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## Legislation

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## I

*(Acts whose publication is obligatory)*

# COMMISSION REGULATION (EEC) No 173/90

of 25 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3707/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 24 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 26 January 1990.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 363, 13. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> 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, 25 January 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

# ANNEX

to the Commission Regulation of 25 January 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Levies   |                                      |
|------------|----------|--------------------------------------|
|            | Portugal | Third country                        |
| 0709 90 60 | 32,80    | 133,48 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 32,80    | 133,48 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 40,11    | 174,06 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 40,11    | 174,06 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 33,59    | 134,17                               |
| 1001 90 99 | 33,59    | 134,17                               |
| 1002 00 00 | 58,71    | 126,66 <sup>(4)</sup>                |
| 1003 00 10 | 49,88    | 116,52                               |
| 1003 00 90 | 49,88    | 116,52                               |
| 1004 00 10 | 41,28    | 120,95                               |
| 1004 00 90 | 41,28    | 120,95                               |
| 1005 10 90 | 32,80    | 133,48 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 32,80    | 133,48 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 49,88    | 137,88 <sup>(4)</sup>                |
| 1008 10 00 | 49,88    | 23,80                                |
| 1008 20 00 | 49,88    | 67,27 <sup>(4)</sup>                 |
| 1008 30 00 | 49,88    | 0,00 <sup>(2)</sup>                  |
| 1008 90 10 | (?)      | (?)                                  |
| 1008 90 90 | 49,88    | 0,00                                 |
| 1101 00 00 | 60,91    | 201,72                               |
| 1102 10 00 | 96,07    | 191,20                               |
| 1103 11 10 | 76,80    | 284,42                               |
| 1103 11 90 | 64,84    | 216,91                               |

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

<sup>(2)</sup> 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'.

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

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

<sup>(7)</sup> 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 174/90

of 25 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 3707/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 24 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 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 363, 13. 12. 1989, p. 1.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 4.

## ANNEX

to the Commission Regulation of 25 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<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>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            | 1,83            | 1,83            | 1,81            |
| 1001 90 99 | 0            | 1,83            | 1,83            | 1,81            |
| 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            | 14,49           | 14,49           | 14,49           |
| 1008 30 00 | 0            | 0               | 0               | 0               |
| 1008 90 90 | 0            | 0               | 0               | 0               |
| 1101 00 00 | 0            | 2,56            | 2,56            | 2,53            |

## B. Malt

| CN code    | (ECU/tonne)  |                 |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
|            | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 |
| 1107 10 11 | 0            | 3,26            | 3,26            | 3,22            | 3,22            |
| 1107 10 19 | 0            | 2,43            | 2,43            | 2,41            | 2,41            |
| 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 175/90

of 25 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2902/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 4014/88<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 4015/88<sup>(6)</sup>, 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<sup>(7)</sup>, as last amended by Regulation (EEC) No 413/86<sup>(8)</sup>, 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<sup>(9)</sup>, as last amended by Regulation (EEC) No 4016/88<sup>(10)</sup>, 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<sup>(11)</sup>;Whereas by Regulation (EEC) No 3131/78<sup>(12)</sup>, 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<sup>(13)</sup> 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 22 and 23 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 26 January 1990.

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.<sup>(2)</sup> OJ No L 280, 29. 9. 1989, p. 2.<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.<sup>(4)</sup> OJ No L 358, 27. 12. 1988, p. 1.<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.<sup>(6)</sup> OJ No L 358, 27. 12. 1988, p. 2.<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.<sup>(10)</sup> OJ No L 358, 27. 12. 1988, p. 3.<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.<sup>(13)</sup> 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, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX I

## Minimum import levies on olive oil

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

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

<sup>(3)</sup> 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 176/90**  
**of 25 January 1990**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds <sup>(3)</sup>, as last amended by Regulation (EEC) No 1344/86 <sup>(4)</sup>, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

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

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products <sup>(5)</sup>, as last amended by Regulation (EEC) No 222/88 <sup>(6)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 84, 29. 3. 1989, p. 1.

<sup>(3)</sup> OJ No L 155, 3. 7. 1968, p. 1.

<sup>(4)</sup> OJ No L 119, 8. 5. 1986, p. 36.

<sup>(5)</sup> OJ No L 184, 29. 7. 1968, p. 10.

<sup>(6)</sup> OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89<sup>(2)</sup>;

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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84<sup>(5)</sup>, as last amended by Regulation (EEC) No 222/88, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

#### *Article 2*

This Regulation shall enter into force on 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 91, 1. 4. 1984, p. 71.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0401 10 10 000 |                 | 4,55             |
| 0401 10 90 000 |                 | 4,55             |
| 0401 20 11 100 |                 | 4,55             |
| 0401 20 11 500 |                 | 7,63             |
| 0401 20 19 100 |                 | 4,55             |
| 0401 20 19 500 |                 | 7,63             |
| 0401 20 91 100 |                 | 10,51            |
| 0401 20 91 500 |                 | 12,44            |
| 0401 20 99 100 |                 | 10,51            |
| 0401 20 99 500 |                 | 12,44            |
| 0401 30 11 100 |                 | 16,29            |
| 0401 30 11 400 |                 | 25,72            |
| 0401 30 11 700 |                 | 39,20            |
| 0401 30 19 100 |                 | 16,29            |
| 0401 30 19 400 |                 | 25,72            |
| 0401 30 19 700 |                 | 39,20            |
| 0401 30 31 100 |                 | 46,90            |
| 0401 30 31 400 |                 | 73,85            |
| 0401 30 31 700 |                 | 81,55            |
| 0401 30 39 100 |                 | 46,90            |
| 0401 30 39 400 |                 | 73,85            |
| 0401 30 39 700 |                 | 81,55            |
| 0401 30 91 100 |                 | 93,10            |
| 0401 30 91 400 |                 | 137,37           |
| 0401 30 91 700 |                 | 160,47           |
| 0401 30 99 100 |                 | 93,10            |
| 0401 30 99 400 |                 | 137,37           |
| 0401 30 99 700 |                 | 160,47           |
| 0402 10 11 000 |                 | 50,00            |
| 0402 10 19 000 |                 | 50,00            |
| 0402 10 91 000 |                 | 0,5000           |
| 0402 10 99 000 |                 | 0,5000           |
| 0402 21 11 200 |                 | 50,00            |
| 0402 21 11 300 |                 | 82,38            |
| 0402 21 11 500 |                 | 87,56            |
| 0402 21 11 900 |                 | 95,00            |
| 0402 21 17 000 |                 | 50,00            |
| 0402 21 19 300 |                 | 82,38            |
| 0402 21 19 500 |                 | 87,56            |
| 0402 21 19 900 |                 | 95,00            |
| 0402 21 91 100 |                 | 95,79            |
| 0402 21 91 200 |                 | 96,54            |
| 0402 21 91 300 |                 | 97,91            |
| 0402 21 91 400 |                 | 105,86           |
| 0402 21 91 500 |                 | 108,57           |
| 0402 21 91 600 |                 | 118,92           |
| 0402 21 91 700 |                 | 125,16           |
| 0402 21 91 900 |                 | 132,07           |
| 0402 21 99 100 |                 | 95,79            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0402 21 99 200 |                 | 96,54            |
| 0402 21 99 300 |                 | 97,91            |
| 0402 21 99 400 |                 | 105,86           |
| 0402 21 99 500 |                 | 108,57           |
| 0402 21 99 600 |                 | 118,92           |
| 0402 21 99 700 |                 | 125,16           |
| 0402 21 99 900 |                 | 132,07           |
| 0402 29 15 200 |                 | 0,5000           |
| 0402 29 15 300 |                 | 0,8238           |
| 0402 29 15 500 |                 | 0,8756           |
| 0402 29 15 900 |                 | 0,9500           |
| 0402 29 19 200 |                 | 0,5000           |
| 0402 29 19 300 |                 | 0,8238           |
| 0402 29 19 500 |                 | 0,8756           |
| 0402 29 19 900 |                 | 0,9500           |
| 0402 29 91 100 |                 | 0,9579           |
| 0402 29 91 500 |                 | 1,0586           |
| 0402 29 99 100 |                 | 0,9579           |
| 0402 29 99 500 |                 | 1,0586           |
| 0402 91 11 110 |                 | 4,55             |
| 0402 91 11 120 |                 | 10,51            |
| 0402 91 11 310 |                 | 17,83            |
| 0402 91 11 350 |                 | 22,30            |
| 0402 91 11 370 |                 | 27,65            |
| 0402 91 19 110 |                 | 4,55             |
| 0402 91 19 120 |                 | 10,51            |
| 0402 91 19 310 |                 | 17,83            |
| 0402 91 19 350 |                 | 22,30            |
| 0402 91 19 370 |                 | 27,65            |
| 0402 91 31 100 |                 | 21,87            |
| 0402 91 31 300 |                 | 32,67            |
| 0402 91 39 100 |                 | 21,87            |
| 0402 91 39 300 |                 | 32,67            |
| 0402 91 51 000 |                 | 25,72            |
| 0402 91 59 000 |                 | 25,72            |
| 0402 91 91 000 |                 | 93,10            |
| 0402 91 99 000 |                 | 93,10            |
| 0402 99 11 110 |                 | 0,0455           |
| 0402 99 11 130 |                 | 0,1051           |
| 0402 99 11 150 |                 | 0,1796           |
| 0402 99 11 310 |                 | 20,57            |
| 0402 99 11 330 |                 | 25,13            |
| 0402 99 11 350 |                 | 34,08            |
| 0402 99 19 110 |                 | 0,0455           |
| 0402 99 19 130 |                 | 0,1051           |
| 0402 99 19 150 |                 | 0,1796           |
| 0402 99 19 310 |                 | 20,57            |
| 0402 99 19 330 |                 | 25,13            |
| 0402 99 19 350 |                 | 34,08            |
| 0402 99 31 110 |                 | 0,2380           |
| 0402 99 31 150 |                 | 35,55            |
| 0402 99 31 300 |                 | 0,4690           |
| 0402 99 31 500 |                 | 0,8155           |
| 0402 99 39 110 |                 | 0,2380           |
| 0402 99 39 150 |                 | 35,55            |
| 0402 99 39 300 |                 | 0,4690           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0402 99 39 500 |                 | 0,8155           |
| 0402 99 91 000 |                 | 0,9310           |
| 0402 99 99 000 |                 | 0,9310           |
| 0403 10 11 100 |                 | 4,55             |
| 0403 10 11 300 |                 | 7,63             |
| 0403 10 13 000 |                 | 10,51            |
| 0403 10 19 000 |                 | 16,29            |
| 0403 10 31 100 |                 | 0,0455           |
| 0403 10 31 300 |                 | 0,0763           |
| 0403 10 33 000 |                 | 0,1051           |
| 0403 10 39 000 |                 | 0,1629           |
| 0403 90 11 000 |                 | 50,00            |
| 0403 90 13 000 |                 | 50,00            |
| 0403 90 19 000 |                 | 95,79            |
| 0403 90 31 000 |                 | 0,5000           |
| 0403 90 33 000 |                 | 0,5000           |
| 0403 90 39 000 |                 | 0,9579           |
| 0403 90 51 100 |                 | 4,55             |
| 0403 90 51 300 |                 | 7,63             |
| 0403 90 53 000 |                 | 10,51            |
| 0403 90 59 110 |                 | 16,29            |
| 0403 90 59 140 |                 | 25,72            |
| 0403 90 59 170 |                 | 39,20            |
| 0403 90 59 310 |                 | 46,90            |
| 0403 90 59 340 |                 | 73,85            |
| 0403 90 59 370 |                 | 81,55            |
| 0403 90 59 510 |                 | 93,01            |
| 0403 90 59 540 |                 | 137,37           |
| 0403 90 59 570 |                 | 160,47           |
| 0403 90 61 100 |                 | 0,0455           |
| 0403 90 61 300 |                 | 0,0763           |
| 0403 90 63 000 |                 | 0,1051           |
| 0403 90 69 000 |                 | 0,1629           |
| 0404 90 11 100 |                 | 50,00            |
| 0404 90 11 910 |                 | 4,55             |
| 0404 90 11 950 |                 | 17,83            |
| 0404 90 13 120 |                 | 50,00            |
| 0404 90 13 130 |                 | 82,38            |
| 0404 90 13 140 |                 | 87,56            |
| 0404 90 13 150 |                 | 95,00            |
| 0404 90 13 911 |                 | 4,55             |
| 0404 90 13 913 |                 | 10,51            |
| 0404 90 13 915 |                 | 16,29            |
| 0404 90 13 917 |                 | 25,72            |
| 0404 90 13 919 |                 | 39,20            |
| 0404 90 13 931 |                 | 17,83            |
| 0404 90 13 933 |                 | 22,30            |
| 0404 90 13 935 |                 | 27,65            |
| 0404 90 13 937 |                 | 32,67            |
| 0404 90 13 939 |                 | 34,19            |
| 0404 90 19 110 |                 | 95,79            |
| 0404 90 19 115 |                 | 96,54            |
| 0404 90 19 120 |                 | 97,91            |
| 0404 90 19 130 |                 | 105,86           |
| 0404 90 19 135 |                 | 108,57           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0404 90 19 150 |                 | 118,92           |
| 0404 90 19 160 |                 | 125,16           |
| 0404 90 19 180 |                 | 132,07           |
| 0404 90 19 900 |                 | —                |
| 0404 90 31 100 |                 | 50,00            |
| 0404 90 31 910 |                 | 4,55             |
| 0404 90 31 950 |                 | 17,83            |
| 0404 90 33 120 |                 | 50,00            |
| 0404 90 33 130 |                 | 82,38            |
| 0404 90 33 140 |                 | 87,56            |
| 0404 90 33 150 |                 | 95,00            |
| 0404 90 33 911 |                 | 4,55             |
| 0404 90 33 913 |                 | 10,51            |
| 0404 90 33 915 |                 | 16,29            |
| 0404 90 33 917 |                 | 25,72            |
| 0404 90 33 919 |                 | 39,20            |
| 0404 90 33 931 |                 | 17,83            |
| 0404 90 33 933 |                 | 22,30            |
| 0404 90 33 935 |                 | 27,65            |
| 0404 90 33 937 |                 | 32,67            |
| 0404 90 33 939 |                 | 34,19            |
| 0404 90 39 110 |                 | 95,79            |
| 0404 90 39 115 |                 | 96,54            |
| 0404 90 39 120 |                 | 97,91            |
| 0404 90 39 130 |                 | 105,86           |
| 0404 90 39 150 |                 | 108,57           |
| 0404 90 39 900 |                 | —                |
| 0404 90 51 100 |                 | 0,5000           |
| 0404 90 51 910 |                 | 0,0455           |
| 0404 90 51 950 |                 | 20,57            |
| 0404 90 53 110 |                 | 0,5000           |
| 0404 90 53 130 |                 | 0,8238           |
| 0404 90 53 150 |                 | 0,8756           |
| 0404 90 53 170 |                 | 0,9500           |
| 0404 90 53 911 |                 | 0,0455           |
| 0404 90 53 913 |                 | 0,1051           |
| 0404 90 53 915 |                 | 0,1629           |
| 0404 90 53 917 |                 | 0,2572           |
| 0404 90 53 919 |                 | 0,3920           |
| 0404 90 53 931 |                 | 20,57            |
| 0404 90 53 933 |                 | 25,13            |
| 0404 90 53 935 |                 | 34,08            |
| 0404 90 53 937 |                 | 35,55            |
| 0404 90 53 939 |                 | —                |
| 0404 90 59 130 |                 | 0,9579           |
| 0404 90 59 150 |                 | 1,0586           |
| 0404 90 59 930 |                 | 0,5652           |
| 0404 90 59 950 |                 | 0,8155           |
| 0404 90 59 990 |                 | 0,9310           |
| 0404 90 91 100 |                 | 0,5000           |
| 0404 90 91 910 |                 | 0,0455           |
| 0404 90 91 950 |                 | 20,57            |
| 0404 90 93 110 |                 | 0,5000           |
| 0404 90 93 130 |                 | 0,8238           |
| 0404 90 93 150 |                 | 0,8756           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0404 90 93 170 |                 | 0,9500           |
| 0404 90 93 911 |                 | 0,0455           |
| 0404 90 93 913 |                 | 0,1051           |
| 0404 90 93 915 |                 | 0,1629           |
| 0404 90 93 917 |                 | 0,2572           |
| 0404 90 93 919 |                 | 0,3920           |
| 0404 90 93 931 |                 | 20,57            |
| 0404 90 93 933 |                 | 25,13            |
| 0404 90 93 935 |                 | 34,08            |
| 0404 90 93 937 |                 | 35,55            |
| 0404 90 93 939 |                 | —                |
| 0404 90 99 130 |                 | 0,9579           |
| 0404 90 99 150 |                 | 1,0586           |
| 0404 90 99 930 |                 | 0,5652           |
| 0404 90 99 950 |                 | 0,8155           |
| 0404 90 99 990 |                 | 0,9310           |
| 0405 00 10 100 |                 | —                |
| 0405 00 10 200 |                 | 117,20           |
| 0405 00 10 300 |                 | 147,44           |
| 0405 00 10 500 |                 | 151,22           |
| 0405 00 10 700 |                 | 155,00           |
| 0405 00 90 100 |                 | 155,00           |
| 0405 00 90 900 |                 | 196,00           |
| 0406 10 10 000 |                 | —                |
| 0406 10 90 000 |                 | —                |
| 0406 20 90 100 |                 | —                |
| 0406 20 90 913 | 028             | —                |
|                | 032             | —                |
|                | 400             | 87,74            |
|                | 404             | —                |
|                | ...             | 84,94            |
| 0406 20 90 915 | 028             | —                |
|                | 032             | —                |
|                | 400             | 116,99           |
|                | 404             | —                |
|                | ...             | 113,25           |
| 0406 20 90 917 | 028             | —                |
|                | 032             | —                |
|                | 400             | 124,30           |
|                | 404             | —                |
|                | ...             | 120,33           |
| 0406 20 90 919 | 028             | —                |
|                | 032             | —                |
|                | 400             | 138,92           |
|                | 404             | —                |
|                | ...             | 134,49           |
| 0406 20 90 990 |                 | —                |
| 0406 30 10 100 |                 | —                |
| 0406 30 10 150 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 20,03            |
|                | 404             | —                |
|                | ...             | 22,83            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 30 10 200 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | —                |
|                | ...             | 48,68            |
| 0406 30 10 250 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | —                |
|                | ...             | 48,68            |
| 0406 30 10 300 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 63,88            |
|                | 404             | —                |
|                | ...             | 71,42            |
| 0406 30 10 350 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | —                |
|                | ...             | 48,68            |
| 0406 30 10 400 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 63,88            |
|                | 404             | —                |
|                | ...             | 71,42            |
| 0406 30 10 450 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 93,03            |
|                | 404             | —                |
|                | ...             | 103,95           |
| 0406 30 10 500 |                 | —                |
| 0406 30 10 550 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | 20,00            |
|                | ...             | 48,68            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 30 10 600 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 63,88            |
|                | 404             | 28,00            |
|                | ...             | 71,42            |
| 0406 30 10 650 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 93,03            |
|                | 404             | —                |
|                | ...             | 103,95           |
| 0406 30 10 700 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 93,03            |
|                | 404             | —                |
|                | ...             | 103,95           |
| 0406 30 10 750 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,54           |
|                | 404             | —                |
|                | ...             | 126,87           |
| 0406 30 10 800 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,54           |
|                | 404             | —                |
|                | ...             | 126,87           |
| 0406 30 10 900 |                 | —                |
| 0406 30 31 100 |                 | —                |
| 0406 30 31 300 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 20,03            |
|                | 404             | —                |
|                | ...             | 22,83            |
| 0406 30 31 500 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | —                |
|                | ...             | 48,68            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 30 31 710 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | —                |
|                | ...             | 48,68            |
| 0406 30 31 730 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 63,88            |
|                | 404             | —                |
|                | ...             | 71,42            |
| 0406 30 31 910 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | —                |
|                | ...             | 48,68            |
| 0406 30 31 930 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 63,88            |
|                | 404             | —                |
|                | ...             | 71,42            |
| 0406 30 31 950 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 93,03            |
|                | 404             | —                |
|                | ...             | 103,95           |
| 0406 30 39 100 |                 | —                |
| 0406 30 39 300 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 43,52            |
|                | 404             | 20,00            |
|                | ...             | 48,68            |
| 0406 30 39 500 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 63,88            |
|                | 404             | 28,00            |
|                | ...             | 71,42            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 30 39 700 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 93,03            |
|                | 404             | —                |
|                | ...             | 103,95           |
| 0406 30 39 930 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 93,03            |
|                | 404             | —                |
|                | ...             | 103,95           |
| 0406 30 39 950 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,54           |
|                | 404             | —                |
|                | ...             | 126,87           |
| 0406 30 90 000 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,54           |
|                | 404             | —                |
|                | ...             | 126,87           |
| 0406 40 00 100 |                 | —                |
| 0406 40 00 900 | 028             | —                |
|                | 032             | —                |
|                | 038             | —                |
|                | 400             | 120,00           |
|                | 404             | —                |
|                | ...             | 126,51           |
| 0406 90 13 000 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,00           |
|                | 404             | —                |
|                | ...             | 159,34           |
| 0406 90 15 100 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,00           |
|                | 404             | —                |
|                | ...             | 159,34           |
| 0406 90 15 900 |                 | —                |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 17 100 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 113,00           |
|                | 404             | —                |
|                | ...             | 159,34           |
| 0406 90 17 900 |                 | —                |
| 0406 90 21 100 |                 | —                |
| 0406 90 21 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 130,00           |
|                | 404             | —                |
|                | 732             | 139,68           |
|                | ...             | 151,68           |
| 0406 90 23 100 |                 | —                |
| 0406 90 23 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 65,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 25 100 |                 | —                |
| 0406 90 25 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 65,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 27 100 |                 | —                |
| 0406 90 27 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 56,14            |
|                | 404             | —                |
|                | ...             | 114,71           |
| 0406 90 31 111 |                 | —                |
| 0406 90 31 119 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | 15,00            |
|                | 400             | 62,48            |
|                | 404             | 16,00            |
|                | ...             | 89,96            |

(in ECU/100 kg net weight unless otherwise indicated)

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 31 151 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 58,40            |
|                | 404             | 14,96            |
|                | ...             | 83,83            |
| 0406 90 31 159 |                 | —                |
| 0406 90 31 900 |                 | —                |
| 0406 90 33 111 |                 | —                |
| 0406 90 33 119 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | 15,00            |
|                | 400             | 62,48            |
|                | 404             | 16,00            |
|                | ...             | 89,96            |
| 0406 90 33 151 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 58,40            |
|                | 404             | 14,96            |
|                | ...             | 83,83            |
| 0406 90 33 159 |                 | —                |
| 0406 90 33 911 |                 | —                |
| 0406 90 33 919 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | 15,00            |
|                | 400             | 62,48            |
|                | 404             | 16,00            |
|                | ...             | 89,96            |
| 0406 90 33 951 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 58,40            |
|                | 404             | 14,96            |
|                | ...             | 83,83            |
| 0406 90 33 959 |                 | —                |
| 0406 90 35 110 |                 | —                |
| 0406 90 35 190 | 028             | —                |
|                | 032             | —                |
|                | 036             | 42,66            |
|                | 400             | 160,00           |
|                | 404             | 90,00            |
|                | ...             | 158,54           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 35 910 |                 | —                |
| 0406 90 35 990 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 130,00           |
|                | 404             | —                |
|                | ...             | 130,00           |
| 0406 90 61 000 | 028             | —                |
|                | 032             | —                |
|                | 036             | 90,00            |
|                | 400             | 190,00           |
|                | 404             | 140,00           |
|                | ...             | 185,00           |
| 0406 90 63 100 | 028             | —                |
|                | 032             | —                |
|                | 036             | 105,03           |
|                | 400             | 220,00           |
|                | 404             | 160,00           |
|                | ...             | 212,12           |
| 0406 90 63 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | 70,00            |
|                | 400             | 150,00           |
|                | 404             | 80,00            |
|                | ...             | 165,00           |
| 0406 90 69 100 |                 | —                |
| 0406 90 69 910 | 028             | —                |
|                | 032             | —                |
|                | 036             | 70,00            |
|                | 400             | 150,00           |
|                | 404             | 80,00            |
|                | ...             | 165,00           |
| 0406 90 69 990 |                 | —                |
| 0406 90 71 100 |                 | —                |
| 0406 90 71 930 | 028             | 13,50            |
|                | 032             | 13,50            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 87,23            |
|                | 404             | —                |
|                | ...             | 89,49            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 71 950 | 028             | 20,00            |
|                | 032             | 20,00            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 96,18            |
|                | 404             | —                |
|                | ...             | 98,13            |
| 0406 90 71 970 | 028             | 24,00            |
|                | 032             | 24,00            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 109,31           |
|                | 404             | —                |
|                | ...             | 110,79           |
| 0406 90 71 991 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 130,00           |
|                | 404             | —                |
|                | ...             | 130,00           |
| 0406 90 71 995 | 028             | 27,50            |
|                | 032             | 27,50            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 65,00            |
|                | 404             | —                |
|                | ...             | 135,35           |
| 0406 90 71 999 |                 | —                |
| 0406 90 73 100 |                 | —                |
| 0406 90 73 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | 42,66            |
|                | 400             | 160,00           |
|                | 404             | 120,00           |
|                | ...             | 151,00           |
| 0406 90 75 100 |                 | —                |
| 0406 90 75 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 400             | 65,00            |
|                | 404             | —                |
|                | ...             | 125,96           |
| 0406 90 77 100 | 028             | 24,00            |
|                | 032             | 24,00            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 58,77            |
|                | 404             | —                |
|                | ...             | 110,79           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 77 300 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 65,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 77 500 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 75,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 79 100 |                 | —                |
| 0406 90 79 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 56,14            |
|                | 404             | —                |
|                | ...             | 114,71           |
| 0406 90 81 100 |                 | —                |
| 0406 90 81 900 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 130,00           |
|                | 404             | —                |
|                | ...             | 130,00           |
| 0406 90 83 100 |                 | —                |
| 0406 90 83 910 |                 | —                |
| 0406 90 83 950 | 028             | —                |
|                | 032             | —                |
|                | 400             | 39,03            |
|                | 404             | —                |
|                | ...             | 47,97            |
| 0406 90 83 990 | 028             | —                |
|                | 032             | —                |
|                | 400             | 39,03            |
|                | 404             | —                |
|                | ...             | 47,97            |
| 0406 90 85 100 |                 | —                |
| 0406 90 85 910 | 028             | —                |
|                | 032             | —                |
|                | 036             | 42,67            |
|                | 400             | 160,00           |
|                | 404             | 90,00            |
|                | ...             | 158,54           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 85 991 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 130,00           |
|                | 404             | —                |
|                | ...             | 130,00           |
| 0406 90 85 995 | 028             | 27,50            |
|                | 032             | 27,50            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 65,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 85 999 |                 | —                |
| 0406 90 89 100 | 028             | 13,50            |
|                | 032             | 13,50            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 87,23            |
|                | 404             | —                |
|                | ...             | 89,49            |
| 0406 90 89 200 | 028             | 20,00            |
|                | 032             | 20,00            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 96,18            |
|                | 404             | —                |
|                | ...             | 98,13            |
| 0406 90 89 300 | 028             | 24,00            |
|                | 032             | 24,00            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 109,31           |
|                | 404             | —                |
|                | ...             | 110,79           |
| 0406 90 89 910 |                 | —                |
| 0406 90 89 951 | 028             | —                |
|                | 032             | —                |
|                | 036             | 42,66            |
|                | 400             | 160,00           |
|                | 404             | 90,00            |
|                | ...             | 151,00           |
| 0406 90 89 959 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 130,00           |
|                | 404             | —                |
|                | ...             | 130,00           |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 0406 90 89 971 | 028             | 27,50            |
|                | 032             | 27,50            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 74,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 89 972 | 028             | —                |
|                | 032             | —                |
|                | 400             | 39,03            |
|                | 404             | —                |
|                | ...             | 47,97            |
| 0406 90 89 979 | 028             | 27,50            |
|                | 032             | 27,50            |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 74,00            |
|                | 404             | —                |
|                | 732             | 123,35           |
|                | ...             | 135,35           |
| 0406 90 89 990 |                 | —                |
| 0406 90 91 100 |                 | —                |
| 0406 90 91 300 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 21,46            |
|                | 404             | —                |
|                | ...             | 21,06            |
| 0406 90 91 510 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 37,62            |
|                | 404             | —                |
|                | ...             | 35,97            |
| 0406 90 91 550 | 028             | —                |
|                | 032             | —                |
|                | 036             | —                |
|                | 038             | —                |
|                | 400             | 45,81            |
|                | 404             | —                |
|                | ...             | 43,62            |
| 0406 90 91 900 |                 | —                |
| 0406 90 93 000 |                 | —                |
| 0406 90 97 000 |                 | —                |
| 0406 90 99 000 |                 | —                |
| 2309 10 15 010 |                 | —                |
| 2309 10 15 100 |                 | —                |
| 2309 10 15 200 |                 | 15,00            |
| 2309 10 15 300 |                 | 20,00            |
| 2309 10 15 400 |                 | 25,00            |
| 2309 10 15 500 |                 | 30,00            |
| 2309 10 15 700 |                 | 35,00            |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
| 2309 10 15 900 |                 | —                |
| 2309 10 19 010 |                 | —                |
| 2309 10 19 100 |                 | —                |
| 2309 10 19 200 |                 | 15,00            |
| 2309 10 19 300 |                 | 20,00            |
| 2309 10 19 400 |                 | 25,00            |
| 2309 10 19 500 |                 | 30,00            |
| 2309 10 19 600 |                 | 35,00            |
| 2309 10 19 700 |                 | 37,50            |
| 2309 10 19 800 |                 | 40,00            |
| 2309 10 19 900 |                 | —                |
| 2309 10 70 010 |                 | —                |
| 2309 10 70 100 |                 | 15,00            |
| 2309 10 70 200 |                 | 20,00            |
| 2309 10 70 300 |                 | 25,00            |
| 2309 10 70 500 |                 | 30,00            |
| 2309 10 70 600 |                 | 35,00            |
| 2309 10 70 700 |                 | 40,00            |
| 2309 10 70 800 |                 | 44,00            |
| 2309 10 70 900 |                 | —                |
| 2309 90 35 010 |                 | —                |
| 2309 90 35 100 |                 | —                |
| 2309 90 35 200 |                 | 15,00            |
| 2309 90 35 300 |                 | 20,00            |
| 2309 90 35 400 |                 | 25,00            |
| 2309 90 35 500 |                 | 30,00            |
| 2309 90 35 700 |                 | 35,00            |
| 2309 90 35 900 |                 | —                |
| 2309 90 39 010 |                 | —                |
| 2309 90 39 100 |                 | —                |
| 2309 90 39 200 |                 | 15,00            |
| 2309 90 39 300 |                 | 20,00            |
| 2309 90 39 400 |                 | 25,00            |
| 2309 90 39 500 |                 | 30,00            |
| 2309 90 39 600 |                 | 35,00            |
| 2309 90 39 700 |                 | 37,50            |
| 2309 90 39 800 |                 | 40,00            |
| 2309 90 39 900 |                 | —                |
| 2309 90 70 010 |                 | —                |
| 2309 90 70 100 |                 | 15,00            |
| 2309 90 70 200 |                 | 20,00            |
| 2309 90 70 300 |                 | 25,00            |
| 2309 90 70 500 |                 | 30,00            |
| 2309 90 70 600 |                 | 35,00            |
| 2309 90 70 700 |                 | 40,00            |
| 2309 90 70 800 |                 | 44,00            |
| 2309 90 70 900 |                 | —                |

(\*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by \*\*\*.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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*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 177/90

of 25 January 1990

on the issuing of a standing invitation to tender for the resale on the internal market of 45 000 tonnes of common wheat held by the intervention agency 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 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 3707/89<sup>(2)</sup>, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals<sup>(3)</sup>, as amended by Regulation (EEC) No 195/89<sup>(4)</sup>, provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82<sup>(5)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(6)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 45 000 tonnes of common wheat held by the intervention agency of the United Kingdom should be issued;

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 intervention agency of the United Kingdom shall issue a standing invitation to tender for the resale on the

internal market of 45 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

*Article 2*

1. The final date for the submission of tenders for the first partial invitation to tender shall be 6 February 1990.
2. The final date for the submission of tenders for the last partial invitation to tender shall be 27 March 1990.
3. Tenders must be lodged with the intervention agency of the United Kingdom:

Intervention Board for Agricultural Produce,  
Fountain House,  
2 Queens Walk,  
UK-Reading RG1 7QW Berks,  
(Telex 848 302).

*Article 3*

Not later than Tuesday of the week following the final date for the submission of tenders, the intervention agency of the United Kingdom shall notify the Commission of the quantities and average prices of the various lots sold.

*Article 4*

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, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 363, 13. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 139, 24. 5. 1986, p. 36.

<sup>(4)</sup> OJ No L 25, 28. 1. 1989, p. 22.

<sup>(5)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(6)</sup> OJ No L 223, 11. 8. 1987, p. 5.

**COMMISSION REGULATION (EEC) No 178/90****of 25 January 1990****amending Regulation (EEC) No 3993/89 and increasing to 150 000 tonnes the amount of barley held by the intervention agency of the United Kingdom for which a standing invitation to tender for resale has been opened**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3707/89 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies <sup>(3)</sup>, as last amended by Regulation (EEC) No 2418/87 <sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 3993/89 <sup>(5)</sup> opened a standing invitation to tender for the resale of 100 000 tonnes of barley held by the intervention agency of the United Kingdom;

Whereas in the present situation on the market the quantity of barley held by the intervention agency of the

United Kingdom put up for sale on the internal market of the Community should be increased to 150 000 tonnes;

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*

In Article 1 of Regulation (EEC) No 3993/89 'of 100 000 tonnes' is replaced by 'of 150 000 tonnes'.

*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, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 363, 13. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 223, 11. 8. 1987, p. 5.

<sup>(5)</sup> OJ No L 380, 29. 12. 1989, p. 48.

**COMMISSION REGULATION (EEC) No 179/90****of 24 January 1990****correcting Regulation (EEC) No 53/90 fixing the reduction in the variable component of the levy for bran and sharps originating in Algeria, Morocco and Tunisia**

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 1512/76 of 24 June 1976 concluding the Agreement in the form of an Exchange of Letters relating to Article 22 of the Cooperation Agreement and Article 15 of the Interim Agreement between the European Economic Community and the Republic of Tunisia and concerning the import into the Community of bran and sharps originating in Tunisia <sup>(1)</sup>, and in particular the second subparagraph of paragraph 3 of the Exchange of Letters,Having regard to Council Regulation (EEC) No 1518/76 of 24 June 1976 concluding the Agreement in the form of an Exchange of Letters, relating to Article 21 of the Cooperation Agreement and Article 14 of the Interim Agreement between the European Economic Community and the People's Democratic Republic of Algeria and concerning the import into the Community of bran and sharps originating in Algeria <sup>(2)</sup>, and in particular the second subparagraph of paragraph 3 of the Exchange of Letters,Having regard to Council Regulation (EEC) No 1525/76 of 24 June 1976 concluding the Agreement in the form of an Exchange of Letters, letters relating to Article 23 of the Cooperation Agreement and Article 1 of the Interim Agreement the European Economic Community and the Kingdom of Morocco and concerning the import into the Community of bran and sharps originating in Morocco <sup>(3)</sup>, and in particular the second subparagraph of paragraph 3 of the Exchange of Letters,Whereas the reduction in the variable component of the levy for bran and sharps originating in Algeria, Morocco and Tunisia was fixed by Commission Regulation (EEC) No 53/90 <sup>(4)</sup>;

Whereas a check has shown that an error was made in the Annex to that Regulation; whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 53/90 hereby replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 24 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 169, 28. 6. 1976, p. 19.<sup>(2)</sup> OJ No L 169, 28. 6. 1976, p. 37.<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 53.<sup>(4)</sup> OJ No L 8, 11. 1. 1990, p. 23.

*ANNEX**ANNEX*

to the Commission Regulation of 10 January 1990 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced

| <i>(ECU/tonne)</i> |        |
|--------------------|--------|
| CN code            | Amount |
| 2302 30 10         | 29,73  |
| 2302 30 90         | 63,71  |
| 2302 40 10         | 29,73  |
| 2302 40 90         | 63,71  |

**COMMISSION REGULATION (EEC) No 180/90****of 24 January 1990****correcting Regulation (EEC) No 54/90 fixing the reduction in the variable component of the levy for bran and sharps originating in Egypt**

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 1030/77 of 17 May 1977 concluding the Interim Agreement between the European Economic Community and the Arab Republic of Egypt <sup>(1)</sup>, and in particular the second subparagraph of paragraph 3 of the Exchange of Letters, relating to Article 13 of the Agreement,Whereas the reduction in the variable component of the levy for bran and sharps originating in Egypt was fixed by Commission Regulation (EEC) No 54/90 <sup>(2)</sup>;Whereas a check has shown that an error was made in the Annex to that Regulation;  
Whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 54/90 is hereby replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 24 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 126, 23. 5. 1977, p. 1.<sup>(2)</sup> OJ No L 8, 11. 1. 1990, p. 25.

*ANNEX**ANNEX*

to the Commission Regulation of 10 January 1990 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced

| <i>(ECU/tonne)</i> |        |
|--------------------|--------|
| CN code            | Amount |
| 2302 10 10         | 29,73  |
| 2302 10 90         | 63,71  |
| 2302 20 10         | 29,73  |
| 2302 20 90         | 63,71  |
| 2302 30 10         | 29,73  |
| 2302 30 90         | 63,71  |
| 2302 40 10         | 29,73  |
| 2302 40 90         | 63,71  |

**COMMISSION REGULATION (EEC) No 181/90****of 24 January 1990****correcting Regulation (EEC) No 55/90 fixing the reduction in the variable component of the levy for bran and sharps originating in Argentina**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1058/88 of 28 March 1988 on the import of bran, sharps and other residues derived from the sifting, milling or other working of cereals other than maize and rice and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 2 (2) thereof,Whereas the reduction in the variable component of the levy for bran and sharps originating in Argentina was fixed by Commission Regulation (EEC) No 55/90<sup>(2)</sup>;

Whereas a check has shown that an error was made in the Annex to that Regulation; whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

To Annex to Regulation (EEC) No 55/90 is hereby replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 24 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 104, 23. 4. 1988, p. 1.<sup>(2)</sup> OJ No L 8, 11. 1. 1990, p. 27.

*ANNEX**ANNEX*

to the Commission Regulation of 10 January 1990 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Argentina must be reduced

| <i>(ECU/tonne)</i> |        |
|--------------------|--------|
| CN code            | Amount |
| 2302 30 10         | 19,82  |
| 2302 30 90         | 42,47  |
| 2302 40 10         | 19,82  |
| 2302 40 90         | 42,47  |

**COMMISSION REGULATION (EEC) No 182/90****of 24 January 1990****correcting Regulation (EEC) No 56/90 fixing the levy reduction for rice imported from the Arab Republic of Egypt**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1806/89 <sup>(2)</sup>, and in particular Article 11 thereof,Having regard to Council Regulation (EEC) No 1250/77 of 17 May 1977 concerning imports of rice from the Arab Republic of Egypt <sup>(3)</sup>, and in particular Article 1 thereof,Whereas the amount by which the levy in rice imported from the Arab Republic of Egypt is to be reduced was fixed by Commission Regulation (EEC) No 56/90 <sup>(4)</sup>;

Whereas a check has shown that an error was made in the Annex to that Regulation; whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 56/90 is hereby replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 February 1990.

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

Done at Brussels, 24 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.<sup>(2)</sup> OJ No L 177, 24. 6. 1989, p. 1.<sup>(3)</sup> OJ No L 146, 14. 6. 1977, p. 9.<sup>(4)</sup> OJ No L 8, 11. 1. 1990, p. 29.

## ANNEX

## ANNEX

to the Commission Regulation of 10 January 1990 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

| (ECU/tonne) |                        |
|-------------|------------------------|
| CN code     | Amounts to be deducted |
| 1006 10 21  | 72,51                  |
| 1006 10 23  | 70,18                  |
| 1006 10 25  | 70,18                  |
| 1006 10 27  | 70,18                  |
| 1006 10 92  | 72,51                  |
| 1006 10 94  | 70,18                  |
| 1006 10 96  | 70,18                  |
| 1006 10 98  | 70,18                  |
| 1006 20 11  | 90,64                  |
| 1006 20 13  | 87,72                  |
| 1006 20 15  | 87,72                  |
| 1006 20 17  | 87,72                  |
| 1006 20 92  | 90,64                  |
| 1006 20 94  | 87,72                  |
| 1006 20 96  | 87,72                  |
| 1006 20 98  | 87,72                  |
| 1006 30 21  | 120,97                 |
| 1006 30 23  | 134,71                 |
| 1006 30 25  | 134,71                 |
| 1006 30 27  | 134,71                 |
| 1006 30 42  | 120,97                 |
| 1006 30 44  | 134,71                 |
| 1006 30 46  | 134,71                 |
| 1006 30 48  | 134,71                 |
| 1006 30 61  | 128,83                 |
| 1006 30 63  | 144,41                 |
| 1006 30 65  | 144,41                 |
| 1006 30 67  | 144,41                 |
| 1006 30 92  | 128,83                 |
| 1006 30 94  | 144,41                 |
| 1006 30 96  | 144,41                 |
| 1006 30 98  | 144,41                 |
| 1006 40 00  | 35,57                  |

## COMMISSION REGULATION (EEC) No 183/90

of 25 January 1990

setting for 1990 the quantities of cheese originating in and coming from  
Switzerland that may be imported into Spain

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

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

Having regard to Council Decision 86/559/EEC of 15  
September 1986 on the conclusion of the Agreements in  
the form of Exchanges of Letters between the European  
Economic Community and the Swiss Confederation  
concerning agriculture and fisheries<sup>(1)</sup>, and in particular  
section (a) in Exchange of Letters No 3,

Whereas the abovementioned Exchanges of Letters of 14  
July 1986 stipulate that from 1 January 1990 and until  
the end of the transitional period the quantity for impor-  
tation into Spain of cheese originating in and coming  
from Switzerland is to be adapted annually in accordance  
with the rules applicable to imports into Spain from the  
Community as constituted on 31 December 1985;

Whereas Commission Regulation (EEC) No 3621/89<sup>(2)</sup>  
withdrew certain milk products, including certain cheeses,  
from the list of products subject to the supplementary  
trade mechanism; whereas in consequence and in accor-  
dance a Spanish import quantity of cheeses coming from  
Switzerland excluding those of CN codes 0406 90 13 and  
0406 90 15 should be set as provided for in the above-  
mentioned Exchange of Letters; whereas for the cheeses

concerned the quantity set for 1989 should be increased  
by the same percentage as for cheese imports into Spain  
for 1990 from the Community as constituted on 31  
December 1985;

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*

The quantity of cheese originating in and coming from  
Switzerland (excluding cheeses of CN codes 0406 90 13  
and 0406 90 15), as referred to in Exchange of Letters No  
3 of 14 July 1986 referring to the tariff concessions that  
the Community and Switzerland have granted each other  
in respect of cheese that may be imported into Spain is  
set for 1990 at 260 tonnes, including 175 tonnes for  
processed cheese.

*Article 2*

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

It shall be applicable with effect from 1 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 98.

<sup>(2)</sup> OJ No L 351, 2. 12. 1989, p. 22.

**COMMISSION REGULATION (EEC) No 184/90**  
**of 25 January 1990**  
**fixing the specific levies on beef and veal from Portugal**

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

Having regard to the Act of Accession of Spain and Portugal and in particular Article 272 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89<sup>(2)</sup>, and in particular Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas Commission Regulation (EEC) No 588/86<sup>(3)</sup>, as last amended by Regulation (EEC) No 3934/89<sup>(4)</sup>, lays

down detailed implementing rules and fixes the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 5 February 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 57, 1. 3. 1986, p. 45.

<sup>(4)</sup> OJ No L 375, 23. 12. 1989, p. 90.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the specific levies on imports of beef and veal from Portugal

| (ECU/100 kg) |                              |
|--------------|------------------------------|
| CN code      | Amount of the special levies |
| 0102 90 10   | 11,34                        |
| 0102 90 31   | 11,34                        |
| 0102 90 33   | 11,34                        |
| 0102 90 35   | 11,34                        |
| 0102 90 37   | 11,34                        |
| 0201 10 10   | 21,39                        |
| 0201 10 90   | 21,39                        |
| 0201 20 21   | 21,39                        |
| 0201 20 29   | 21,39                        |
| 0201 20 31   | 17,11                        |
| 0201 20 39   | 17,11                        |
| 0201 20 51   | 25,67                        |
| 0201 20 59   | 25,67                        |
| 0201 20 90   | 32,09                        |
| 0201 30      | 36,79                        |
| 0202 10 00   | 19,25                        |
| 0202 20 10   | 19,25                        |
| 0202 20 30   | 15,40                        |
| 0202 20 50   | 23,96                        |
| 0202 20 90   | 28,88                        |
| 0202 30 10   | 23,96                        |
| 0202 30 50   | 23,96                        |
| 0202 30 90   | 33,15                        |
| 0206 10 95   | 36,79                        |
| 0206 29 91   | 33,15                        |
| 0210 20 10   | 32,09                        |
| 0210 20 90   | 36,79                        |
| 0210 90 41   | 36,79                        |
| 0210 90 90   | 36,79                        |
| 1602 50 10   | 36,79                        |
| 1602 90 61   | 36,79                        |

**COMMISSION REGULATION (EEC) No 185/90****of 25 January 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Regulation (EEC) No 3912/89 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3912/89 to the quota-

tions and other 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 on live cattle and on beef and veal other than frozen shall be as specified in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 February 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 375, 23. 12. 1989, p. 23.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the import levies on live cattle and on beef and veal other than frozen <sup>(1)</sup>

(ECU/100 kg)

| CN code         | Yugoslavia <sup>(2)</sup> | Austria/Sweden/<br>Switzerland | Other third countries |
|-----------------|---------------------------|--------------------------------|-----------------------|
| — Live weight — |                           |                                |                       |
| 0102 90 10      | —                         | 12,195                         | 123,302               |
| 0102 90 31      | 21,632                    | 12,195                         | 123,302               |
| 0102 90 33      | —                         | 12,195                         | 123,302               |
| 0102 90 35      | 21,632                    | 12,195                         | 123,302               |
| 0102 90 37      | 21,632                    | 12,195                         | 123,302               |
| — Net weight —  |                           |                                |                       |
| 0201 10 10      | —                         | 23,169                         | 234,275               |
| 0201 10 90      | 41,101                    | 23,169                         | 234,275               |
| 0201 20 21      | —                         | 23,169                         | 234,275               |
| 0201 20 29      | 41,101                    | 23,169                         | 234,275               |
| 0201 20 31      | —                         | 18,535                         | 187,419               |
| 0201 20 39      | 32,881                    | 18,535                         | 187,419               |
| 0201 20 51      | 49,321                    | 27,803                         | 281,130               |
| 0201 20 59      | 49,321                    | 27,803                         | 281,130               |
| 0201 20 90      | —                         | 34,754                         | 351,412               |
| 0201 30 00      | —                         | 39,754                         | 401,966               |
| 0206 10 95      | —                         | 39,754                         | 401,966               |
| 0210 20 10      | —                         | 34,754                         | 351,412               |
| 0210 20 90      | —                         | 39,754                         | 401,966               |
| 0210 90 41      | —                         | 39,754                         | 401,966               |
| 0210 90 90      | —                         | 39,754                         | 401,966               |
| 1602 50 10      | —                         | 39,754                         | 401,966               |
| 1602 90 61      | —                         | 39,754                         | 401,966               |

<sup>(1)</sup> In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

<sup>(2)</sup> This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

**COMMISSION REGULATION (EEC) No 186/90**  
**of 25 January 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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas the import levies on frozen beef and veal were fixed by Commission Regulation (EEC) No 1831/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3911/89 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1831/89 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts 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 hereto.

*Article 2*

This Regulation shall enter into force on 5 February 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 177, 24. 6. 1989, p. 55.

<sup>(4)</sup> OJ No L 375, 23. 12. 1989, p. 21.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the import levies on frozen beef and veal <sup>(1)</sup>

*(ECU/100 kg)*

| CN code    | Levy           |
|------------|----------------|
|            | — Net weight — |
| 0202 10 00 | 206,835        |
| 0202 20 10 | 206,835        |
| 0202 20 30 | 165,468        |
| 0202 20 50 | 258,544        |
| 0202 20 90 | 310,252        |
| 0202 30 10 | 258,544        |
| 0202 30 50 | 258,544        |
| 0202 30 90 | 355,755        |
| 0206 29 91 | 355,755        |

<sup>(1)</sup> In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

**COMMISSION REGULATION (EEC) No 187/90****of 25 January 1990****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat  
other than frozen meat**

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup> and in particular the Article 10 thereof,

Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EEC) No 3868/89<sup>(2)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3868/89 to the quota-

tions and other 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 on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 February 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 374, 22. 12. 1989, p. 51.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

| CN code                   | Week No 6<br>from 5 to<br>11 February 1990 | Week No 7<br>from 12 to<br>18 February 1990 | Week No 8<br>from 19 to<br>25 February 1990 | Week No 9<br>from 26 February<br>to 4 March 1990 |
|---------------------------|--------------------------------------------|---------------------------------------------|---------------------------------------------|--------------------------------------------------|
| 0104 10 90 <sup>(1)</sup> | 130,317                                    | 132,070                                     | 133,330                                     | 134,697                                          |
| 0104 20 90 <sup>(1)</sup> | 130,317                                    | 132,070                                     | 133,330                                     | 134,697                                          |
| 0204 10 00 <sup>(2)</sup> | 277,270                                    | 281,000                                     | 283,680                                     | 286,590                                          |
| 0204 21 00 <sup>(2)</sup> | 277,270                                    | 281,000                                     | 283,680                                     | 286,590                                          |
| 0204 22 10 <sup>(2)</sup> | 194,089                                    | 196,700                                     | 198,576                                     | 200,613                                          |
| 0204 22 30 <sup>(2)</sup> | 304,997                                    | 309,100                                     | 312,048                                     | 315,249                                          |
| 0204 22 50 <sup>(2)</sup> | 360,451                                    | 365,300                                     | 368,784                                     | 372,567                                          |
| 0204 22 90 <sup>(2)</sup> | 360,451                                    | 365,300                                     | 368,784                                     | 372,567                                          |
| 0204 23 00 <sup>(2)</sup> | 504,631                                    | 511,420                                     | 516,298                                     | 521,594                                          |
| 0204 50 11 <sup>(2)</sup> | 277,270                                    | 281,000                                     | 283,680                                     | 286,590                                          |
| 0204 50 13 <sup>(2)</sup> | 194,089                                    | 196,700                                     | 198,576                                     | 200,613                                          |
| 0204 50 15 <sup>(2)</sup> | 304,997                                    | 309,100                                     | 312,048                                     | 315,249                                          |
| 0204 50 19 <sup>(2)</sup> | 360,451                                    | 365,300                                     | 368,784                                     | 372,567                                          |
| 0204 50 31 <sup>(2)</sup> | 360,451                                    | 365,300                                     | 368,784                                     | 372,567                                          |
| 0204 50 39 <sup>(2)</sup> | 504,631                                    | 511,420                                     | 516,298                                     | 521,594                                          |
| 0210 90 11 <sup>(2)</sup> | 360,451                                    | 365,300                                     | 368,784                                     | 372,567                                          |
| 0210 90 19 <sup>(2)</sup> | 504,631                                    | 511,420                                     | 516,298                                     | 521,594                                          |

<sup>(1)</sup> The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

<sup>(2)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

<sup>(3)</sup> The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

**COMMISSION REGULATION (EEC) No 188/90**  
**of 25 January 1990**  
**fixing the import levies on frozen sheepmeat and goatmeat**

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup> and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3869/89<sup>(2)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3869/89 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 5 February 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 374, 22. 12. 1989, p. 54.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the import levies on frozen  
sheepmeat and goatmeat<sup>(1)</sup>

(ECU/100 kg)

| CN code    | Week No 6<br>from 5 to<br>11 February 1990 | Week No 7<br>from 12 to<br>18 February 1990 | Week No 8<br>from 19 to<br>25 February 1990 | Week No 9<br>from 26 February<br>to 4 March 1990 |
|------------|--------------------------------------------|---------------------------------------------|---------------------------------------------|--------------------------------------------------|
| 0204 30 00 | 208,703                                    | 211,500                                     | 213,510                                     | 215,693                                          |
| 0204 41 00 | 208,703                                    | 211,500                                     | 213,510                                     | 215,693                                          |
| 0204 42 10 | 146,092                                    | 148,050                                     | 149,457                                     | 150,985                                          |
| 0204 42 30 | 229,573                                    | 232,650                                     | 234,861                                     | 237,262                                          |
| 0204 42 50 | 271,314                                    | 274,950                                     | 277,563                                     | 280,401                                          |
| 0204 42 90 | 271,314                                    | 274,950                                     | 277,563                                     | 280,401                                          |
| 0204 43 00 | 379,839                                    | 384,930                                     | 388,588                                     | 392,561                                          |
| 0204 50 51 | 208,703                                    | 211,500                                     | 213,510                                     | 215,693                                          |
| 0204 50 53 | 146,092                                    | 148,050                                     | 149,457                                     | 150,985                                          |
| 0204 50 55 | 229,573                                    | 232,650                                     | 234,861                                     | 237,262                                          |
| 0204 50 59 | 271,314                                    | 274,950                                     | 277,563                                     | 280,401                                          |
| 0204 50 71 | 271,314                                    | 274,950                                     | 277,563                                     | 280,401                                          |
| 0204 50 79 | 379,839                                    | 384,930                                     | 388,588                                     | 392,561                                          |

<sup>(1)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

**COMMISSION REGULATION (EEC) No 189/90**  
**of 25 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2902/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 126/90<sup>(4)</sup>,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed<sup>(5)</sup>, as last amended by Regulation (EEC) No 2216/88<sup>(6)</sup>, 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<sup>(7)</sup>, as last amended by Regulation (EEC) No 131/90<sup>(8)</sup>;

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<sup>(9)</sup> 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<sup>(10)</sup> 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<sup>(11)</sup> for sunflower seed harvested and processed in Portugal is as set out in Annex III.

*Article 2*

This Regulation shall enter into force on 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 280, 29. 9. 1989, p. 2.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 15, 19. 1. 1990, p. 8.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 197, 26. 7. 1988, p. 10.

<sup>(7)</sup> OJ No L 288, 6. 10. 1989, p. 17.

<sup>(8)</sup> OJ No L 15, 19. 1. 1990, p. 17.

<sup>(9)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(10)</sup> OJ No L 53, 1. 3. 1986, p. 47.

<sup>(11)</sup> 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<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 | 5th period<br>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                         | 25,156       | 25,173          | 25,251          | 25,529          | 25,682          | 23,124          |
| 2. Final aids:                                |              |                 |                 |                 |                 |                 |
| (a) Seed harvested and processed in:          |              |                 |                 |                 |                 |                 |
| — Federal Republic of Germany (DM)            | 59,67        | 59,71           | 59,90           | 60,60           | 60,97           | 55,21           |
| — Netherlands (Fl)                            | 66,36        | 66,40           | 66,61           | 67,34           | 67,75           | 61,22           |
| — BLEU (Bfrs/Lfrs)                            | 1 214,71     | 1 215,53        | 1 219,29        | 1 232,72        | 1 240,11        | 1 116,59        |
| — France (FF)                                 | 191,57       | 191,66          | 192,24          | 194,38          | 195,55          | 175,46          |
| — Denmark (Dkr)                               | 224,64       | 224,80          | 225,49          | 227,98          | 229,34          | 206,50          |
| — Ireland (£ Irl)                             | 21,321       | 21,332          | 21,396          | 21,635          | 21,764          | 19,529          |
| — United Kingdom (£)                          | 16,038       | 16,022          | 16,040          | 16,209          | 16,305          | 14,072          |
| — Italy (Lit)                                 | 42 067       | 42 084          | 42 208          | 42 683          | 42 938          | 38 372          |
| — Greece (Dr)                                 | 4 495,53     | 4 471,60        | 4 450,52        | 4 471,32        | 4 497,94        | 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)               | 3 540,50     | 3 543,52        | 3 551,90        | 3 587,13        | 3 610,62        | 3 198,34        |
| (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)               | 5 239,41     | 5 241,70        | 5 241,81        | 5 281,84        | 5 311,77        | 4 717,90        |

## ANNEX II

## Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

|                                               | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 | 5th period<br>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                         | 27,656       | 27,673          | 27,751          | 28,029          | 28,182          | 25,624          |
| 2. Final aids:                                |              |                 |                 |                 |                 |                 |
| (a) Seed harvested and processed in:          |              |                 |                 |                 |                 |                 |
| — Federal Republic of Germany (DM)            | 65,57        | 65,61           | 65,80           | 66,51           | 66,87           | 61,11           |
| — Netherlands (Fl)                            | 72,95        | 73,00           | 73,20           | 73,94           | 74,34           | 67,81           |
| — BLEU (Bfrs/Lfrs)                            | 1 335,42     | 1 336,24        | 1 340,01        | 1 353,43        | 1 360,82        | 1 237,31        |
| — France (FF)                                 | 210,81       | 210,91          | 211,48          | 213,63          | 214,79          | 194,71          |
| — Denmark (Dkr)                               | 246,97       | 247,12          | 247,82          | 250,30          | 251,67          | 228,82          |
| — Ireland (£ Irl)                             | 23,463       | 23,474          | 23,538          | 23,777          | 23,906          | 21,671          |
| — United Kingdom (£)                          | 17,799       | 17,783          | 17,801          | 17,969          | 18,066          | 15,833          |
| — Italy (Lit)                                 | 46 317       | 46 334          | 46 458          | 46 933          | 47 188          | 42 622          |
| — Greece (Dr)                                 | 4 975,46     | 4 951,54        | 4 930,46        | 4 951,26        | 4 977,88        | 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)               | 3 922,74     | 3 925,76        | 3 934,14        | 3 969,37        | 3 992,86        | 3 580,58        |
| (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)               | 5 738,81     | 5 741,10        | 5 741,21        | 5 781,24        | 5 811,17        | 5 217,30        |

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

|                                               | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>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                         | 34,649       | 34,796          | 34,927          | 35,008          | 35,280          |
| 2. Final aids:                                |              |                 |                 |                 |                 |
| (a) Seed harvested and processed in (1):      |              |                 |                 |                 |                 |
| — Federal Republic of Germany (DM)            | 82,09        | 82,44           | 82,75           | 83,00           | 83,64           |
| — Netherlands (Fl)                            | 91,40        | 91,79           | 92,13           | 92,35           | 93,06           |
| — BLEU (Bfrs/Lfrs)                            | 1 673,09     | 1 680,19        | 1 686,52        | 1 690,43        | 1 703,56        |
| — France (FF)                                 | 264,59       | 265,70          | 266,69          | 267,28          | 269,37          |
| — Denmark (Dkr)                               | 309,42       | 310,73          | 311,90          | 312,62          | 315,05          |
| — Ireland (£ Irl)                             | 29,449       | 29,572          | 29,682          | 29,748          | 29,980          |
| — United Kingdom (£)                          | 22,684       | 22,770          | 22,825          | 22,824          | 23,013          |
| — Italy (Lit)                                 | 58 188       | 58 430          | 58 645          | 59 772          | 59 234          |
| — Greece (Dr)                                 | 6 309,84     | 6 312,55        | 6 301,28        | 6 276,16        | 6 327,88        |
| (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)               | 4 293,42     | 4 316,16        | 4 332,40        | 4 337,36        | 4 378,97        |
| (c) Seed harvested in Portugal and processed: |              |                 |                 |                 |                 |
| — in Portugal (Esc)                           | 0,00         | 0,00            | 0,00            | 0,00            | 0,00            |
| — in Spain (Esc)                              | 7 744,27     | 7 773,58        | 7 784,61        | 7 783,58        | 7 839,01        |
| — in another Member State (Esc)               | 7 575,01     | 7 603,68        | 7 614,46        | 7 613,46        | 7 667,68        |
| 3. Compensatory aids:                         |              |                 |                 |                 |                 |
| — in Spain (Pta)                              | 4 258,20     | 4 280,94        | 4 297,18        | 4 302,14        | 4 346,20        |
| 4. Special aid:                               |              |                 |                 |                 |                 |
| — in Portugal (Esc)                           | 7 575,01     | 7 603,68        | 7 614,46        | 7 613,46        | 7 667,68        |

(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<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 | 5th period<br>6 |
|-----------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| DM        | 2,036760     | 2,031860        | 2,027740        | 2,023380        | 2,023380        | 2,011830        |
| Fl        | 2,294440     | 2,290620        | 2,287070        | 2,283040        | 2,283040        | 2,271400        |
| Bfrs/Lfrs | 42,632700    | 42,614999       | 42,597100       | 42,575200       | 42,575200       | 42,505400       |
| FF        | 6,925490     | 6,925430        | 6,925510        | 6,926430        | 6,926430        | 6,927010        |
| Dkr       | 7,882970     | 7,891970        | 7,897410        | 7,902260        | 7,902260        | 7,906000        |
| £Irl      | 0,768937     | 0,768761        | 0,769178        | 0,769143        | 0,769143        | 0,771171        |
| £         | 0,725906     | 0,728548        | 0,730787        | 0,733135        | 0,733135        | 0,739671        |
| Lit       | 1 516,19     | 1 518,45        | 1 520,20        | 1 522,41        | 1 522,41        | 1 528,35        |
| Dr        | 190,05100    | 192,56000       | 194,82000       | 197,21800       | 197,21800       | 204,86000       |
| Esc       | 179,13300    | 179,95600       | 180,98700       | 182,01700       | 182,01700       | 185,56600       |
| Pta       | 131,75400    | 132,22500       | 132,64700       | 133,08600       | 133,08600       | 134,31700       |

## COMMISSION REGULATION (EEC) No 190/90

of 25 January 1990

repealing Regulation (EEC) No 1277/88 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Israel

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 1627/75 of 26 June 1975 on imports of lemons originating in Israel<sup>(1)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 1277/88 of 5 February 1987<sup>(2)</sup> applied the duty in the Common Customs Tariff to imports of lemons originating in Israel;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1627/75, 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 Israeli products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1627/75 are fulfilled; whereas Regulation (EEC) No 1277/88 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Commission Regulation (EEC) No 1277/88 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 165, 28. 6. 1975, p. 9.

<sup>(2)</sup> OJ No L 121, 11. 5. 1988, p. 48.

**COMMISSION REGULATION (EEC) No 191/90**  
**of 25 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 162/90<sup>(4)</sup>;

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 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 187, 1. 7. 1989, p. 13.

<sup>(4)</sup> OJ No L 19, 24. 1. 1990, p. 12.

## ANNEX

to the Commission Regulation of 25 January 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 29,38 <sup>(1)</sup> |
| 1701 11 90 | 29,38 <sup>(1)</sup> |
| 1701 12 10 | 29,38 <sup>(1)</sup> |
| 1701 12 90 | 29,38 <sup>(1)</sup> |
| 1701 91 00 | 33,64                |
| 1701 99 10 | 33,64                |
| 1701 99 90 | 33,64 <sup>(2)</sup> |

<sup>(1)</sup> 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).

<sup>(2)</sup> 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 192/90

of 25 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 129/90 <sup>(4)</sup>;

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 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 382, 30. 12. 1989, p. 13.

<sup>(4)</sup> OJ No L 15, 19. 1. 1990, p. 12.

## ANNEX

to the Commission Regulation of 25 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<br>of sucrose content and per 100 kg net<br>of the product in question | Amount of levy per 100 kg of dry matter |
|------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1702 20 10 | 0,3364                                                                                                   | —                                       |
| 1702 20 90 | 0,3364                                                                                                   | —                                       |
| 1702 30 10 | —                                                                                                        | 46,44                                   |
| 1702 40 10 | —                                                                                                        | 46,44                                   |
| 1702 60 10 | —                                                                                                        | 46,44                                   |
| 1702 60 90 | 0,3364                                                                                                   | —                                       |
| 1702 90 30 | —                                                                                                        | 46,44                                   |
| 1702 90 60 | 0,3364                                                                                                   | —                                       |
| 1702 90 71 | 0,3364                                                                                                   | —                                       |
| 1702 90 90 | 0,3364                                                                                                   | —                                       |
| 2106 90 30 | —                                                                                                        | 46,44                                   |
| 2106 90 59 | 0,3364                                                                                                   | —                                       |

## COMMISSION REGULATION (EEC) No 193/90

of 25 January 1990

introducing a countervailing charge on cabbage lettuces originating in the United States of America

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

Whereas Commission Regulation (EEC) No 3103/89 of 16 October 1989 fixing for the 1989/90 marketing year the reference prices for cabbage lettuces<sup>(3)</sup> fixed the reference price for products of class I at ECU 75,60 per 100 kilograms net for the months of January and February 1990;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74<sup>(4)</sup>, as last amended by

Regulation (EEC) No 3811/85<sup>(5)</sup>, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for cabbage lettuces originating in the United States of America the entry prices calculated in this way have for seven consecutive market days been alternatively above and below the reference price; whereas three of these entry prices are at least ECU 0,6 below the reference prices; whereas a countervailing charge should therefore be introduced for these cabbage lettuces;

Whereas, if the system is to operate normally, the entry price 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(7)</sup>,
- 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,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of ECU 4,49 per 100 kilograms net is applied to cabbage lettuces (CN code 0705 11 10) originating in the United States of America.

*Article 2*

This Regulation shall enter into force on 27 January 1990.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 1 February 1990.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 12.

<sup>(3)</sup> OJ No L 298, 17. 10. 1989, p. 8.

<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 368, 31. 12. 1985, p. 1.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 194/90

of 25 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3707/89 <sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 <sup>(2)</sup>,

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 <sup>(3)</sup>, 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 <sup>(4)</sup>, as amended by Regulation (EEC) No 1607/71 <sup>(5)</sup>;

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 <sup>(6)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(7)</sup>,
- 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,

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 363, 13. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

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

<sup>(5)</sup> OJ No L 168, 27. 7. 1971, p. 16.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> 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 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 25 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              | 188,00           |
| 1103 11 10 200 | 01              | 178,00           |
| 1103 11 10 500 | 01              | 159,00           |
| 1103 11 10 900 | 01              | 150,00           |
| 1103 11 90 100 | 01              | 83,00            |
| 1103 11 90 900 | —               | —                |

(<sup>1</sup>) 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.

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*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 195/90

of 25 January 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 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3707/89 <sup>(2)</sup>,

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 <sup>(3)</sup>,

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 <sup>(4)</sup>, as last amended by Regulation (EEC) No 1906/87 <sup>(5)</sup>, 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 <sup>(6)</sup> 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 <sup>(7)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(8)</sup>,
- 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 preceding indent and the aforesaid coefficient;

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

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 363, 13. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975, p. 65.

<sup>(5)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(6)</sup> OJ No L 131, 22. 5. 1975, p. 15.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

This Regulation shall enter into force on 26 January 1990.

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

Done at Brussels, 25 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 25 January 1990 fixing the corrective amount applicable  
to the refund on cereals

(ECU/tonne)

| Product code   | Destination (1) | Current<br>1 | 1st period<br>2 | 2nd period<br>3 | 3rd period<br>4 | 4th period<br>5 | 5th period<br>6 | 6th period<br>7 |
|----------------|-----------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 0709 90 60 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 0712 90 19 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1001 10 10 000 | 01              | 0            | 0               | 0               | 0               | —               | —               | —               |
| 1001 10 90 000 | 01              | 0            | 0               | 0               | 0               | - 40,00         | - 40,00         | - 40,00         |
| 1001 90 91 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1001 90 99 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1002 00 00 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1003 00 10 000 | 01              | 0            | 0               | 0               | 0               | —               | —               | —               |
| 1003 00 90 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1004 00 10 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1004 00 90 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1005 10 90 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1005 90 00 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1007 00 90 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1008 20 00 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1101 00 00 110 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1101 00 00 120 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1101 00 00 130 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1101 00 00 150 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1101 00 00 170 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1101 00 00 180 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1101 00 00 190 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1101 00 00 900 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1102 10 00 100 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1102 10 00 200 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1102 10 00 300 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 1102 10 00 500 | 01              | 0            | 0               | 0               | 0               | 0               | - 30,00         | - 30,00         |
| 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               | - 50,00         | - 50,00         |
| 1103 11 90 900 | —               | —            | —               | —               | —               | —               | —               | —               |

(1) 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).

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 22 January 1990

authorizing extension or tacit renewal of certain trade agreements concluded  
between Member States and third countries

(90/37/EEC)

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 Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements <sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas extension or tacit renewal beyond the end of the transitional period was last authorized in the case of the Agreements and Protocols listed in the Annex by Decision 89/54/EEC <sup>(2)</sup>;

Whereas the Member States concerned have, with a view to avoiding any disruption of their commercial relations with third countries concerned based on Agreement, requested authorization to extend or renew the abovementioned Agreements;

Whereas, however, most of the areas covered by these national Agreements are henceforth the subject of Community Agreements; whereas, in this situation, there should be authorization for the maintenance of national Agreements only for those areas not covered by

Community Agreements; whereas, in addition, such authorization should not, therefore, adversely affect the obligation incumbent upon the Member States to avoid and, where appropriate, to eliminate any incompatibility between such Agreements and the provisions of Community law;

Whereas the provisions of the Agreements to be either prolonged or renewed should not furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have declared that the extension or tacit renewal of these Agreements would neither constitute an obstacle to the opening of Community negotiations with the third countries concerned and the transfer of the commercial substance of those Agreements to Community Agreements nor, during the period under consideration, hinder the adoption of the measures necessary to complete the standardization of the import arrangements of the Member States;

Whereas, at the conclusion of the consultations provided for in Article 2 of Decision 69/494/EEC, it was established, as the aforesaid declarations by the Member States concerned confirm, that the provisions of the Agreements to be extended or renewed would not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, in these circumstances, the Agreements concerned may be either extended or tacitly renewed for a limited period,

<sup>(1)</sup> OJ No L 326, 29. 12. 1969, p. 39.

<sup>(2)</sup> OJ No L 23, 27. 1. 1989, p. 44.

HAS ADOPTED THIS DECISION:

*Article 2*

This Decision is addressed to the Member States.

*Article 1*

The Trade Agreements and Protocols between Member States and third countries, as listed in the Annex hereto, may be extended or tacitly renewed up to the dates indicated for each of them for those areas not covered by Agreements between the Community and the third countries concerned and insofar as their provisions are not contrary to existing common policies.

Done at Brussels, 22 January 1990.

*For the Council*

*The President*

M. O'KENNEDY

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

| Estado miembro | País tercero                                                 | Naturaleza y fecha del Acuerdo                                                                                                                                                                                                              | Prorrogado o tácitamente reconducido hasta el                                         |
|----------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Medlemsstat    | Tredjeland                                                   | Aftalens art og datering                                                                                                                                                                                                                    | Udløb efter forlængelse eller stiltiende videreførelse                                |
| Mitgliedstaat  | Drittland                                                    | Art und Datum des Abkommens                                                                                                                                                                                                                 | Ablauf nach Verlängerung oder stillschweigender Verlängerung                          |
| Κράτος μέλος   | Τρίτη χώρα                                                   | Φύση και ημερομηνία της συμφωνίας                                                                                                                                                                                                           | Ημερομηνία λήξεως κατόπιν της παρατάσεως ή της σιωπηρής ανανεώσεως                    |
| Member State   | Third country                                                | Type and date of Agreement                                                                                                                                                                                                                  | Prolonged or tacitly renewed until                                                    |
| État membre    | Pays tiers                                                   | Nature et date de l'accord                                                                                                                                                                                                                  | Échéance après prorogation ou tacite reconduction                                     |
| Stato membro   | Paese terzo                                                  | Natura e data dell'accordo                                                                                                                                                                                                                  | Scadenza dopo la proroga o il tacito rinnovo                                          |
| Lid-Staat      | Derde land                                                   | Aard en datum van het akkoord                                                                                                                                                                                                               | Vervaldatum na al dan niet stilzwijgende verlenging                                   |
| Estado-membro  | País terceiro                                                | Natureza e data do acordo                                                                                                                                                                                                                   | Prorrogado ou tacitamente renovado até                                                |
| BENELUX        | Tunisie/<br>Tunesië                                          | Accord commercial/<br>Handelsakkoord<br>1. 8. 1958                                                                                                                                                                                          | 31. 3. 1991                                                                           |
| DANMARK        | Schweiz                                                      | Vareudvekslingsaftale<br>15. 9. 1951                                                                                                                                                                                                        | 31. 12. 1990                                                                          |
| DEUTSCHLAND    | Indonesien<br>Südkorea                                       | Handelsabkommen vom<br>Handelsabkommen vom<br>22. 4. 1953<br>8. 4. 1965                                                                                                                                                                     | 31. 3. 1991<br>7. 4. 1991                                                             |
| ΕΛΛΑΔΑ         | Αίγυπτος<br>Μαρόκο<br>Τουρκία<br>Ινδία<br>Ισραήλ<br>Πακιστάν | Εμπορική συμφωνία<br>Εμπορική συμφωνία<br>Εμπορική συμφωνία<br>Εμπορική συμφωνία<br>Εμπορική συμφωνία<br>Εμπορική συμφωνία<br>1. 1. 1979<br>1. 11. 1961<br>7. 11. 1953<br>31. 1. 1973<br>30. 1. 1969<br>17. 1. 1963                         | 1. 1. 1991<br>1. 11. 1990<br>7. 11. 1990<br>31. 1. 1991<br>30. 1. 1991<br>17. 1. 1991 |
| ESPAÑA         | Camérún<br>Chile<br>Gabón<br>Jordania<br>Túnez               | Acuerdo comercial<br>Convenio comercial y de<br>cooperación económica<br>Acuerdo de cooperación económica<br>y comercial<br>Acuerdo comercial<br>Acuerdo comercial<br>4. 2. 1964<br>9. 3. 1977<br>6. 2. 1976<br>16. 12. 1980<br>20. 4. 1961 | 4. 2. 1991<br>2. 3. 1991<br>6. 2. 1991<br>16. 12. 1990<br>20. 4. 1991                 |

|          |                               |                                            |              |              |
|----------|-------------------------------|--------------------------------------------|--------------|--------------|
| FRANCE   | Afrique du Sud <sup>(1)</sup> | Échanges de lettres                        | 18. 4. 1964  | 31. 12. 1990 |
|          | Corée du Sud                  | Échange de lettres                         | 12. 3. 1963  | 31. 3. 1991  |
|          | Inde <sup>(1)</sup>           | Accord commercial<br>et échange de lettres | 19. 10. 1959 | 31. 12. 1990 |
|          | Irak                          | Accord commercial                          | 25. 9. 1967  | 25. 3. 1991  |
|          | Liban                         | Accord commercial                          | 25. 3. 1955  | 10. 4. 1991  |
| ITALIA   | Corea del Sud                 | Accordo commerciale                        | 9. 3. 1965   | 8. 3. 1991   |
|          | El Salvador                   | Accordo commerciale                        | 30. 3. 1953  | 31. 3. 1991  |
|          |                               | Protocollo addizionale                     | 21. 12. 1955 |              |
|          | Indonesia                     | Accordo commerciale                        | 23. 3. 1951  | 31. 3. 1991  |
|          | Iran                          | Scambio di note                            | 29. 1. 1958  | 9. 2. 1991   |
|          |                               |                                            | 23. 3. 1961  |              |
|          | Israele                       | Accordo commerciale                        | 5. 3. 1954   |              |
|          |                               | Scambio di lettere                         | 5. 1. 1956   |              |
|          |                               |                                            | 21. 10. 1956 | 31. 3. 1991  |
|          |                               | Processi verbali                           | 11. 2. 1964  |              |
|          | Iugoslavia                    | Accordo commerciale                        | 1. 7. 1967   |              |
|          |                               | Protocollo e scambio<br>di note successivo | 30. 4. 1969  | 31. 12. 1990 |
| PORTUGAL | Repubblica<br>dominicana      | Accordo commerciale                        | 18. 2. 1954  | 11. 3. 1991  |
|          | Cabo Verde                    | Acordo comercial                           | 20. 4. 1980  | 20. 4. 1991  |
|          | Egipto                        | Acordo comercial                           | 20. 3. 1983  | 20. 3. 1991  |
|          | Moçambique                    | Acordo comercial                           | 25. 5. 1981  | 25. 5. 1991  |
|          | São Tomé e Príncipe           | Acordo comercial                           | 17. 7. 1978  | 17. 7. 1991  |
|          | Tanzânia                      | Acordo comercial                           | 30. 7. 1975  | 30. 7. 1991  |

<sup>(1)</sup> Prorogation par échange de notes.

# COMMISSION

## COMMISSION DECISION

of 13 December 1989

relating to a proceeding under Article 85 of the EEC Treaty

(IV/32.026 — Bayo-n-ox)

(Only the German text is authentic)

(90/38/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<sup>(1)</sup>, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 3 (1) thereof,

Having regard to the Commission's decision of 22 November 1988 to initiate proceedings upon its own initiative,

Having given the parties the opportunity of being heard on the matters to which the Commission has taken objection, in accordance with Article 19 (1) of Regulation No 17 in conjunction with Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Articles 19 (1) and (2) of Council Regulation No 17<sup>(2)</sup>,

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

Whereas :

### I. THE FACTS

#### 1. The subject of the proceeding

- (1) This proceeding relates to agreements that were in force from 10 July 1986 to 13 November 1989 between Bayer AG, Leverkusen, and its customers specified in the Annex in respect of the product 'Bayo-n-ox Premix 10 %', under which these customers were required to use the product only to cover their own requirements in their own works.

#### 2. The undertakings

- (2) Bayer AG is a chemicals undertaking with a worldwide group turnover of DM 40,5 billion (1988) and holdings in a large number of undertakings.
- (3) The customers of Bayer AG which purchase from it the product 'Bayo-n-ox Premix 10 %', are undertakings operating in the feedingstuffs industry which as a rule process the product with other active substances or additives into either premixes or finished feeds.

#### 3. The product

- (4) The product 'Bayo-n-ox Premix 10 %' (hereinafter referred to as 'Bayo-n-ox') consists in particular of the active substance 'Olaquinox' (10 %), with limestone grit (calcium carbonate) as the carrier. It was introduced on to the market in 1976 under the protected trade mark 'Bayo-n-ox'.
- (5) Bayo-n-ox is a growth promoter. The active substance contained in it, when used as an additive in feedingstuffs, leads to an improvement in feed conversion and in daily weight gain. Within the European Community, the ingredient may be used for pigs up to four months old.
- (6) Feedingstuff additives with the active substance 'Carbodox' (manufactured by the firm Pfizer), which like 'Olaquinox' belongs to the 'Quinoxaline' group, and feedingstuff antibiotics produced by a fermentation process are other growth promoters used for pigs.

- (7) In several Member States, Bayo-n-ox was and is protected by industrial property rights. The patents relate to the active substance, the manufacturing process and/or the final product. In 1985, patent protection expired in respect of a non-dust-free formulation in Germany and Denmark. In France, the Netherlands and Belgium, patent protection continued to apply up to 1988.

<sup>(1)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

<sup>(2)</sup> OJ No 127, 20. 8. 1963, p. 2268/63.

- (8) The active substance contained in Bayo-n-ox is manufactured by Bayer AG. Processing into the final product is carried out within the Community in Germany, Spain and Italy (where a mixture with a 1 % active substance content is used exclusively for medical purposes) by undertakings belonging to the Bayer group and in Greece.

#### 4. The distribution system

- (9) Apart from Greece, the United Kingdom and Ireland, where Bayo-n-ox is distributed by undertakings linked to Bayer AG by licensing agreements, distribution of the product within the Community is carried out by undertakings belonging to the Bayer group. These distribution companies sell Bayo-n-ox only direct to approved undertakings in the feedingstuffs industry (premix and feedingstuff manufacturers). The product is not sold to dealers.

#### 5. The market

##### (a) Federal Republic of Germany

- (10) Bayer AG estimates that the total German market (Quinoxalines and feedingstuff antibiotics produced by a fermentation process) for growth promoters in 1985 was 230 tonnes of active substance. This would mean that Bayer AG had market share of [...] % <sup>(1)</sup> in that year.

- (11) The prices (before discount, free at domicile, excluding VAT) charged by Bayer AG to its (German) customers amounted:

in 1982 to between DM [...] and DM [...] (ECU [...] — [...])

in 1983 to between DM [...] and DM [...] (ECU [...] — [...])

in 1984 to between DM [...] and DM [...] (ECU [...] — [...])

in 1985 to between DM [...] and DM [...] (ECU [...] — [...])

in 1986 (January to September) to between DM [...] and DM [...] (ECU [...] — [...]) <sup>(2)</sup>.

Bayer AG's gross revenue in the Federal Republic of Germany amounted to DM [...] in 1986, DM [...] in 1987 and DM [...] in 1988.

##### (b) France

- (12) The market share of Bayo-n-ox on the French market for growth promoters, including feedingstuff antibiotics manufactured by a fermentation process, amounted in 1985 to some [...] %.

- (13) Bayer Pharma SA, an undertaking belonging to the Bayer group, which is responsible for the distribution of Bayo-n-ox in France, charged the following average prices per kilogram for Bayo-n-ox:

1982 FF [...] (ECU [...])

1983 FF [...] (ECU [...])

1984 FF [...] (ECU [...])

1985 FF [...] (ECU [...])

1986 FF [...] (ECU [...]).

- (14) A comparison of the average monthly gross prices in Germany and France expressed in German marks shows the following:

|         | Germany | France |
|---------|---------|--------|
| 1/1986  | [...]   | [...]  |
| 2/1986  | [...]   | [...]  |
| 3/1986  | [...]   | [...]  |
| 4/1986  | [...]   | [...]  |
| 5/1986  | [...]   | [...]  |
| 6/1986  | [...]   | [...]  |
| 7/1986  | [...]   | [...]  |
| 8/1986  | [...]   | [...]  |
| 9/1986  | [...]   | [...]  |
| 10/1986 | [...]   | [...]  |
| 11/1986 | [...]   | [...]  |
| 12/1986 | [...]   | [...]  |
| 1/1987  | [...]   | [...]  |
| 2/1987  | [...]   | [...]  |
| 3/1987  | [...]   | [...]  |
| 4/1987  | [...]   | [...]  |
| 5/1987  | [...]   | [...]  |
| 6/1987  | [...]   | [...]  |
| 7/1987  | [...]   | [...]  |
| 8/1987  | [...]   | [...]  |
| 9/1987  | [...]   | [...]  |
| 10/1987 | [...]   | [...]  |
| 11/1987 | [...]   | [...]  |
| 12/1987 | [...]   | [...]  |
| 1/1988  | [...]   | [...]  |
| 2/1988  | [...]   | [...]  |
| 3/1988  | [...]   | [...]  |
| 4/1988  | [...]   | [...]  |
| 5/1988  | [...]   | [...]  |
| 6/1988  | [...]   | [...]  |
| 7/1988  | [...]   | [...]  |
| 8/1988  | [...]   | [...]  |
| 9/1988  | [...]   | [...]  |
| 10/1988 | [...]   | [...]  |
| 11/1988 | [...]   | [...]  |
| 12/1988 | [...]   | [...]  |
| 1/1989  | [...]   | [...]  |
| 2/1989  | [...]   | [...]  |
| 3/1989  | [...]   | [...]  |
| 4/1989  | [...]   | [...]  |
| 5/1989  | [...]   | [...]  |
| 6/1989  | [...]   | [...]  |

<sup>(1)</sup> In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 21 of Regulation No 17 concerning non-disclosure of business secrets.

<sup>(2)</sup> On the basis of annual average exchange rates. (Source: Eurostat).

(c) *Other Member States*

- (15) The market shares for Bayo-n-ox estimated by Bayer AG for 1985 amounted to between [...] % in Belgium and Luxembourg; [...] % in Italy, Spain and Greece, and [...] % in the Netherlands).
- (16) In Belgium/Luxembourg and the Netherlands at least, the trend in the sales prices charged for Bayo-n-ox by the Bayer distribution companies was comparable to the 1986/87 price trend in France. Gross revenue for Bayo-n-ox was as follows:

(in DM)

|      | Belgium/<br>Luxembourg | Netherland | France |
|------|------------------------|------------|--------|
| 1986 | [...]                  | [...]      | [...]  |
| 1987 | [...]                  | [...]      | [...]  |
| 1988 | [...]                  | [...]      | [...]  |

## 6. The agreements

- (17) On 12 June 1986, Bayer AG issued instructions to its sales department to make the following statement to Bayo-n-ox customers:

'Because of the current market situation, we are obliged to sell Bayo-n-ox at cut-rate prices not reflecting normal cost structures. In order to ensure the continued provision of a balanced service and in order to meet your quantitative requirements, we are prepared to grant long-term customers special prices (including a refund of DM [...] payable quarterly) to cover their *own requirements*. This cut-rate offer applies to quantities needed for customers' own requirements. The selling price for merchandise held for resale is DM [...] per kilogram.'

- (18) This 'own requirements' more was followed up by the following circular which Bayer AG sent to all its German Bayo-n-ox customers on 10 and 11 July 1986:

'Bayo-n-ox

Dear Sir,

We wish to confirm to you the agreements applying between us in respect of Bayo-n-ox in the following terms:

The amounts of Bayo-n-ox supplied to you are used exclusively to cover your own requirements in your own works.

For such purchase for your own use, we charge you the special price of DM [...] per kilogram of premix 10 %.

Please confirm your agreement on the attached duplicate of this letter and return it to us.

Thank you for your cooperation.

Yours faithfully,

- (19) The 'special prices' referred to in the circular vary from customer to customer, ranging from DM [...] to DM [...] per kilogram. All Bayer AG's customers purchased Bayo-n-ox at these 'special prices' as from 11 July 1986. The prices specified in the circulars were intended, Bayer AG explained to the Commission, to constitute an incentive to customers to process in their own works the Bayo-n-ox purchased from Bayer AG. The prices specified were virtually identical to the prices for generic products, with the result that there was no longer any incentive to use cheaper generic products while at the same time making 'improper' (as Bayer AG claimed) use of Bayo-n-ox. The purpose of the price applying to merchandise held for resale was to prevent such resale through the unrealistic price level set.

- (20) The undertaking listed in the Annex under heading A [...] confirmed their agreement in writing to Bayer AG. The undertakings listed in the Annex, [...] under heading B gave an amended confirmation, though without excluding the principle of own use. One undertaking expressly rejected Bayer AG's letter. All of Bayer AG's other Bayo-n-ox customers did not state their position in writing (listed in the Annex [...] under heading C). Bayer AG states that it did not impose any sanctions either against undertakings which did not confirm the circular of 10 and 11 July 1986 nor against undertakings which confirmed the letter, but marketed Bayo-n-ox despite the commitment given.

- (21) Bayer AG claims that, before 10 and 11 July 1986, Bayo-n-ox was in a series of instances mixed with other, lower quality Olaquinox preparations. It alleges that Bayo-n-ox was also distributed direct to animal owners and used by them improperly outside the approved range of application or in higher doses for therapeutic purposes in animals suffering from diarrhoea. So as to prevent this in future, it claims, it required its customers to purchase Bayo-n-ox only for use in their own works. In this way, it claims, its intention was to prevent cross supplies of Bayo-n-ox from one feedingstuffs undertaking to another (direct or via a dealer) and to reduce the risk of a deterioration in quality through mixture with inferior Olaquinox

preparations. Furthermore, Bayer AG argues, providing cross supplies to feedingstuff undertakings infringes Article 21 of the German Feedingstuffs Order. Any feedingstuffs undertaking supplied by it would be committing an offence if it resupplied Bayo-n-ox to a non-approved undertaking. However, those responsible in Bayer AG would also be committing an offence if, in the knowledge of such infringements, they were to supply a dealer with Bayo-n-ox. The purpose of the measures taken, it is argued, is 'to prevent uncontrolled trade in Bayo-n-ox through distribution channels that are not legally authorized, so as to prevent any misuse of Bayo-n-ox that might endanger the health of man and beast, to prevent loss of marketability and involvement in offences against German feedingstuffs law that are liable to incur fines, to prevent product liability claims and, lastly, to prevent any adverse effect on the good name and reputation of Bayo-n-ox'. Bayer AG argues that counselling by its trained staff and sale of the growth promoter, which requires correct application, form a whole and are inseparable.

- (22) In a memo from Bayer AG's legal department, the background to the circular is explained as being the expiry of the Bayo-n-ox patent in Germany, while protection continued to exist in other Community countries. This had led to a price differential between Germany and such other Community countries, resulting in transactions between individual German feedingstuffs manufacturers and importers from other Community countries that were contrary to German law on feedingstuffs.

#### 7. Trade outside the distribution system

##### *(a) Before the end of patent protection in Germany*

- (23) Already in 1981, the average price for Bayo-n-ox in France had to be reduced from FF [...] to FF [...] as a result of imports from Belgium.
- (24) As from 1982, imports from Italy and Spain between a constant problem for the French Bayer distribution undertaking, which was as a result compelled continually to revise its selling prices downwards. In the short term, it was possible to maintain the selling prices by granting rebates in kind.
- (25) As a result of wide-ranging measures in which all the Bayer distribution undertakings concerned were involved, an attempt was made, with at least some success, to determine the sources of the import.

- (26) When in 1983 a French Bayo-n-ox customer was identified as the source of exports to Switzerland, the customer's supplies were quantitatively limited by the French Bayer distribution undertaking.

##### *(b) After the end of patent protection in Germany*

- (27) When, at the beginning of October 1985, the patent protection of 'Olaquinox' expired for Bayer AG and the active substance then became available on the German market from other manufacturers as well, the prices for Bayo-n-ox in Germany were DM [...] per kilogram. Already on 25 October 1985, because of the immediate onset of parallel imports, the French Bayer distribution undertaking was compelled to reduce its prices from FF [...] to FF [...]. Despite the extensive grant of rebates in kind, prices subsequently had to be further cut on a continuous basis.
- (28) In January 1986, Bayer AG realized that not only the trade was involved in the parallel imports, but that large feedingstuffs manufacturers, which in any case exchanged raw materials if and when required in Benelux and in France, were also involved in the transactions.
- (29) The Belgian Bayer distribution undertaking thought the flow of goods took place as follows: a Bayer AG customer buys Bayo-n-ox at DM [...] per kilogram, but then uses another Olaquinox product at DM 6,50 per kilogram. The Bayo-n-ox is then resold in countries with Bayo-n-ox patent protection. Bayer AG confirmed this assumption during the course of this proceeding. It stated that 'because of the expiry of patent protection on the one hand and the availability of generic products on the other ... Bayo-n-ox customers began to purchase Bayo-n-ox, but then to mix generic products into the feedingstuffs in their works and to resell the Bayo-n-ox which they had not themselves used in an uncontrolled manner that was contrary to the prohibition'.
- (30) In April 1986, a repurchase scheme started in January 1986 was called to a halt. A careful analysis was supposed to allow identification of the German source from which the Bayo-n-ox found in the other Member States originated.
- (31) A certain quantity of Bayo-n-ox, which had been purchased in the Netherlands, originated from a 21 March 1986 delivery to the firm [...], although the latter had given an undertaking to Bayer AG that it would purchase goods only for its own requirements (according to [...], the goods had been stolen).

## 8. The proceeding

- (32) As part of its enquiries, the Commission sent requests for information to a number of Bayer AG's German Bayo-n-ox customers pursuant to Article 11 of Regulation No 17. Bayer AG learned of this and, on 15 December 1987, sent a letter to its customers<sup>(1)</sup>, setting out the background to the measures it had taken and containing the following wording:

'Dear Sir or Madam,

It has come to our attention that the Commission of the European Communities has sent requests for information to a number of our German Bayo-n-ox customers, possibly including you. ... We recommend that you answer the Commission's questions along the following lines:

Upon your confirmation of our letter of 10 and 11 July 1986, you were paid the bonus as agreed. You purchased Bayo-n-ox for processing in your own works. You did not engage in trade in Bayo-n-ox either before or after July 1986. You assume that Bayer wanted, for quality protection reasons, to prevent as far as possible legally unauthorized practices in the use of Bayo-n-ox. The only business documents in this connection are the abovementioned Bayer letter of 10 and 11 July 1986 and your confirmation of 16 July 1986'.

- (33) On 29 August 1989, Bayer AG notified the Commission of a planned addition to its terms and conditions of sale. This was changed on ... The subject of this notification is significantly different to that of the present proceedings, and shall therefore, be considered in the framework of a subsequent procedure.

In a circular dated 13 November 1989, Bayer AG expressly withdrew its previous circulars dated 10 and 11 July 1986.

## 9. The current situation regarding Community rules

- (34) A number of provisions concerning additives in feedingstuffs laid down in the Member States by law and regulations were harmonized by Council Directive 70/524/EEC<sup>(2)</sup>, as last amended by Commission Directive 88/483/EEC<sup>(3)</sup>. Olaquinox is an additive listed in Annex I to the Directive and may therefore be used for an indefinite period as an additive in feedingstuffs<sup>(4)</sup>. Manufacturers of growth promoters and of premixes and compound

feedingstuffs manufactured with it and intermediaries must comply with the requirements set out in Annex III to the Directive. Each Member State must publish a list of manufacturers annually. At the final marketing stage, growth promoters may be sold only to manufacturers of premixes and, in the form of premixes, only to manufacturers of compound feedingstuffs who meet the minimum requirements laid down in Annex III.

Olaquinox was first included in Annex II pursuant to Commission Directive 76/933/EEC<sup>(5)</sup>. The products listed in Annex II are additives whose effect on the health of human beings and animals cannot yet be conclusively assessed. Authorization for Member States to approve Olaquinox as an additive in feedingstuffs was extended on several occasions. Pursuant to Commission Directive 85/520/EEC<sup>(6)</sup>, 3 December 1986 was set as the final date.

Bayer AG claims that, in this phase which is of such importance for the future marketing of the product, maintenance of the marketability of the product was the primary factor. It had had to take all possible steps to prevent any negative public discussion of the product. A particular danger had been posed by the uncontrolled trade in Bayo-n-ox contrary to the prohibition laid down.

In the interests of maintaining marketability, therefore, Bayer had been obliged to do everything possible to prohibit such uncontrolled trade in Bayo-n-ox in a situation in which the further authorization of the product was in any case extremely doubtful.

## II. LEGAL ASSESSMENT

### 1. Article 85 (1) of the Treaty

- (35) The agreements which were in force from 10 July 1986 to 13 November 1989 between Bayer AG and its customers listed in the Annex, under which such customers were required to use Bayo-n-ox exclusively to cover their own requirements in their own works, are incompatible with the common market and prohibited under Article 85 (1) of the Treaty.

#### (a) *Agreements between undertakings*

- (36) Bayer AG's circular of 10 and 11 July 1986 confirms 'existing agreements'. At the same time, the recipients are asked to state that they agree that supplies at the specified special prices are provided to cover their own requirements.

<sup>(1)</sup> The content of the letter to customers which did not confirm in writing the circular of 10 and 11 July 1986 is adapted accordingly.

<sup>(2)</sup> OJ No L 270, 14. 12. 1970, p. 1.

<sup>(3)</sup> OJ No L 237, 27. 8. 1988, p. 39.

<sup>(4)</sup> Council Directive 87/317/EEC (OJ No L 160, 20. 6. 1987, p. 34); see also Order of the President of the Court of Justice of the European Communities of 8 April 1987 in Case 65/87-R Pfizer, not yet reported.

<sup>(5)</sup> OJ No L 364, 31. 12. 1976, p. 18.

<sup>(6)</sup> OJ No L 323, 4. 12. 1985, p. 12.

(37) The question of whether and with which customers agreements containing such terms already existed before the circular was sent — the events in connection with the theft from the firm [...] (see paragraph 31), the explanatory instructions for the sales department (see paragraph 17) and the written confirmations provided by the undertakings listed in the Annex under headings A and B suggest that they did exist — may be left open.

(38) Bayer AG evidently supplied Bayo-n-ox to each customer as from 10 and 11 July 1986 at the relevant special prices only subject to the condition that the goods were used for the customer's own requirements. Even if they did not expressly state their agreement, all the Bayer AG customers listed in the Annex became parties to agreements within the meaning of Article 85 (1) containing this stipulation by the fact of their purchase of Bayo-n-ox at such special prices. In view of the fact that, in addition to the special prices for own requirements, Bayer AG offered a price for Bayo-n-ox which was not linked to any restriction on disposal (see paragraph 17), the decision to purchase the product at the special prices objectively involves tacit agreement to use the product for own requirements, unless this condition was expressly rejected, as one Bayer AG customer did.

*(b) Restriction of competition*

(39) The own-use requirement applying to the undertakings listed in the Annex has as its object and effect prevention of the resale of the product by such undertakings and hence also its export by them to other Member States. The very wording of the agreement makes it clear that such undertakings are to be ruled out as possible sources of supply for Bayo-n-ox. The position of the other actual or potential suppliers is thus artificially reinforced and competition on the supply side restricted.

(40) However, a restriction of competition within the meaning of Article 85 (1) would not exist, if Bayer AG customers were prohibited by law from trading in Bayo-n-ox.

(41) The agreements concluded with its customers were primarily intended, according to Bayer AG, to prevent trade in Bayo-n-ox through distribution channels not allowed by law. In this context, however, Bayer AG itself concedes that its customers would be acting improperly on the basis of the rules governing feedingstuffs only if they 'passed Bayo-n-ox on to a non-approved firm'.

(42) However, the own-use requirement applying to German purchasers of Bayo-n-ox on the basis of the agreement concluded with Bayer AG excludes any trade, i.e. it also excludes trade with authorized firms in the Federal Republic of Germany and

trade in other Member States. There are no legal provisions preventing an authorized undertaking operating in the feedingstuffs industry from also performing trading functions. However, the undertaking must comply with the provisions applying to each of such functions. Even if certain German Bayo-n-ox customers did in certain commercial transactions infringe the provisions relating to them as dealers, an agreement which in principle rules out any trading activity still has the effect of restricting competition.

(43) Lastly, Bayer AG invokes the principles of selective distribution, according to which a contractual restriction of the group of resellers does not constitute a restriction of competition provided that resellers are chosen on the basis of objective criteria of a qualitative nature relating to the technical qualifications of the reseller and his staff and his suitability of his trading premises and that such conditions are laid down uniformly for all potential resellers and are not applied in a discriminatory fashion<sup>(1)</sup>.

However, if it is to be unobjectionable from a competition policy point of view, selective distribution must in particular include freedom to trade within the network of authorized firms. Such freedom is not allowed in the case in point.

*(c) Object and effect of restricting competition*

(44) Article 85 (1) presupposes that the agreements in question have as their object or effect the restriction of competition.

(45) The term 'object' has an objective meaning in this context. It does not matter what the intention subjectively pursued by the parties was.

(46) The ban on trading in Bayo-n-ox is directly evident from the wording of the agreements. As far as examination of the applicability of Article 85 (1) is concerned, therefore, Bayer AG's contention that it did not pursue any anti-competitive object in requiring its customers to purchase only for their own requirements (see paragraph 21) is irrelevant. Furthermore, the ban also has the effect of restricting competition, since the scope of choice for third parties was affected by the conclusion of the agreements.

*(d) Appreciability of the restriction of competition*

(47) The question of whether there is an appreciable restriction of competition must be decided on the basis of the legal and economic context within which the agreements restraint of competition were concluded.

<sup>(1)</sup> Case 26/76, Metro [1977] ECR, p. 1875.

- (48) Because of the immediate competition which Bayo-n-ox had to face in the Federal Republic of Germany after the expiry of patent protection for Olaquinox and because of the resulting collapse in prices, each of Bayer AG's German customers became an economically attractive source of supply for Bayo-n-ox purchasers, at least in the adjoining Member States. The contractual elimination of almost all of these sources of supply restricts competition appreciably between the latter and the relevant Bayer distribution companies in particular.

(e) *Effect on trade between Member States*

- (49) The contractual ban on resale means that goods belonging to an undertaking cannot participate in trade between Member States. However, it remains to be examined whether the effect here is appreciable.
- (50) Although Bayer AG has organized its distribution system in such a way that only undertakings operating in the feedingstuffs industry are supplied, it is economically advantageous for such undertakings in circumstances such as the present to exercise trading activities (see paragraph 29).
- (51) Because of Bayer AG's 'own-requirements' measures, a number of undertakings are barred from trading activities which account for more than one [...] % of the German market for growth promoters used with pigs. Since, apart from transport costs, there are no other substantial barriers to access to other markets, it would be possible for Bayo-n-ox purchasers, at least in adjacent markets, to make their purchases from Bayer AG customers, a practice which did indeed actually take place on a considerable scale (see paragraphs 23 *et seq.*).
- (52) The agreements existing between Bayer AG and its customers thus partition a large proportion of the German market for growth promoters used with pigs from other Community markets and may therefore significantly affect trade between Member States.
- (53) The fact that, even after 10 and 11 July 1986, sales of Bayo-n-ox of German origin took place in the adjoining Member States and caused a further decline in prices there does not detract from the liability of the agreements to affect trade. The actual effects of an agreement which by its nature may affect trade have to be determined precisely in only a very small number of cases. Article 85 (1) does not require that an agreement in restraint of competition must be successful in achieving its desired effect<sup>(1)</sup>.

2. Article 85 (3) of the Treaty

- (54) The agreements which existed between Bayer AG and the undertakings listed in the Annex were not notified to the Commission in accordance with Article 4 (1) of Regulation No 17. Nor are they exempt from notification pursuant to Article 4 (1) of that Regulation, since in particular they relate to 'exports between Member States' within the meaning of Article 4 (2) (1) of the Regulation.
- (55) Even if the agreements had been notified or were exempt from notification, the provisions of Article 85 (1) could not be declared inapplicable to the agreements pursuant to Article 85 (3).
- (56) The agreements do not improve the production or distribution of goods or contribute to technical or economic progress within the Community. On the contrary, they are liable to compartmentalize a large proportion of an aggregate, cross-frontier market and are therefore *prima facie* incompatible with the principles of the EEC. In particular, Bayer AG's contention that counselling and sales form an inseparable whole that prevents resale of Bayo-n-ox by Bayer AG's customers does not stand up to examination. Any distribution system that is to be compatible with the common market presupposes that all customers who have acquired the product lawfully within the European Community will be provided with counselling and other necessary services throughout the European Community. Furthermore, the restrictions imposed on the German purchasers of Bayo-n-ox are not indispensable to the achievement of the objectives cited by Bayer AG (see paragraph 21). If Bayer AG's in fact been to prevent unlawful trade, the content of the agreement should have been restricted to this. For the rest, the question of whether restrictions of competitions arising from the assumption by undertakings of functions belonging to the regulatory authorities are exempt from the scope of Article 85 may in this context be left open.

3. Encroachment on the validity of patent rights

- (57) Bayer AG objects that a ban on the agreements would undermine its existing industrial property rights for Olaquinox in other Member States. Although it could in such countries continue to defend itself against competition in Olaquinox products manufactured by other producers, the distribution of German Bayo-n-ox, whose marketing terms are already geared to competitive pressure from other Olaquinox products, would in such countries lead to the same result.

<sup>(1)</sup> Established case law of the Court of Justice of the European Communities; Case 19/77, Miller International Schallplatten GmbH, [1978] ECR p. 131.

- (58) This objection does not stand up to scrutiny. The legal status of the Bayo-n-ox industrial property rights in other Member States will clearly not be affected by a ban on the agreements. Nor is the exercise of such rights affected to an extent which would wholly undermine their validity and thus infringe the common constitutional principles of the Member States which guarantee property rights in the community legal order.
- (59) The substance of a patent right or of an equivalent property right essentially consists in granting the inventor the exclusive right to bring the product on to the market before anyone else. If the inventor decides to sell the product in a Member State in which legal patent protection does not exist or no longer exists for the product, he must accept the consequences of such a decision in so far as trade within the common market is concerned<sup>(1)</sup>. The right to defend oneself in all the Member States of the Community in which patent protection still exists against products of other manufacturers that infringe patent law continues to apply without any restriction.
- (60) It is part of the Court's established case law that 'the proprietor of an industrial or commercial property right protected by the law of a Member State cannot rely on that law to prevent the importation of a product which has been lawfully marketed in another Member State by the proprietor himself or with his consent'<sup>(2)</sup>.
- (61) This principle applying to the legal content of the property right under the Community legal order may not be undermined by agreements falling within the scope of Article 85 (1)<sup>(3)</sup>.

#### 4. Termination of the infringement

- (62) Bayer AG, by distributing a new circular on 13 November 1989 effectively terminated its infringement of Article 85 (1) on that date.
- (63) It is not appropriate to limit the finding of the present infringement pursuant to Article 3 of Regulation 17 to that part of the agreement which goes beyond the legal restraints on the ability of purchasers freely to dispose of the goods acquired. There are no indications that Bayer AG and its customers wished such a limited agreement at all; the false legal interpretation adopted by Bayer AG of Article 21 of the German Feedstuffs Order (see paragraph 21) clearly refutes such a wish.

#### 5. Fine

- (64) A fine is imposed pursuant to Article 15 (2) of Regulation No 17 only on Bayer AG, since the agreements were concluded on the initiative and in the interests of Bayer AG.
- (65) Bayer AG intentionally infringed Article 85 from 10 July 1986 until 13 November 1989.
- (66) Bayer AG has not submitted business records clearly showing a direct link between the 'own-requirements' measures and the alleged intention (paragraph 21), nor does the Commission have in its possession any such records from another source. On the other hand, such intention cannot be disproved.
- (67) Nevertheless, the instructions to the sales department (paragraph 17) and the memo from the legal department described in paragraph 22 indicate that the competitive position in Germany and its impact on market conditions in other Member States were an important factor behind the initiation of the 'own-requirements' measures.
- (68) The infringement being assessed here is, moreover, particularly serious. In 1983, the Commission pointed out that export bans and market partitioning were particularly serious offences (13th Report on Competition Policy, point 62 *et seq.*). A further factor in this case is that, if the distribution system applied by the Bayer group is abused, it could jeopardize the attainment of the common market. This is because of the vertical integration of the distribution function into the Bayer group and because of the chosen distribution policy of supplying only undertakings in manufacturing industry. If supplies are then quantitatively restricted to the own requirements of the relevant purchaser, the partitioning of market is complete.
- (69) A further factor to be taken into account against Bayer AG is the fact that it obstructed the Commission's enquiries in this proceeding. As a result of the letter it sent to its Bayo-n-ox customers on 15 December 1987, the information provided by the undertakings concerned is of reduced value, since it cannot be determined to what extent such information was influenced by the relevant measure taken by Bayer AG.
- (70) The amount of the fine must take account of the turnover of Bayer AG and of the undertakings associated with it in Bayo-n-ox in the relevant geographical market (Federal Republic of Germany, France, Netherlands and Belgium/Luxembourg) as well as the economic importance of Bayer which is reflected by its total turnover,

<sup>(1)</sup> Case 187/80 Merck v. Stephar [1981] ECR, p. 2063.

<sup>(2)</sup> *Loc. cit.*, 2082 and the case law cited there.

<sup>(3)</sup> Case 258/78 Nungesser [1982] ECR, p. 2082.

HAS ADOPTED THIS DECISION:

*Article 1*

The agreements which were in force from 10 July 1986 to 13 November 1989 between Bayer AG and its customers, under which such customers were required to use 'Bayon-ox Premix 10 %' solely to cover their own requirements in their own works, constitute infringements of Article 85 of the EEC Treaty.

*Article 2*

A fine of ECU 500 000 is imposed on Bayer AG in respect of the infringement referred to in Article 1.

*Article 3*

The fine imposed in Article 2 shall be paid within three months of notification of this Decision to the following bank account:

No 310-0933000-43,  
Banque Bruxelles-Lambert,  
Agence européenne,  
5 Rond Point Schuman,  
B — 1040 Brussels.

After the expiry of that period, interest shall be automatically payable at the rate charged by the European Monetary Cooperation Fund for transactions in ecus on the first working day of the month in which this Decision was adopted, plus 3,5 percentage points, e.e. 14,25 %.

*Article 4*

This Decision is addressed to Bayer Aktiengesellschaft,  
D — 5090 Leverkusen.

Done at Brussels, 13 December 1989.

*For the Commission*

Leon BRITTAN

*Vice-President*

## COMMISSION DECISION

of 17 January 1990

on applications for import licences for Basmati rice submitted during the first five working days of the month of January 1990 under the arrangements provided for in Council Regulation (EEC) No 3877/86

(90/39/EEC)

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

Having regard to Council Regulation (EEC) No 3877/86 of 16 December 1986 on imports of rice of the long-grain aromatic Basmati variety falling within subheading ex 10.06 B I and II of the Common Customs Tariff<sup>(1)</sup>,

Having regard to Commission Regulation (EEC) No 833/87 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 subheading ex 10.06 B I or II of the Common Customs Tariff<sup>(2)</sup>, as amended by Regulation (EEC) No 1546/87<sup>(3)</sup>, and in particular Article 5 (1) thereof,

Whereas under Article 5 (1) of Regulation (EEC) No 833/87 the Commission must, not later than the 13th day after the expiry of the time limit for submitting applications for licences, notify the Member States:

- that licences may be issued in respect of all the quantities applied for, or
- that the standard percentage reduction should be applied to those quantities, or
- that the conditions for applying the reduced levy have not been met;

Whereas, in the light of the quantities for which applications have been submitted, the quantities available and Basmati rice price during the first five working days

of the month of January 1990, licences may be issued subject to the application of a percentage reduction,

HAS ADOPTED THIS DECISION:

*Article 1*

Import licences for Basmati rice falling within CN code 1006 may be issued, subject to the application, to the quantities applied for, of a standard reduction of 93,515 %, in cases where the applications for import licences were submitted, under the arrangements provided for in Regulation (EEC) No 3877/86, during the first five working days of the month of January 1990 and were the subject of the communication to the Commission provided for in Article 7 of Regulation (EEC) No 833/87.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 361, 20. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 80, 24. 3. 1987, p. 20.

<sup>(3)</sup> OJ No L 144, 4. 6. 1987, p. 10.

## COMMISSION DECISION

of 18 January 1990

on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland and Zimbabwe

(90/40/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 967/89 <sup>(2)</sup>, and in particular Article 22 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 3182/88 <sup>(4)</sup>, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 January 1990, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 February 1990, should be fixed within the scope of the total quantity of 30 000 tonnes to which should be added, where appropriate, automatically, the additional quantity of 8 100 tonnes referred to in Article 5 (2) and (3) of Regulation (EEC) No 486/85;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries <sup>(5)</sup>, as last amended by Directive 89/227/EEC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 January 1990 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

*United Kingdom*

195,0 tonnes originating in Botswana.

*Germany*

85,0 tonnes originating in Botswana.

*Article 2*

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of February 1990 in respect of the following quantities of boned beef and veal:

|            |                  |
|------------|------------------|
| Botswana   | 18 636,0 tonnes, |
| Kenya      | 142,0 tonnes,    |
| Madagascar | 7 579,0 tonnes,  |
| Swaziland  | 3 363,0 tonnes,  |
| Zimbabwe   | 8 100,0 tonnes.  |

*Article 3*

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 18 January 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(2)</sup> OJ No L 103, 15. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 13.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 93, 6. 4. 1989, p. 25.