,90	174,80
— Denmark (Dkr)	223,57	224,26	224,96	227,44	228,60	205,75
— Ireland (£ Irl)	21,216	21,279	21,343	21,582	21,692	19,455
— United Kingdom (£)	15,939	15,972	15,992	16,160	16,238	14,008
— Italy (Lit)	41 856	41 979	42 103	42 577	42 793	38 228
— Greece (Dr)	4 466,43	4 456,02	4 429,05	4 456,61	4 478,09	3 800,13
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 522,37	3 534,46	3 542,35	3 576,60	3 596,59	3 183,48
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	5 214,85	5 229,42	5 225,55	5 268,12	5 293,28	4 687,82

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	3,670	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	27,536	27,613	27,691	27,969	28,099	25,540
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	65,29	65,47	65,66	66,37	66,68	60,92
— Netherlands (Fl)	72,64	72,84	73,04	73,79	74,13	67,60
— BLEU (Bfrs/Lfrs)	1 329,63	1 333,35	1 337,11	1 350,54	1 356,81	1 233,25
— France (FF)	209,87	210,44	211,01	213,16	214,14	194,05
— Denmark (Dkr)	245,90	246,59	247,28	249,76	250,93	228,07
— Ireland (£ Irl)	23,358	23,421	23,485	23,724	23,834	21,597
— United Kingdom (£)	17,700	17,733	17,753	17,921	17,998	15,769
— Italy (Lit)	46 106	46 229	46 353	46 827	47 043	42 478
— Greece (Dr)	4 946,37	4 935,96	4 908,99	4 936,54	4 958,03	4 280,07
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 904,61	3 916,70	3 924,59	3 958,84	3 978,83	3 565,72
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	499,40	499,40	499,40	499,40	499,40	499,40
— in another Member State (Esc)	5 714,25	5 728,82	5 724,96	5 767,52	5 792,68	5 187,23

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	6,890	6,890	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	34,639	34,994	35,125	35,456	35,635
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	82,06	82,90	83,21	84,05	84,48
— Netherlands (Fl)	91,37	92,31	92,65	93,54	94,01
— BLEU (Bfrs/Lfrs)	1 672,61	1 689,75	1 696,08	1 712,06	1 720,71
— France (FF)	264,51	267,26	268,24	270,79	272,16
— Denmark (Dkr)	309,33	312,50	313,67	316,62	318,22
— Ireland (£ Irl)	29,440	29,745	29,855	30,139	30,291
— United Kingdom (£)	22,675	22,934	22,991	23,198	23,310
— Italy (Lit)	58 170	58 777	58 992	59 557	59 855
— Greece (Dr)	6 304,52	6 353,29	6 336,72	6 374,71	6 405,69
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	4 291,91	4 346,06	4 361,86	4 403,88	4 431,36
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	7 742,18	7 815,01	7 822,34	7 877,03	7 912,78
— in another Member State (Esc)	7 572,96	7 644,20	7 651,37	7 704,87	7 739,84
3. Compensatory aids:					
— in Spain (Pta)	4 254,64	4 310,84	4 326,65	4 371,12	4 398,59
4. Special aid:					
— in Portugal (Esc)	7 572,96	7 644,20	7 651,37	7 704,87	7 739,84

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

ANNEX IV

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

(value of ECU 1)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
DM	2,035810	2,030770	2,026650	2,022080	2,022080	2,010790
Fl	2,293110	2,289150	2,285230	2,281040	2,281040	2,269520
Bfrs/Lfrs	42,628100	42,611800	42,591400	42,567000	42,567000	42,488300
FF	6,922460	6,923180	6,924320	6,926970	6,926970	6,928050
Dkr	7,880370	7,890060	7,896540	7,902990	7,902990	7,911110
£Irl	0,770399	0,770140	0,770426	0,770323	0,770323	0,772037
£	0,726261	0,728904	0,731016	0,733374	0,733374	0,739635
Lit	1 516,33	1 518,45	1 520,04	1 522,16	1 522,16	1 528,30
Dr	190,04900	192,51100	195,17700	197,08600	197,08600	203,47800
Esc	179,43000	180,30900	181,54200	182,40400	182,40400	186,55000
Pta	132,25600	132,75800	133,18100	133,68000	133,68000	134,93100

COMMISSION REGULATION (EEC) No 132/90

of 18 January 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 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 3707/89⁽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 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas 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, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽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 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

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 19 January 1990.

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

Done at Brussels, 18 January 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 January 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	06	95,00
	07	95,00
	02	0
1001 10 90 000	01	10,00
1001 90 91 000	08	46,00
	02	0
1001 90 99 000	04	49,00
	05	49,00
	02	10,00
1002 00 00 000	03	60,00
	05	60,00
	02	10,00
1003 00 10 000	09	59,00
	10	69,50
	02	0
1003 00 90 000	04	57,00
	02	10,00
1004 00 10 000	08	57,00
	02	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	73,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	83,00
1101 00 00 120	01	83,00
1101 00 00 130	01	76,00
1101 00 00 150	01	73,00
1101 00 00 170	01	70,00
1101 00 00 180	01	67,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	83,00
1102 10 00 200	01	83,00
1102 10 00 300	01	83,00
1102 10 00 500	01	83,00
1102 10 00 900	—	—
1103 11 10 100	01	190,00
1103 11 10 200	01	180,00
1103 11 10 500	01	161,00
1103 11 10 900	01	152,00
1103 11 90 100	01	83,00
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 Turkey,
 - 07 Algeria,
 - 08 Zone I,
 - 09 Zone VI, Zone I,
 - 10 Hungary and 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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1989

relating to a proceeding under Article 85 of the EEC Treaty

(IV/32.265 — Concordato Incendio)

(Only the Italian text is authentic)

(90/25/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962 First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 2, 6 and 8 thereof,

Having regard to the notification and application for negative clearance submitted on 4 February 1988 by the Concordato Italiano Incendio Rischio Industriali concerning its articles of association and the agreement which entered into force on 1 January 1988,

Having regard to the summary of the notification published ⁽²⁾ pursuant to Article 19 (3) of Regulation No 17,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

A. The notification

- (1) On 4 February 1988, the Commission was notified of an agreement which entered into force on 1 January 1988 concerning the activities of a non-

profit making association between insurance companies known as the 'Concordato Italiano Incendio Rischio Industriali'. Further details were subsequently sent concerning a tariff for the calculation of required premiums and the general terms and conditions resulting from the activities of the Concordato.

The purpose of the notification was to obtain a negative clearance or, failing this, exemption under Article 85 (3) of the Treaty.

At the request of the Commission certain modifications were made to the notified text, in order to replace the obligation to comply the tariff and the conditions of the policy by a recommendation and to guarantee the anonymity of enterprises who having derogated from the general conditions are obliged to inform the Concordato. The amended agreement was then approved by a general meeting of the members on 2 May 1988, and is currently being applied.

The list of members comprises 28 companies whose registered place of business is in Italy and which, at the time of the notification, held at least 50 % of the market in the sub-sector of industrial fire insurance and 23 % of the fire insurance sector in general. For example, the four leading members of the Concordato hold 28 % of the industrial fire insurance market whilst, of the 111 non-members, the four leading companies hold 23 % of the industrial fire insurance market.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 259, 12. 10. 1989, p. 3.

(a) Structure and aims

- (2) The objective of the Concordato is to implement the principles governing insurance by providing members with the means of establishing sound management practices and improving the quality of service.

The activities of the Concordato concern industrial fire insurance as defined by the industrial fire insurance tariff for risks in Italy, and supplementary fire insurance cover, whether or not provided for in the industrial fire insurance tariff, including consequential loss insurance.

- (3) In pursuance of its objectives, the Concordato carries out technical activities, including:

- definition of insurance criteria,
- drawing-up, for general use, of industrial fire insurance statistics for the calculation of required premiums,
- updating of required premium rates and all other calculation procedures,
- the determination with the member concerned of premiums for risks which by their size or nature were not envisaged in the tariff,
- study of preventive measures and foreign markets.

(b) Operational procedures

- (4) Members wishing to establish risk quotations are invited to base them on the required premium rates of the fire insurance tariff, plus commissions and general costs calculated on the basis of the viability of each member.

Members can make use of a model fire insurance policy which provides standard definitions and general terms and conditions.

- (5) Members may derogate from the standard general conditions. If, however, the statistics are liable to be affected by such derogations, the Concordato must be informed.

Coinsurance risk distribution is open to non-member firms.

(c) Participation

- (6) All undertakings authorized to do business in Italy may participate in the Concordato, even if they are not established in Italy.

There are two categories of member: 'Concordataires' and 'Members', according to whether the premium income in the year preceding the application for membership reaches a given level which is fixed every two years by the general meeting and which corresponds to around 2 % of the market. Ordinary members are automatically members of

the general meeting but, unlike the Concordataires, do not participate in other bodies. At the time of the notification there were 19 'Concordataires' and nine 'Members'.

- (7) In the event of changes to the agreement relating to the Concordato, members who voted against the changes at the general meeting which adopted the changes may withdraw from membership of the Concordato.

The agreement entered into force on 1 January 1988 for a period of two years and is tacitly renewable. Members wishing to withdraw from the Concordato must inform the chairman in June of the year in which the agreement expires. The chairman informs the other members of the withdrawal; other members have the right, in that event, to cancel their membership in September.

(d) Bodies of the Concordato

- (8) The bodies of the Concordato are:

- the general meeting,
- the chair (chairman and vice-chairman),
- the executive board,
- the central bureau,
- the board of auditors.

- (9) The general meeting

General meetings are held at least twice a year; they have sole power to consider amendments to the basic agreement establishing the Concordato. Proposals are adopted by an absolute majority of the votes cast by the members present or represented.

- (10) The chair

The chairman and vice-chairman are chosen by lot in turn from the Concordataire member companies. Their term of office is two years. They may not be from the same member company or companies belonging to the same group.

- (11) The executive board

The board is composed of:

- members with a given premium income⁽¹⁾,
- Concordataires not represented on the board by a company in the same group,
- the chairman and the director of the central bureau.

Members not sitting on the board may attend meetings but may not vote. The chairman calls board meetings at least four times a year. It adopts all decisions concerning the activities of the

⁽¹⁾ Currently set at Lit 6 000 million, or about 2 % of the market.

Concordato. Decisions are adopted by an absolute majority of companies present or represented at the time of the vote.

(12) *The central bureau*

The central bureau is composed of employees of the Concordato and constitutes the latter's administrative framework.

(e) *Sharing of operating costs*

(13) *Operating costs are shared on the following bases:*

- 20 % shared equally by each Concordataire member with an industrial fire insurance premium income of at least 20 % of the total premium income earned by each member in the preceding year from direct fire insurance business in Italy,
- 20 % shared equally by all members,
- 60 % borne by all members according to premium income.

B. Comments of third parties

No observations were made by third parties after publication of a notice pursuant to Article 19 (3) of Regulation No 17.

II. LEGAL ASSESSMENT

A. Article 85 (1) of the Treaty

1. The undertakings

- (14) Pursuant to Article 85, the insurance companies that are members of the Concordato are undertakings and the Concordato is an association of undertakings.

2. Agreements between undertakings

- (15) The notified agreement constitutes an agreement between undertakings. The activities of the Concordato relating to the fixing of required premium rates and the standard general conditions are based on the decisions taken by its general meeting and its other organs, and are decisions by associations of undertakings within the meaning of Article 85 of the Treaty.

3. Restrictions of competition

- (16) The restrictions of competition intended by the notified texts stem from the decisions taken by the association as regards:

- the invitation to members to take as a basis for their tariff rates the required premium rates resulting from the industrial fire insurance tariff

which are communicated to them by the Concordato. The required rates are based on statistics compiled by the organs of the Concordato on the basis of data concerning losses notified by members,

- the recommendation that members use the definitions and general terms and conditions drawn up by the Concordato.

- (17) These restrictions limit competition between members as they tend to make uniform two essential components of their business practices:

- the required premium on which the tariff rate is based, and
- the general terms and conditions.

- (18) Although the agreement does not actually make it compulsory to use the required premiums and simply invites members to do so, it is nevertheless a restriction on members. The whole purpose of the Concordato recommendation to use required premiums (and the standard conditions) is to standardize the main aspects of insurance for this type of risk. Participation in the Concordato, with its objectives and financial commitments, would be pointless if its members did not intend to use the results of its activities and follow up the decisions of its bodies. Furthermore, the agreement provides expressly that the required premium for risks not covered by the industrial fire insurance tariff will be calculated by the board with the approval of the member. The very fact of providing specifically for risks not included in the industrial fire insurance tariff and of fixing a required premium confirms that there is a restriction on risks covered by the industrial tariff. The fact that the recommendation to use the Concordato's required premium extends to non-tariff risks further increases the restriction of competition. There are no risks for which members autonomously fix the required premium and, as a result, they are considerably influenced when determining their tariff rates.

- (19) The fact that members are free to derogate from the general conditions laid down by the Concordato does not eliminate the restrictive nature of the commitment since, in such cases, members are required to notify any derogations if they are likely to affect the statistics compiled in the interests of members. It is clear, however, that in these conditions even the derogations from the general conditions will be taken into account when calculating the required premium.

- (20) In conclusion, even if each member is free to decide independently, according to considerations bearing on his own commercial policy, on the loading margin (general costs, commissions, profit) to be added to the required premium in order to

form the tariff rate, the notified recommendation nevertheless has the object and effect of restricting competition between undertakings which would normally be competitors.

4. *Effect on trade between Member States*

- (21) The agreement is liable to affect trade between Member States in so far as foreign companies operate on this market in Italy. Trade is directly affected if they are members of the Concordato or in the case where a member approaches them for coinsurance, and can be indirectly affected if they do not become members. Even if they are in principle free to determine their own rates and terms, they are in practice obliged to take account of the common policy of members of the Concordato which together represent at least 50 % of the market.
- (22) Furthermore, trade between Member States can also be affected in as much as even if the industrial fire insurance tariff relates solely to property situated in Italy, some could be owned by Community undertakings outside Italy.

B. Article 85 (3) of the Treaty

The notified agreement, tariff and general terms and conditions satisfy the four conditions for the application of Article 85 (3) of the Treaty.

1. *Improving production or distribution*

- (23) In order to pursue the activity of industrial fire insurance, a considerable knowledge of the sector is required, as regards both assessment of the risk and prevention of the latter.
- (24) The activities of an organization, like the Concordato, which is designed to give its members the means of operating efficiently and improving the quality of service, by:
- defining insurance criteria,
 - drawing up industrial fire insurance statistics and calculating required premiums for general use,
 - updating the required premiums rates and other calculation procedures,
 - fixing, with the member concerned, the required premiums for risks which, because of their size or their nature, are not included in the tariff,

by facilitating the acquisition of essential specialized knowledge, may be regarded as a means of improving the production of the insurance service by its members. The definition of basic cover and the establishing of a reference rate for required

premiums may also be regarded as helping to improve the distribution of that service by facilitating recourse to coinsurance.

- (25) In addition, the technical assistance and resources made available by the Concordato facilitate access by certain undertakings to a market such as industrial fire insurance which would otherwise have been acquired only with the greatest difficulty. Easier access is at least potentially capable of resulting in a larger number of operators on the market, which makes it possible both to increase the aggregate capacity of the market and the number of undertakings competing against each other, thereby improving the production and distribution of the insurance service.

2. *Benefits to users*

- (26) A fair share of the benefit resulting from the activities of the Concordato goes to consumers.

Consumers are thus able to deal with insurance companies which, through the specialized knowledge made available by the Concordato, can offer policies adapted to every requirement as regards the assessment of the risk and prevention and calculation of the premium.

The existence of standard conditions makes it easier for consumers to compare the terms offered by various firms and come to a decision in full knowledge of the facts. In effect, the consumers, due to the existence of the premium tariff and standard conditions, can compare and choose not simply in relation to the commercial premium which is being requested of them but also the extent of the coverage and all other services, which an insurance company is supposed to provide, notably services as regards prevention and evaluation of damages.

3. *Indispensability of the restrictions*

- (27) The recommendation that members use the required premiums and the general conditions established by the Concordato is necessary to attain the objectives of the agreement. Both recommendations are the logical follow-up to the activities of the Concordato, whose aim is on the one hand to facilitate access to the industrial fire insurance market and on the other to provide members with the means of establishing sound management practices and a better quality of service. From that perspective it seems essential to invite the members, some of whom have very limited experience in this sector, to use the said means. Only if they know that the premiums and the standard conditions will be applied, or at least used as reference points, have the operators in the sector, insurers or insured, a

proper basis for evaluating the management or the quality of the service offered. The obligation to notify derogations from the standard insurance terms when they are likely to affect the statistics makes it possible to guarantee the uniformity of the statistics and is justified for the same reasons. In this respect, the restrictions imposed on the undertakings concerned are limited to what is strictly necessary.

4. *Elimination of competition*

- (28) The notified agreement does not afford the members concerned the possibility of eliminating competition in respect of a substantial part of the insurance services in question. On the one hand, members are free to fix their tariff rates for any risk in respect of their own loading rates, and on the other they are free to depart from the recommendations of the Concordato and may replace or adapt the standard terms of the Concordato to suit a particular case, provided they notify any changes liable to affect the statistics. The system as it stands therefore leaves considerable scope for competition between the members. Furthermore, although their share of the fire insurance and industrial fire insurance market is large, it must be taken into account that the members are in strong competition with other very powerful insurance companies. The Concordato is therefore not in a position to eliminate competition in a substantial part of the market in question.

C. *Applicability of Articles 6 and 8 of Regulation No 17*

- (29) The notification of the agreements to obtain a decision in application of Article 85 (3) was submitted

by the Concordato on 4 February 1988; pursuant to Article 6 (1) of Regulation No 17, the Commission decision enters into effect on 4 February 1988.

To determine the period of validity of the decision in accordance with Article 8 (1) of Regulation No 17, account must be taken of the nature of the market in the sector in question and, in particular, of the limited effect of the Concordato on competition within the common market. A period of 10 years is justified on these grounds,

HAS ADOPTED THIS DECISION:

Article 1

Is hereby declared, pursuant to Article 85 (3), that the provisions of Article 85 (1) of the EEC Treaty are hereby declared, for the period from 4 February 1988 to 3 February 1998, inapplicable to the agreement notified on 4 February 1988 and to the industrial fire insurance tariff and standard general conditions attached thereto.

Article 2

This Decision is addressed to the Concordato Italiano Incendio Rischio Industriali, whose registered office is at Corso Vittorio Emanuele 22, Milan.

Done at Brussels, 20 December 1989.

For the Commission

Leon BRITTAN

Vice-President