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## Legislation

### Contents

#### I Acts whose publication is obligatory

- \* Council Regulation (EEC) No 385/90 of 12 February 1990 imposing a definitive anti-dumping duty on imports of potassium permanganate originating in Czechoslovakia and definitively collecting the provisional anti-dumping duty imposed on those imports ..... 1
- \* Council Regulation (EEC) No 386/90 of 12 February 1990 on the monitoring carried out at the time of export of agricultural products receiving refunds or other amounts ..... 6
- \* Council Regulation (EEC) No 387/90 of 12 February 1990 amending Regulation (EEC) No 475/86 laying down general rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ..... 8
- \* Council Regulation (EEC) No 388/90 of 12 February 1990 amending Regulation (EEC) No 822/87 on the common organization of the market in wine ..... 9
- Commission Regulation (EEC) No 389/90 of 15 February 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 10
- Commission Regulation (EEC) No 390/90 of 15 February 1990 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 12
- Commission Regulation (EEC) No 391/90 of 15 February 1990 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products ..... 14
- Commission Regulation (EEC) No 392/90 of 15 February 1990 fixing the amount of aid for peas, field beans and sweet lupins ..... 17
- Commission Regulation (EEC) No 393/90 of 15 February 1990 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty ..... 24

Price: ECU 12,00

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

|                                                                                                                                                                                                                                                                                                                                                                                        |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Commission Regulation (EEC) No 394/90 of 15 February 1990 fixing the export refunds on milk and milk products .....                                                                                                                                                                                                                                                                    | 26 |
| * Commission Regulation (EEC) No 395/90 of 15 February 1990 amending Regulation (EEC) No 3389/73 laying down the procedure and conditions for the sale of tobacco held by intervention agencies .....                                                                                                                                                                                  | 46 |
| * Commission Regulation (EEC) No 396/90 of 15 February 1990 derogating, for the 1990/91 marketing year, from Regulation (EEC) No 1599/84 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables in so far as the time limit for concluding delivery contracts is concerned and amending that Regulation ..... | 47 |
| Commission Regulation (EEC) No 397/90 of 15 February 1990 amending Commission Regulation (EEC) No 2918/89 on the sale at a price fixed in advance of unprocessed dried grapes (sultanas) from the 1988 harvest held by Greek storage agencies .....                                                                                                                                    | 48 |
| Commission Regulation (EEC) No 398/90 of 15 February 1990 fixing the amount of the subsidy on oil seeds .....                                                                                                                                                                                                                                                                          | 50 |
| Commission Regulation (EEC) No 399/90 of 15 February 1990 fixing the aid for cotton .....                                                                                                                                                                                                                                                                                              | 54 |
| Commission Regulation (EEC) No 400/90 of 15 February 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal .....                                                                                                                                                                                                                                        | 55 |

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II *Acts whose publication is not obligatory*

**Council**

90/61/EEC :

- \* Council Decision of 12 February 1990 authorizing the automatic renewal or maintenance in force of provisions governing matters covered by the common commercial policy contained in the friendship, trade and navigation treaties and similar agreements concluded between Member States and third countries .....

59

90/62/EEC :

- \* Council Decision of 12 February 1990 granting a Community guarantee to the European Investment Bank against losses under loans for projects in Hungary and Poland .....

68

## I

(Acts whose publication is obligatory)

# COUNCIL REGULATION (EEC) No 385/90

of 12 February 1990

imposing a definitive anti-dumping duty on imports of potassium permanganate originating in Czechoslovakia and definitively collecting the provisional anti-dumping duty imposed on those imports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

## A. Previous procedure

- (1) Following a complaint lodged by the European Council of Chemical Manufacturers' Federations (ECCMF) on behalf of a Community producer whose output represents the entire Community production of potassium permanganate, the Commission published a notice in the *Official Journal of the European Communities*<sup>(2)</sup> announcing the initiation of an anti-dumping proceeding concerning imports into the Community of potassium permanganate corresponding from 1 January 1988 to CN code ex 2841 60 00 (Taric code: 2841 60 00 \* 10), originating in Czechoslovakia, the German Democratic Republic and the People's Republic of China, and commenced an investigation.
- (2) Following the investigation which established, by Commission Regulation (EEC) No 2495/86<sup>(3)</sup>, the existence of dumping and injury, the Czechoslovak exporter, Chemapol Foreign Trade Co. Ltd, one exporter from the People's Republic of China and the exporter from the German Democratic Republic offered price undertakings.

- (3) Under the terms of the undertaking given by the Czechoslovak exporter, the abovementioned firm undertook to increase its export price by an amount considered sufficient to eliminate the injury caused by dumping. This undertaking was accepted by the Commission by Decision 86/589/EEC<sup>(4)</sup>.

## B. Breach of the undertaking and reopening of the proceeding

- (4) The Commission, having received a request from the complainant to investigate the non-compliance of the price undertaking, obtained evidence showing that potassium permanganate exported by Chemapol was again being imported into the Community market at a very low price, which indicated that the price undertaking was being breached and resulted in material injury to the Community producer, and decided<sup>(5)</sup>, having regard to the Czechoslovak exporter, to reopen the anti-dumping proceeding concerning imports of potassium permanganate originating in Czechoslovakia.

## C. Provisional action

- (5) The Commission, on the basis of the price violation and the injury resulting therefrom, withdrew its acceptance of the undertaking given by the Czechoslovak exporter and, by Regulation (EEC) No 2535/89<sup>(6)</sup>, imposed a provisional anti-dumping duty on imports of the product concerned originating in Czechoslovakia. That duty was extended for a maximum period of two months by Regulation (EEC) No 3844/89<sup>(7)</sup>.

## D. Subsequent procedure

- (6) The Commission officially informed the exporter and importers known to be concerned, the representatives of the exporting country and the

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 63, 18. 3. 1986, p. 5.

<sup>(3)</sup> OJ No L 217, 5. 8. 1986, p. 12.

<sup>(4)</sup> OJ No L 339, 2. 12. 1986, p. 32.

<sup>(5)</sup> OJ No C 216, 22. 8. 1989, p. 7.

<sup>(6)</sup> OJ No L 245, 22. 8. 1989, p. 5.

<sup>(7)</sup> OJ No L 374, 22. 12. 1989, p. 1.

Community producer of the reopening of the proceeding and gave the parties concerned the opportunity to answer the questionnaires addressed to them, to make known their views in writing and to request a hearing.

- (7) The Community producer and the Czechoslovak exporter returned the duly completed questionnaire to the Commission and made known their views in writing. Only four importers sent replies to the Commission's questionnaire, while the rest either answered that they were not concerned by the proceeding or, in most cases, did not reply at all.

However, replies sent by the exporter and importers, which made themselves known, covered only a part of the imports into the Community of potassium permanganate originating in Czechoslovakia registered in the official Community statistics. Therefore, dumping and the resulting injury had to be determined on the basis of facts available, in accordance with Article 7 (7) (b) of Council Regulation (EEC) No 2423/88. Thus, official statistics were used to fill the gap shown, in that respect, by imports reported in the replies obtained from the exporter and importers.

- (8) Upon request, the Community producer and the Czechoslovak exporter were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive duty and the definitive collection of the amounts secured by way of a provisional duty. The Czechoslovak exporter was also granted a period within which representations could be made. Comments made by the Community producer and the Czechoslovak exporter were considered prior to the Commission finalizing its conclusions.
- (9) The Commission sought and verified all information it deemed to be necessary for the purposes of a determination and carried out investigations on the premises of the following companies:

(a) *Community producer:*

— Industrial Química del Nalón SA, Oviedo, Spain;

(b) *Producer in the country of reference:*

— Carus Chemical Company, Ottawa, Illinois, USA;

(c) *Importers in the Community:*

— Hachemie — Hamburger Chemische GmbH, Hamburg, Federal Republic of Germany,

— Grillo Chemikalien GmbH, Duisburg-Hamborn, Federal Republic of Germany.

- (10) The Commission's investigation of dumping covered the period 1 July 1988 to 30 June 1989.

## E. Product under consideration

### I. Description of the product

- (11) The product which is subject of investigation is potassium permanganate and, at room temperature, appears as a crystalline solid of rhombic shape with a dark purple metallic sheen. It is a compound of manganese, potassium and oxygen whose manufacture requires two basic raw materials: pirolusite ore and caustic potash. By a two-step manufacturing procedure the raw materials are converted, by oxidation, first to potassium manganate and then to potassium permanganate.
- (12) The product is mainly available in three grades: technical, free-flowing and pharmaceutical. Technical and free-flowing grades are interchangeable in all uses.

### II. Like product

- (13) The Commission found that potassium permanganate produced in the Community and that exported from Czechoslovakia are like products in all essential physical and technical characteristics. It also verified that there are no differences between the product manufactured in Czechoslovakia and that produced in the United States which was chosen as reference country (see recitals 15 and 16).
- (14) The Council concludes that Czechoslovak imports are like products to potassium permanganate produced in the Community and the United States.

## F. Dumping

- (15) In establishing the existence of dumped imports from Czechoslovakia, the Commission had to take account of the fact that Czechoslovakia is not a market economy country and therefore had to base its calculations on the normal value of the product in a market economy country. For this purpose the complainant had suggested the choice of the United States as reference country. Since for the previous proceeding the United States had also been chosen as reference country, the Commission retained the complainant's suggestion and considered that the basis for comparison should once again be the selling price of the product on the United States market. The Czechoslovak exporter did not oppose this choice.
- (16) The Commission verified that in the United States there are no price controls and there is sufficient competition as a result of the presence of substantial imports from third countries; in addition, it was verified that prices charged by the US manufacturer on its domestic market are in a reasonable proportion to production costs and allow a profit margin. Therefore, the Council confirms the Commission's choice concerning the basis for determining the normal value.

- (17) Normal value was established on the basis of the comparable prices actually paid or payable in the ordinary course of trade for the like product on the United States market.
- (18) Sales on the American market considered for calculation of normal value were made to independent customers, at a comparable level of trade to export sales, at a profit and in substantial quantities. The weighted average of the prices of these sales were therefore considered to be representative of those on the American domestic market.
- (19) Export prices were determined, in general, on the basis of the prices actually paid or payable for the product sold for export to the Community. However, for 24 % of the exports taken into account, export prices were based, for the reasons given in recital 7, on official Community statistics duly adjusted.
- (20) In comparing normal value with export prices, the Commission took account, where circumstances permitted and where there was sufficient evidence, of differences affecting price comparability, in particular differences in quantities, delivery, payment terms and other selling expenses. All comparisons were effectively made at ex-works level.
- (21) These comparisons show the existence of dumped exports to the Community during the investigation period. The margins of dumping, calculated cif at Community frontier, before customs duty, based on cash payment terms, vary according to the export transaction and the importing Member State, and have a weighted average of 19,6 %. The Council confirms this definitive dumping margin.

#### G. Injury

- (22) The evidence available to the Commission shows that imports into the Community of potassium permanganate originating in Czechoslovakia, in spite of the existing undertaking, rose from 131 tons in 1987 to 384 tons in 1988, and amount to 166 tons on an extrapolated annual basis for 1989. Consequently, the exporting country's share of the Community market increased from 3,3 % in 1987 to 11,4 % in 1988 and reached 6,6 % during the first six months of 1989. These imports were concentrated on the markets of the Federal Republic of Germany and France, which account for 94 % of the volume of imports from Czechoslovakia into the Community since 1987.
- (23) Regarding prices of the imports concerned, their low level forced the Community producer to sell

the product in the Community market at prices which either did not cover on average the Community producer cost of production, in Community countries on which the imports concerned were present, or did not allow the said producer, in other Community countries, to make a reasonable profit. Import prices not only deprived the Community producer of price increases which normally would have occurred, but obliged the Community producer to decrease its prices in an attempt to hold its sales and market share.

- (24) As far as the impact of the imports on the situation of the Community producer is concerned, account had to be taken of the following factors:

- (a) the material injury suffered by the Community producer as a result of imports originating in Czechoslovakia up to the end of 1986 was initially alleviated by the price undertaking given by the Czechoslovak exporter at that time.

However, afterwards, potassium permanganate originating in that country was released for free circulation in the Community at prices clearly breaching the price agreed. Therefore, the relief of the Community industry did not last. Capacity utilization of the Community producer has remained, on average, during the last three years at the very low level of 33 %. In addition, stocks cumulated and reached 1 200 tons in June 1989, equivalent to one year sales;

- (b) Community producer sales of potassium permanganate in the Community decreased from 1 209 tons in 1987 to 713 tons in 1988 and to 402 tons on an extrapolated annual basis for 1989. This development of sales, compared with that of Community consumption, shows a market share held by the Community producer which decreased from 25,9 % in 1987 to 21,2 % in 1988 and to 16 % during the first six months of 1989;

- (c) the combined effects of suppression and depression of Community prices by import prices have increased losses incurred by the Community producer, which continues to be placed in a precarious financial situation;

- (d) despite the continuous production shutdowns suffered by the potassium permanganate division of the Community producer, employment for the 33 people working in that division has, until now, been maintained through transferring these employees to other divisions of the company during the production shutdowns. However, should the degenerating financial situation of the potassium permanganate operation continue and not be rapidly improved, it would

put at risk the continuity of the employment for these people.

- (25) In the light of the trends of the relevant economic factors referred to above, it appears that the situation of the Community producer has been adversely affected. This is especially witnessed by a loss of profitability, sales and market share. In these circumstances, it is concluded that the Community industry is suffering material injury. The Council confirms this conclusion.
- (26) As far as the dumped imports originating in Czechoslovakia are concerned, there is a clear parallelism and simultaneity between the increase in their volume and the loss of the market share and profitability of the Community producer. Since potassium permanganate is a price-sensitive product, the price decrease of the Czechoslovak imports resulting from the violation of the undertaking had an immediate effect on the Community producer as shown permanganate recital 23. The increase of the Community market share held by imports originating in Czechoslovakia also corresponds, to a certain degree, to the decrease in the market presence of the Community producer.
- (27) The Commission has considered whether injury has been caused by other factors such as changes in demand, a fall in exports by the Community producer to third countries or an increase in imports not subject to anti-dumping measures.

Consumption of potassium permanganate in the Community decreased by nearly 40 % when comparing consumption during the first six months of 1989, extrapolated at an annual basis, to that in 1987. However, this development in consumption could explain the decrease in sales of the Community producer but not the reduction of its market share. Thus, in that period, while imports from Czechoslovakia increased by almost 27 %, sales of the Community producer in the Community market decreased distinctly faster than Community consumption, and consequently its market share and profitability in the Community respectively decreased by 38 and 50 %.

Exports by the Community producer to third country markets, in particular to the United States, has remained stable, in volume and value, since 1987, and, therefore, could not explain the Community producer's loss of profitability.

Imports not subject to either anti-dumping measures or investigations, since 1987, have increased faster than the Community consumption and reached a market share of 54 % on the Community market during the first six months of

1989. More than 90 % of this market share is held by imports from the United States, Taiwan and Hong Kong. As regards imports from the United States, they have been made at prices far higher than those for the Czechoslovak product and there is no evidence of dumping.

Imports from Taiwan and Hong Kong have been excluded from the present proceeding pending the outcome of the Commission investigation, already in progress, concerning the origin of these imports. There are indications, as potassium permanganate is not likely to be produced in these countries, that these imports may originate in countries for which anti-dumping measures are in force.

Given the above, injury may also have been caused by imports originating in countries not concerned by the proceeding. However, these imports would only have contributed in part to the material injury found and would not affect the injurious impact of dumped imports originating in Czechoslovakia (see recital 26).

In these circumstances, it can be concluded that the dumped imports originating in Czechoslovakia in violation of the undertaking have had a discernible and material injurious impact on the Community industry. The Council confirms this conclusion.

#### H. Community interest

- (28) On the basis of the serious difficulties facing the Community producer concerned, failure to adopt measures to eliminate the injurious effects of the dumped imports originating in Czechoslovakia would put at risk the industry's survival, with the resulting adverse consequences on employment. In addition the multiple uses of potassium permanganate in environmental, agricultural and other, sometimes strategic, fields, make it necessary for the Community to keep the sole remaining Community producer. Moreover, the measures envisaged would have a negligible effect on prices for users in the Community in respect of final products in which potassium permanganate is incorporated.
- (29) The Czechoslovak exporter, having been informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive duty, offered to keep in force the previous undertaking. However, given the breach of the undertaking, its renewal would not afford the Community producer sufficient and reliable protection and would discriminate against exporters of the product concerned in other third countries honouring the undertakings given to the Commission.

Therefore, the Council has come to the conclusion that it is in the Community's interest that action should be taken to eliminate the injury caused to the Community industry directly concerned, and this action should take the form of a definitive anti-dumping duty.

#### I. Rate of the duty

- (30) Having taken into account, on the one hand, the ex-factory selling price necessary to provide an adequate profit to the Community producer and, on the other hand, the cif at-Community-frontier price, before customs duty, for the imports concerned, the Commission determined the amount of the duty necessary to eliminate the injury to be 25,4 %. However, the elimination of the injury through an increase of import prices up to the level of such injury threshold would imply exceeding the margin of dumping found during the investigation period. Consequently, the injury can only be removed at a level not exceeding the dumping margin of 19,6 % (see recital 21). Moreover, since the previous undertaking was breached, and in order to prevent increased dumping as well as injury, through further decreases in export prices, it is considered that the appropriate form of the duty to be imposed would be that of a variable duty. Therefore, the Council concludes that the injury shall be removed at the level of the dumping margin found and that the amount of the definitive duty shall be the amount by which the price, per kilogram net, free at Community frontier, not cleared through customs, is less than ECU 2,20.

#### J. Collection of the provisional duty

- (31) For the reasons set out in recitals 15 to 27, the Council also considers that the amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 2535/89 shall be definitively collected to the extent of the amount of the duty

definitively imposed. Therefore, provisional anti-dumping duties collected or securities received for potassium permanganate which are not covered by the definitive anti-dumping duty should be released,

HAS ADOPTED THIS REGULATION :

#### Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of potassium permanganate falling within CN code ex 2841 60 00, originating in Czechoslovakia.
2. The amount of the duty shall be equal to the amount by which the price, per kilogram net, free at Community frontier, not cleared through customs, is less than ECU 2,20.  
  
The said free-at-Community-frontier price, not cleared through customs, shall be net if the actual terms and conditions of sales provide that payment shall be made within 30 days of the date of dispatch ; it shall be lowered by 1 % for each month by which payment is actually deferred.
3. The provisions in force concerning customs duties shall apply.

#### Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 2535/89 shall be collected to the extent of the amount of the duty definitively imposed.

The amounts collected or secured which are not covered by the definitive duty shall be released.

#### Article 3

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

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

Done at Brussels, 12 February 1990.

*For the Council*

*The President*

A. REYNOLDS

## COUNCIL REGULATION (EEC) No 386/90

of 12 February 1990

on the monitoring carried out at the time of export of agricultural products receiving refunds or other amounts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas, pursuant to Article 8 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy <sup>(3)</sup>, as last amended by Regulation (EEC) No 2048/88 <sup>(4)</sup>, Member States are to take the measures necessary to satisfy themselves that transactions financed by the European Agricultural Guidance and Guarantee Fund (EAGGF) are actually carried out and are executed correctly, to prevent and deal with irregularities and to recover sums lost as a result of irregularities or negligence;

Whereas, in its special report on the system of payment of agricultural export refunds <sup>(5)</sup>, and in its annual report concerning the financial year 1987 <sup>(6)</sup>, the Court of Auditors drew attention to a number of shortcomings in certain Member States in the monitoring of agricultural products for which refunds or other amounts are granted on export;

Whereas the organization which, in principle, would afford the best safeguards without giving rise to economic constraints and administrative costs outweighing the prospective gains for Community finances would be one which combined physical monitoring on export and the auditing of accounts;

Whereas, in order to improve and harmonize the measures taken by the Member States, a Community monitoring system should be set up;

Whereas such a monitoring system must be based in particular on physical spot checks of goods at the time of export, including goods exported under a simplified procedure, and on the scrutiny of the payment application files by the paying agencies; whereas the audit to be conducted *ex post facto* in the undertakings concerned by the competent bodies is governed by Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European

Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC <sup>(7)</sup>;

Whereas the number of physical checks, including laboratory analyses where these prove necessary must be increased in view of the importance of agricultural refunds within the Community budget,

HAS ADOPTED THIS REGULATION:

## Article 1

1. This Regulation sets down certain procedures for monitoring whether operations conferring entitlement to the payment of refunds on and all other amounts in respect of export transactions have been actually carried out and executed correctly.

2. For the purposes of this Regulation, the term 'goods' means products in respect of which the amounts referred to in paragraph 1 are paid in accordance with Community provisions adopted within the framework of the common agricultural policy.

## Article 2

Member States shall carry out:

- (a) physical checks on goods in accordance with Article 3, at the time the customs export formalities are completed and before authorization is given for the goods in question to be exported, on the basis of documents submitted in support of the export declaration, and
- (b) scrutiny of the documents in the payment application file in accordance with Article 4.

## Article 3

1. Without prejudice to any specific provisions which require more extensive checks, the physical checks referred to in Article 2 (a) must:

- (a) take the form of spot checks conducted frequently and without prior warning;
- (b) in any event, relate to not less than 5 % of the export declarations in respect of which applications are submitted for the amounts specified in Article 1 (1).

2. In accordance with the detailed rules to be determined under the procedure referred to in Article 6, the rate mentioned in 1 (b) shall apply:

<sup>(1)</sup> OJ No C 29, 6. 2. 1987, p. 5.

<sup>(2)</sup> OJ No C 190, 20. 7. 1987, p. 144.

<sup>(3)</sup> OJ No L 94, 28. 4. 1970, p. 13.

<sup>(4)</sup> OJ No L 185, 15. 7. 1988, p. 1.

<sup>(5)</sup> OJ No C 215, 26. 8. 1985, p. 1.

<sup>(6)</sup> OJ No C 316, 12. 12. 1988, p. 68.

<sup>(7)</sup> OJ No L 388, 30. 12. 1989, p. 18.

- per customs office,
- per calendar year, and
- per product sector.

Under the same procedure, a scrutiny rate greater than 5 % may, by way of exception, be fixed for specific cases and periods, on the basis of objective findings of an increased risk of fraud.

In that case, the rate mentioned in 1 (b) shall be deemed to be satisfied for a customs office when, taking into account the checks carried out in the said specific cases, the minimum rate of 5 % has been reached for all sectors taken together during the calendar year in question.

3. In cases where ordinary visual inspection fails to establish that the goods correspond to the description given in the refunds nomenclature, and where classification or the quality of the goods requires very precise information about the ingredients thereof, the customs authorities shall verify that description according to the nature of the product by using all the senses or by applying physical measures that may go as far as submitting the goods for analysis by laboratories specially equipped for the purpose.

4. The checks referred to in this Article shall be carried out without prejudice to any measures which the customs authorities may take to ensure that the goods leave the customs territory in the same state as when the export authorization was granted.

#### Article 4

Paying agencies shall scrutinize, on the basis of the payment application files and other available information, in particular on the basis of the documents relating to the export and the comments of the customs services, all the evidence in these files adduced to justify the payment of the amounts in question.

#### Article 5

Member States shall take steps to coordinate the controls imposed on individual operators and combine the verifi-

cations provided for in Articles 3 and 4 and in Regulation (EEC) No 4045/89.

Sub coordinated controls shall be carried out, on the initiative or at the request either of the Commission staff or of the customs authorities making the physical checks or the competent authorities scrutinizing the payment application file or auditing the accounts *ex post facto*.

#### Article 6

Any provisions required for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 (1) or, as appropriate, the corresponding Articles of the other Regulations on the common organization of markets.

They may relate in particular to:

- the method for calculating the minimum percentage referred to in Article 3 (1) (b) and particular detailed rules and/or derogations therefrom with regard to specific situations,
- the goods which are to be submitted for analysis under Article 3 (3),
- the coordination of controls between the competent departments of the Member States and the Commission staff.

#### Article 7

1. In accordance with the procedure referred to in Article 6, transitional measures shall be adopted with regard to the application of Article 3 (1) and (2).

2. Before 1 January 1992, the Commission shall submit a progress report on the application of this Regulation to the Council and, in the light of experience gained, shall propose any necessary amendments to the monitoring system provided for under this Regulation.

#### Article 8

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

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

Done at Brussels, 12 February 1990.

*For the Council*

*The President*

J. WALSH

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(1) OJ No L 281, 1. 11. 1975, p. 1.

**COUNCIL REGULATION (EEC) No 387/90**  
**of 12 February 1990**

**amending Regulation (EEC) No 475/86 laying down general rules for the system  
for controlling the prices and the quantities of certain products in the oils and  
fats sector released for consumption in Spain**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 (1) of Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds<sup>(1)</sup>, as last amended by Regulation (EEC) No 2180/88<sup>(2)</sup>, provides for the grant of the subsidy provided for in Article 27 of 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>(3)</sup>, as last amended by Regulation (EEC) No 2902/89<sup>(4)</sup>, for rape and sunflower seeds processed in the Community for incorporation into animal feedingstuffs; whereas that subsidy, calculated in accordance with Article 95 of the Act of Accession, has proved insufficient to permit the incorporation in Spain of such seeds into animal feedingstuffs; whereas Article 4 of Regulation (EEC) No 475/86<sup>(5)</sup>, as last amended by Regulation (EEC) No 198/90<sup>(6)</sup>, provides for the drawing up of a forecast supply balance for the Spanish market; whereas Article 14 of that Regulation provides for compensatory aid to be granted for rape and sunflower seeds used for the production of oil intended for export or to be used by the food industry, up to a quantity not exceeding the positive balance arising, where applicable, when that forecast supply balance is drawn up; whereas provision should be

made for the grant of special aid within the same limit in order to permit the incorporation of sunflower seeds produced in Spain into animal feedingstuffs, and the factors to be taken into account to determine the amount therefore should be defined,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraph shall be added to Article 14 of Regulation (EEC) No 475/86:

'3. Furthermore, sunflower seed incorporated into animal feedingstuffs shall qualify, within the limit mentioned in paragraph 1, for special aid covering the difference between the target price for such seeds in Spain and the price of those seeds on the world market, that difference being adjusted to take account of the impact of the customs duties and of the gap between the domestic price and the price in the world market for competing products. The amount of such aid shall be fixed by the Commission at regular intervals.'

*Article 2*

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

It shall apply from 1 August 1990.

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

Done at Brussels, 12 February 1990.

*For the Council*

*The President*

J. WALSH

<sup>(1)</sup> OJ No L 163, 22. 6. 1983, p. 44.

<sup>(2)</sup> OJ No L 191, 22. 7. 1988, p. 11.

<sup>(3)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(4)</sup> OJ No L 280, 29. 9. 1989, p. 2.

<sup>(5)</sup> OJ No L 53, 1. 3. 1986, p. 47.

<sup>(6)</sup> OJ No L 22, 27. 1. 1990, p. 1.

**COUNCIL REGULATION (EEC) No 388/90**  
**of 12 February 1990**  
**amending Regulation (EEC) No 822/87 on the common organization of the**  
**market in wine**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 1236/89 <sup>(2)</sup>, and in particular the second subparagraph of Article 39 (10) thereof,

Having regard to the proposal from the Commission,

Whereas continuing difficulties in Greece over application of Article 39 of Regulation (EEC) No 822/87 justify extension for a further wine year of the derogation whereby compulsory distillation may be implemented in that country under special provisions,

*Article 1*

Article 39 (10) of Regulation (EEC) No 822/87 is hereby replaced by the following:

'10. Notwithstanding this Article, for the 1985/86, 1986/87, 1987/88, 1988/89 and 1989/90 wine years, compulsory distillation in Greece may be implemented in accordance with special provisions taking account of the difficulties encountered in that country in particular as regards knowledge of yields per hectare. These provisions shall be adopted in accordance with the procedure laid down in Article 83.'

*Article 2*

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

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

Done at Brussels, 12 February 1990.

*For the Council*

*The President*

J. WALSH

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 31.

## COMMISSION REGULATION (EEC) No 389/90

of 15 February 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 201/90 <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 14 February 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 16 February 1990.

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

Done at Brussels, 15 February 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 22, 27. 1. 1990, p. 7.

<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.

## ANNEX

to the Commission Regulation of 15 February 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code    | Levies         |                                      |
|------------|----------------|--------------------------------------|
|            | Portugal       | Third country                        |
| 0709 90 60 | 34,06          | 134,70 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 34,06          | 134,70 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 41,81          | 181,79 <sup>(1)</sup> <sup>(3)</sup> |
| 1001 10 90 | 41,81          | 181,79 <sup>(1)</sup> <sup>(3)</sup> |
| 1001 90 91 | 34,84          | 142,14                               |
| 1001 90 99 | 34,84          | 142,14                               |
| 1002 00 00 | 59,97          | 127,99 <sup>(6)</sup>                |
| 1003 00 10 | 51,14          | 115,69                               |
| 1003 00 90 | 51,14          | 115,69                               |
| 1004 00 10 | 42,54          | 123,00                               |
| 1004 00 90 | 42,54          | 123,00                               |
| 1005 10 90 | 34,06          | 134,70 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 34,06          | 134,70 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 51,14          | 140,08 <sup>(4)</sup>                |
| 1008 10 00 | 51,14          | 30,01                                |
| 1008 20 00 | 51,14          | 84,05 <sup>(4)</sup>                 |
| 1008 30 00 | 51,14          | 0,00 <sup>(2)</sup>                  |
| 1008 90 10 | <sup>(7)</sup> | <sup>(7)</sup>                       |
| 1008 90 90 | 51,14          | 0,00                                 |
| 1101 00 00 | 62,80          | 213,02                               |
| 1102 10 00 | 97,98          | 194,12                               |
| 1103 11 10 | 79,49          | 296,46                               |
| 1103 11 90 | 66,72          | 229,41                               |

<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 390/90

of 15 February 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 201/90 <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 14 February 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 16 February 1990.

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

Done at Brussels, 15 February 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 22, 27. 1. 1990, p. 7.<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 15 February 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>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 |
| 0709 90 60 | 0            | 0               | 0               | 0               |
| 0712 90 19 | 0            | 0               | 0               | 0               |
| 1001 10 10 | 0            | 0               | 0               | 3,95            |
| 1001 10 90 | 0            | 0               | 0               | 3,95            |
| 1001 90 91 | 0            | 0               | 0               | 0               |
| 1001 90 99 | 0            | 0               | 0               | 0               |
| 1002 00 00 | 0            | 0               | 0               | 0               |
| 1003 00 10 | 0            | 0               | 0               | 4,30            |
| 1003 00 90 | 0            | 0               | 0               | 4,30            |
| 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            | 0               | 0               | 0               |
| 1008 30 00 | 0            | 0               | 0               | 0               |
| 1008 90 90 | 0            | 0               | 0               | 0               |
| 1101 00 00 | 0            | 0               | 0               | 0               |

## B. Malt

| CN code    | (ECU/tonne)  |                 |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
|            | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 |
| 1107 10 11 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 91 | 0            | 0               | 0               | 7,65            | 7,65            |
| 1107 10 99 | 0            | 0               | 0               | 5,72            | 5,72            |
| 1107 20 00 | 0            | 0               | 0               | 6,67            | 6,67            |

## COMMISSION REGULATION (EEC) No 391/90

of 15 February 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 12 and 13 February 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 16 February 1990.

<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.<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.

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

Done at Brussels, 15 February 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 392/90

of 15 February 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins<sup>(1)</sup>, as last amended by Regulation (EEC) No 1104/88<sup>(2)</sup>, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins<sup>(3)</sup>, as last amended by Regulation (EEC) No 3870/88<sup>(4)</sup>, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82<sup>(5)</sup>, as last amended by Regulation (EEC) No 2904/89<sup>(6)</sup>;

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

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1989/90 marketing year was fixed by Council Regulation (EEC) No 1246/89<sup>(7)</sup>; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Council Regulation (EEC) No 1247/89<sup>(8)</sup>;

Whereas, since there are no valid activating threshold or guide prices for the 1990/91 marketing year for peas, field beans and sweet lupins, the amount of the subsidy in the case of advance fixing for this marketing year for peas, field beans and sweet lupins has only been calculated provisionally on the basis of the prices valid for the 1989/90 marketing year; whereas that amount must be applied provisionally only and will have to be confirmed or replaced when the prices and related measures for the 1990/91 marketing year are known, and notably those concerning the application of the guaranteed maximum quantities;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82<sup>(9)</sup>, as last amended by Regulation (EEC) No 1238/87<sup>(10)</sup>, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86<sup>(11)</sup> delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(12)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(13)</sup>,

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 16.

<sup>(3)</sup> OJ No L 342, 19. 12. 1985, p. 1.

<sup>(4)</sup> OJ No L 345, 14. 12. 1988, p. 21.

<sup>(5)</sup> OJ No L 219, 28. 7. 1982, p. 1.

<sup>(6)</sup> OJ No L 280, 29. 9. 1989, p. 4.

<sup>(7)</sup> OJ No L 129, 11. 5. 1989, p. 7.

<sup>(8)</sup> OJ No L 129, 11. 5. 1989, p. 9.

<sup>(9)</sup> OJ No L 219, 28. 7. 1982, p. 36.

<sup>(10)</sup> OJ No L 117, 5. 5. 1987, p. 9.

<sup>(11)</sup> OJ No L 133, 21. 5. 1986, p. 21.

<sup>(12)</sup> OJ No L 164, 24. 6. 1985, p. 1.

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

— 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 correcting factor;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1938/89<sup>(1)</sup>; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year;

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

which the products are harvested using the agricultural conversion rate of that Member State;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has been fixed by Regulation (EEC) No 2656/89<sup>(2)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

2. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 16 February 1990 to take into account, where appropriate, the effects of the application of the activating price for these products for the 1990/91 marketing year and, particularly those concerning the application of maximum guaranteed quantities.

*Article 2*

This Regulation shall enter into force on 16 February 1990.

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

Done at Brussels, 15 February 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 187, 1. 7. 1989, p. 68.

<sup>(2)</sup> OJ No L 255, 1. 9. 1989, p. 71.

## ANNEX I

## Gross aid

Products intended for human consumption :

(ECU per 100 kg)

|                           | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 | 5th period<br>7 (1) | 6th period<br>8 (1) |
|---------------------------|--------------|-----------------|-----------------|-----------------|-----------------|---------------------|---------------------|
| Peas used :               |              |                 |                 |                 |                 |                     |                     |
| — in Spain                | 6,580        | 6,738           | 6,896           | 6,896           | 6,896           | 5,632               | 5,632               |
| — in Portugal             | 6,612        | 6,770           | 6,928           | 6,928           | 6,928           | 5,664               | 5,664               |
| — in another Member State | 6,848        | 7,006           | 7,164           | 7,164           | 7,164           | 5,900               | 5,900               |
| Field beans used :        |              |                 |                 |                 |                 |                     |                     |
| — in Spain                | 6,848        | 7,006           | 7,164           | 7,164           | 7,164           | 5,900               | 5,900               |
| — in Portugal             | 6,612        | 6,770           | 6,928           | 6,928           | 6,928           | 5,664               | 5,664               |
| — in another Member State | 6,848        | 7,006           | 7,164           | 7,164           | 7,164           | 5,900               | 5,900               |

Products used in animal feed :

(ECU per 100 kg)

|                                                              | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 | 5th period<br>7 (1) | 6th period<br>8 (1) |
|--------------------------------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|---------------------|---------------------|
| A. Peas used :                                               |              |                 |                 |                 |                 |                     |                     |
| — in Spain                                                   | 11,576       | 11,691          | 11,848          | 12,020          | 12,020          | 10,760              | 10,760              |
| — in Portugal                                                | 11,643       | 11,758          | 11,915          | 12,086          | 12,086          | 10,826              | 10,826              |
| — in another Member State                                    | 11,643       | 11,758          | 11,915          | 12,086          | 12,086          | 10,826              | 10,826              |
| B. Field beans used :                                        |              |                 |                 |                 |                 |                     |                     |
| — in Spain                                                   | 11,576       | 11,691          | 11,848          | 12,020          | 12,020          | 10,760              | 10,760              |
| — in Portugal                                                | 11,643       | 11,758          | 11,915          | 12,086          | 12,086          | 10,826              | 10,826              |
| — in another Member State                                    | 11,643       | 11,758          | 11,915          | 12,086          | 12,086          | 10,826              | 10,826              |
| C. Sweet lupins harvested in Spain and used :                |              |                 |                 |                 |                 |                     |                     |
| — in Spain                                                   | 13,752       | 13,695          | 13,695          | 13,924          | 13,924          | 13,924              | 13,924              |
| — in Portugal                                                | 13,842       | 13,785          | 13,785          | 14,012          | 14,012          | 14,012              | 14,012              |
| — in another Member State                                    | 13,842       | 13,785          | 13,785          | 14,012          | 14,012          | 14,012              | 14,012              |
| D. Sweet lupins harvested in another Member State and used : |              |                 |                 |                 |                 |                     |                     |
| — in Spain                                                   | 13,742       | 13,685          | 13,685          | 13,914          | 13,914          | 13,914              | 13,914              |
| — in Portugal                                                | 13,832       | 13,775          | 13,775          | 14,002          | 14,002          | 14,002              | 14,002              |
| — in another Member State                                    | 13,832       | 13,775          | 13,775          | 14,002          | 14,002          | 14,002              | 14,002              |

## ANNEX II

### Final aid

Products intended for human consumption:

(in national currency per 100 kg)

|                                       | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 | 5th period<br>7 (1) | 6th period<br>8 (1) |
|---------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|---------------------|---------------------|
| Products harvested in :               |              |                 |                 |                 |                 |                     |                     |
| — BLEU (Bfrs/Lfrs)                    | 330,67       | 338,30          | 345,93          | 345,93          | 345,93          | 284,89              | 284,89              |
| — Denmark (Dkr)                       | 61,15        | 62,56           | 63,98           | 63,98           | 63,98           | 52,69               | 52,69               |
| — Federal Republic of Germany<br>(DM) | 16,17        | 16,54           | 16,91           | 16,91           | 16,91           | 13,93               | 13,93               |
| — Greece (Dr)                         | 1 007,81     | 1 038,29        | 1 068,78        | 1 068,78        | 1 068,78        | 1 236,12            | 1 236,12            |
| — Spain (Pta)                         | 1 056,05     | 1 080,42        | 1 104,78        | 1 104,78        | 1 104,78        | 909,86              | 909,86              |
| — France (FF)                         | 52,72        | 53,93           | 55,15           | 55,15           | 55,15           | 45,42               | 45,42               |
| — Ireland (£ Irl)                     | 5,867        | 6,002           | 6,138           | 6,138           | 6,138           | 5,055               | 5,055               |
| — Italy (Lit)                         | 11 703       | 11 973          | 12 243          | 12 243          | 12 243          | 10 083              | 10 083              |
| — Netherlands (Fl)                    | 18,06        | 18,48           | 18,90           | 18,90           | 18,90           | 15,56               | 15,56               |
| — Portugal (Esc)                      | 1 367,96     | 1 399,53        | 1 431,09        | 1 431,09        | 1 431,09        | 1 209,09            | 1 209,09            |
| — United Kingdom (£)                  | 3,102        | 3,214           | 3,326           | 3,326           | 3,326           | 2,574               | 2,574               |

Amounts to be deducted in the case of:

- Peas used in Spain (Pta): 41,33,
- Peas, and field beans used in Portugal (Esc): 47,14.

### ANNEX III

### Partial aids

Peas intended for animal feed:

(in national currency per 100 kg)

[illegible]

[illegible]

[illegible][illegible]

## ANNEX VIII

## Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

| Use of products :                  | BLEU  | DK    | DE    | EL     | ES    | FR    | IRL   | IT    | NL    | PT    | UK     |
|------------------------------------|-------|-------|-------|--------|-------|-------|-------|-------|-------|-------|--------|
| Products harvested in :            |       |       |       |        |       |       |       |       |       |       |        |
| — BLEU (Bfrs/Lfrs)                 | 0,00  | 0,00  | 0,00  | 24,39  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 35,85  |
| — Denmark (Dkr)                    | 0,00  | 0,00  | 0,00  | 4,51   | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 6,63   |
| — Federal Republic of Germany (DM) | 0,00  | 0,00  | 0,00  | 1,19   | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 1,75   |
| — Greece (Dr)                      | 0,00  | 0,00  | 0,00  | 105,00 | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 154,32 |
| — Spain (Pta)                      | 0,00  | 0,00  | 0,00  | 77,90  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 114,50 |
| — France (FF)                      | 0,00  | 0,00  | 0,00  | 3,89   | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 5,72   |
| — Ireland (£ Irl)                  | 0,000 | 0,000 | 0,000 | 0,433  | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,636  |
| — Italy (Lit)                      | 0     | 0     | 0     | 863    | 0     | 0     | 0     | 0     | 0     | 0     | 1 269  |
| — Netherlands (Fl)                 | 0,00  | 0,00  | 0,00  | 1,33   | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 1,96   |
| — Portugal (Esc)                   | 0,00  | 0,00  | 0,00  | 100,91 | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 0,00  | 148,32 |
| — United Kingdom (£)               | 0,000 | 0,000 | 0,000 | 0,401  | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,000 | 0,589  |

## ANNEX IX

## Exchange rate of the ecu to be used

|                               | BLEU    | DK      | DE      | EL      | ES      | FR      | IRL      | IT       | NL      | PT      | UK       |
|-------------------------------|---------|---------|---------|---------|---------|---------|----------|----------|---------|---------|----------|
| In national currency, ECU 1 = | 42,1679 | 7,79845 | 2,04446 | 189,893 | 131,874 | 6,85684 | 0,763159 | 1 529,70 | 2,30358 | 178,906 | 0,723610 |

(<sup>1</sup>) Subject, in cases of advance fixing for the 1990/91 marketing year, to application of the provisions to be adopted on prices, related measures and maximum guaranteed quantity arrangements for that marketing year.

**COMMISSION REGULATION (EEC) No 393/90****of 15 February 1990****altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Article 17 <sup>(5)</sup> thereof,

Whereas Commission Regulation (EEC) No 270/90 <sup>(3)</sup> has fixed the rates of the refunds applicable from 1 February 1990 to certain dairy products exported in the form of goods not covered by Annex II to the Treaty;

Whereas the application of the second indent of Article 1 (2)(d) of Commission Regulation (EEC) No 3035/80 <sup>(4)</sup> leads to the granting, for certain products assimilated to PG 3 and used in powder form, of refunds the level of which is not in conformity with the aims set out in

Article 4(2) of that Regulation; whereas therefore a specific rate must be fixed for these products, so that the resulting refund is equivalent to that applicable to similar products used in liquid form,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to certain milk products exported in the form of the products which appear in the Annex to Regulation (EEC) No 804/68 are hereby altered as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 16 February 1990.

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

Done at Brussels, 15 February 1990.

*For the Commission*

Martin BANGEMANN

*Vice-President*

<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 30, 1. 2. 1990, p. 42.

<sup>(4)</sup> OJ No L 323, 29. 11. 1980, p. 27.

## ANNEX

to the Commission Regulation of 15 February 1990 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

| CN code       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (ECU/100 kg)<br>Rate of<br>refund |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| ex 0402 10 19 | Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):<br>a) On exportation of goods of CN code 3501<br>b) On exportation of other goods                                                                                                                                                                                                                               | —<br>50,00                        |
| ex 0402 21 19 | Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):<br>a) On exportation of goods of CN codes 0403 10 59, 0403 90 79, 1806 20 90, 1806 90 90, 1901 90 90 and 2106 90 99 containing 40 % or more by weight of milk fat<br>b) On exportation of other goods                                                                                                                           | 49,12<br>95,00                    |
| ex 0405 00 10 | Butter, with a fat content by weight of 82 % (PG 6):<br>a) On exportation of goods containing reduced-price butter and manufactured under the conditions laid down in Commission Regulations (EEC) No 442/84, (EEC) No 2409/86 <sup>(1)</sup> , (EEC) No 570/88, (EEC) No 262/79 <sup>(2)</sup> and (EEC) No 1932/81 <sup>(3)</sup><br>b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat<br>c) On exportation of other goods | —<br>163,00<br>155,00             |

<sup>(1)</sup> OJ No L 208, 31. 7. 1986, p. 29.

<sup>(2)</sup> OJ No L 41, 16. 2. 1979, p. 1.

<sup>(3)</sup> OJ No L 191, 14. 7. 1981, p. 6.

## COMMISSION REGULATION (EEC) No 394/90

of 15 February 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 153, 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 16 February 1990.

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

Done at Brussels, 15 February 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 15 February 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             | —                |
| 0406 90 15 900 | ...             | 159,34           |
|                |                 | —                |

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

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

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## COMMISSION REGULATION (EEC) No 395/90

of 15 February 1990

amending Regulation (EEC) No 3389/73 laying down the procedure and conditions for the sale of tobacco held by intervention agencies

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

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco <sup>(1)</sup>, as last amended by Regulation (EEC) No 203/90 <sup>(2)</sup>, and in particular Article 7 <sup>(4)</sup> thereof,

Whereas Commission Regulation (EEC) No 3389/73 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3263/85 <sup>(4)</sup>, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas one aspect of the procedure, set out in Article 3 (1) of Regulation (EEC) No 3389/73, involves the publication of the invitation to tender in the *Official Journal of the European Communities* at least 45 days before the closing date for the submission of tenders;

Whereas, with a view to speeding up the disposal of quantities of tobacco in intervention storage, where the same lots of tobacco are put up for sale as in a previous invitation to tender, the time limit of at least 45 days should not apply; whereas Article 3 of Regulation (EEC) No 3389/73 should accordingly be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraph is hereby inserted in Article 3 of Regulation (EEC) No 3389/73:

'1a. However, the time limit referred to in the first paragraph shall not apply if the invitation to tender relates to lots which have already been the subject of a previous invitation to tender.'

*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, 15 February 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 94, 28. 4. 1970, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 10.

<sup>(3)</sup> OJ No L 345, 15. 12. 1973, p. 47.

<sup>(4)</sup> OJ No L 311, 22. 11. 1985, p. 22.

## COMMISSION REGULATION (EEC) No 396/90

of 15 February 1990

derogating, for the 1990/91 marketing year, from Regulation (EEC) No 1599/84 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables in so far as the time limit for concluding delivery contracts is concerned and amending that Regulation

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1125/89 <sup>(2)</sup>, and in particular Article 3 (4) thereof,

Whereas Article 4a of Commission Regulation (EEC) No 1599/84 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2321/89 <sup>(4)</sup>, provides in respect of tomatoes for a preliminary contract between the producer and the processor to be concluded by 16 February at the latest; whereas, because of particular climatic conditions in certain production areas of the Community the time limits for concluding preliminary contracts between producers and processors, for the 1990/91 marketing year, as well as the time limits for forwarding them to the national organization concerned, should be postponed by one month; whereas a derogation provision for the 1988/89 marketing year contained in Regulation (EEC) No 1599/84 should be out of date;

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

Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 4a (1) and (2) of Regulation (EEC) No 1599/84, for the 1990/91 marketing year, the time limit for concluding preliminary contracts is fixed at 16 March 1990, and that for forwarding copies of the preliminary contracts to the organization concerned at 26 March 1990.

*Article 2*

Articles 2 (3) and 4a (5) of Regulation (EEC) No 1599/84 are hereby deleted.

*Article 3*

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

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

Done at Brussels, 15 February 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

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

<sup>(3)</sup> OJ No L 152, 8. 6. 1984, p. 16.

<sup>(4)</sup> OJ No L 220, 29. 7. 1989, p. 57.

## COMMISSION REGULATION (EEC) No 397/90

of 15 February 1990

amending Commission Regulation (EEC) No 2918/89 on the sale at a price fixed  
in advance of unprocessed dried grapes (sultanas) from the 1988 harvest held by  
Greek storage agencies

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

Having regard to Council Regulation (EEC) No 426/86 of  
24 February 1986 on the common organization of the  
market in products processed from fruit and vegetables <sup>(1)</sup>,  
as last amended by Regulation (EEC) No 1125/89 <sup>(2)</sup>, and  
in particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1277/84  
of 8 May 1984 laying down general rules for the system of  
production aid for processed fruit and vegetables <sup>(3)</sup>, as  
amended by Regulation (EEC) No 2367/89 <sup>(4)</sup>, and in  
particular Article 6 (1) thereof,

Whereas the Greek storage agencies have, pursuant to  
Commission Regulation (EEC) No 626/85 of 12 March  
1985 on the purchasing, selling and storage of unpro-  
cessed dried grapes and figs by storage agencies <sup>(5)</sup>, as last  
amended by Regulation (EEC) No 2328/88 <sup>(6)</sup>, purchased  
unprocessed dried grapes (sultanas) from the 1988  
harvest; whereas in the light of the situation on the  
market in dried grapes the dried grapes (sultanas) should  
be offered for sale at prices fixed in advance for proces-  
sing within the Community for consumption, whereas the  
selling shall take place in accordance with the provision  
of Regulation (EEC) No 626/85;

Whereas Commission Regulation (EEC) No 2918/89 <sup>(7)</sup>  
fixes prices for the sale of unprocessed dried grapes

(sultanas) from the 1988 harvest held by Greek storage  
agencies;

Whereas due to the extended storage of unprocessed dried  
grapes (sultanas) from the 1988 harvest purchased by  
storage agencies the quality of these stocks has deterio-  
rated; whereas in light of the general market situation  
and the need to maintain the equilibrium in the market-  
ing of the new and old harvest, prices fixed in advance  
have to be adjusted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II of Regulation (EEC) No 2918/89 is replaced by  
the Annex in this Regulation.

*Article 2*

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

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

Done at Brussels, 15 February 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

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

<sup>(3)</sup> OJ No L 123, 9. 5. 1984, p. 25.

<sup>(4)</sup> OJ No L 225, 3. 8. 1989, p. 1.

<sup>(5)</sup> OJ No L 72, 13. 3. 1985, p. 7.

<sup>(6)</sup> OJ No L 202, 27. 7. 1988, p. 45.

<sup>(7)</sup> OJ No L 280, 29. 9. 1989, p. 40.

*ANNEX**ANNEX II***Qualities and prices of the dried grapes referred to in Article 1**

|              | <i>(ECU/100 kg)</i> |
|--------------|---------------------|
| Sultana No 1 | 52,101              |
| Sultana No 2 | 51,013              |
| Sultana No 4 | 49,344              |
| Sultana No 5 | 47,167'             |

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**COMMISSION REGULATION (EEC) No 398/90**  
**of 15 February 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 380/90<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 339/90<sup>(7)</sup>;

Whereas, in the absence of the target price for the 1990/91 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza and rape seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative

prices and where appropriate, the effects of the application of the system of maximum guaranteed quantities of the 1990/91 marketing year are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 339/90 to the information 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>(8)</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>(9)</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>(10)</sup> for sunflower seed harvested and processed in Portugal is as set out in Annex III.

4. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for colza and rape will be confirmed or replaced as from 16 February 1990 to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

*Article 2*

This Regulation shall enter into force on 16 February 1990.

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

Done at Brussels, 15 February 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 41, 15. 2. 1990, p. 16.

<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 37, 9. 2. 1990, p. 14.

<sup>(8)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(9)</sup> OJ No L 53, 1. 3. 1986, p. 47.

<sup>(10)</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>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 | 5th period<br>7 <sup>(1)</sup> |
|-----------------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|--------------------------------|
| 1. Gross aids (ECU):                          |              |                 |                 |                 |                 |                                |
| — Spain                                       | 1,170        | 1,170           | 1,170           | 1,170           | 1,170           | 1,770                          |
| — Portugal                                    | 0,000        | 0,000           | 0,000           | 0,000           | 0,000           | 0,000                          |
| — Other Member States                         | 25,404       | 25,482          | 25,469          | 25,813          | 23,047          | 22,000                         |
| 2. Final aids:                                |              |                 |                 |                 |                 |                                |
| (a) Seed harvested and processed in:          |              |                 |                 |                 |                 |                                |
| — Federal Republic of Germany (DM)            | 60,25        | 60,44           | 60,41           | 61,26           | 54,79           | 52,51                          |
| — Netherlands (Fl)                            | 67,01        | 67,22           | 67,18           | 68,09           | 60,79           | 58,25                          |
| — BLEU (Bfrs/Lfrs)                            | 1 226,68     | 1 230,45        | 1 229,82        | 1 246,43        | 1 112,87        | 1 062,31                       |
| — France (FF)                                 | 193,48       | 194,05          | 193,91          | 196,58          | 174,86          | 166,90                         |
| — Denmark (Dkr)                               | 226,86       | 227,56          | 227,44          | 230,51          | 205,81          | 196,42                         |
| — Ireland (£ Irl)                             | 21,534       | 21,598          | 21,582          | 21,879          | 19,462          | 18,576                         |
| — United Kingdom (£)                          | 16,214       | 16,248          | 16,192          | 16,419          | 14,118          | 13,577                         |
| — Italy (Lit)                                 | 42 489       | 42 613          | 42 577          | 43 168          | 38 322          | 37 840                         |
| — Greece (Dr)                                 | 4 532,72     | 4 537,79        | 4 502,26        | 4 549,51        | 3 937,32        | 4 309,08                       |
| (b) Seed harvested in Spain and processed:    |              |                 |                 |                 |                 |                                |
| — in Spain (Pta)                              | 178,89       | 178,89          | 178,89          | 178,89          | 178,89          | 270,63                         |
| — in another Member State (Pta)               | 3 578,40     | 3 590,64        | 3 585,31        | 3 631,20        | 3 211,48        | 3 119,89                       |
| (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)               | 5 286,33     | 5 301,07        | 5 286,21        | 5 339,53        | 4 767,42        | 4 707,73                       |

<sup>(1)</sup> Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

## ANNEX II

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

(amounts per 100 kg)

|                                               | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 | 5th period<br>7 <sup>(1)</sup> |
|-----------------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|--------------------------------|
| 1. Gross aids (ECU):                          |              |                 |                 |                 |                 |                                |
| — Spain                                       | 3,670        | 3,670           | 3,670           | 3,670           | 3,670           | 4,270                          |
| — Portugal                                    | 2,500        | 2,500           | 2,500           | 2,500           | 2,500           | 2,500                          |
| — Other Member States                         | 27,904       | 27,982          | 27,969          | 28,313          | 25,547          | 24,500                         |
| 2. Final aids:                                |              |                 |                 |                 |                 |                                |
| (a) Seed harvested and processed in:          |              |                 |                 |                 |                 |                                |
| — Federal Republic of Germany (DM)            | 66,15        | 66,34           | 66,32           | 67,16           | 60,69           | 58,42                          |
| — Netherlands (Fl)                            | 73,61        | 73,81           | 73,78           | 74,69           | 67,39           | 64,84                          |
| — BLEU (Bfrs/Lfrs)                            | 1 347,40     | 1 351,17        | 1 350,54        | 1 367,15        | 1 233,59        | 1 183,03                       |
| — France (FF)                                 | 212,72       | 213,30          | 213,16          | 215,82          | 194,10          | 186,14                         |
| — Denmark (Dkr)                               | 249,18       | 249,88          | 249,76          | 252,84          | 228,14          | 218,75                         |
| — Ireland (£ Irl)                             | 23,676       | 23,740          | 23,724          | 24,021          | 21,603          | 20,717                         |
| — United Kingdom (£)                          | 17,974       | 18,009          | 17,952          | 18,180          | 15,879          | 15,351                         |
| — Italy (Lit)                                 | 46 739       | 46 863          | 46 827          | 47 418          | 42 572          | 42 180                         |
| — Greece (Dr)                                 | 5 012,66     | 5 017,73        | 4 982,20        | 5 029,45        | 4 417,26        | 4 832,86                       |
| (b) Seed harvested in Spain and processed:    |              |                 |                 |                 |                 |                                |
| — in Spain (Pta)                              | 561,13       | 561,13          | 561,13          | 561,13          | 561,13          | 652,87                         |
| — in another Member State (Pta)               | 3 960,64     | 3 972,88        | 3 967,55        | 4 013,44        | 3 593,72        | 3 502,13                       |
| (c) Seed harvested in Portugal and processed: |              |                 |                 |                 |                 |                                |
| — in Portugal (Esc)                           | 499,40       | 499,40          | 499,40          | 499,40          | 499,40          | 512,33                         |
| — in another Member State (Esc)               | 5 785,73     | 5 800,47        | 5 785,62        | 5 838,93        | 5 266,82        | 5 220,05                       |

<sup>(1)</sup> Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

|                                               | Current<br>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 |
|-----------------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 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                         | 34,441       | 34,572          | 34,703          | 34,814          | 28,494          |
| 2. Final aids:                                |              |                 |                 |                 |                 |
| (a) Seed harvested and processed in (1):      |              |                 |                 |                 |                 |
| — Federal Republic of Germany (DM)            | 81,61        | 81,92           | 82,23           | 82,54           | 67,76           |
| — Netherlands (Fl)                            | 90,85        | 91,20           | 91,54           | 91,83           | 75,16           |
| — BLEU (Bfrs/Lfrs)                            | 1 663,05     | 1 669,38        | 1 675,70        | 1 681,06        | 1 375,89        |
| — France (FF)                                 | 262,91       | 263,90          | 264,88          | 265,71          | 216,09          |
| — Denmark (Dkr)                               | 307,56       | 308,73          | 309,90          | 310,89          | 254,45          |
| — Ireland (£ Irl)                             | 29,262       | 29,372          | 29,481          | 29,573          | 24,050          |
| — United Kingdom (£)                          | 22,475       | 22,548          | 22,604          | 22,630          | 17,374          |
| — Italy (Lit)                                 | 57 809       | 58 023          | 58 238          | 58 417          | 47 347          |
| — Greece (Dr)                                 | 6 246,44     | 6 261,52        | 6 254,79        | 6 247,98        | 4 849,19        |
| (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)               | 4 262,55     | 4 282,87        | 4 299,03        | 4 309,00        | 3 349,98        |
| (c) Seed harvested in Portugal and processed: |              |                 |                 |                 |                 |
| — in Portugal (Esc)                           | 0,00         | 0,00            | 0,00            | 0,00            | 0,00            |
| — in Spain (Esc)                              | 7 696,48     | 7 722,41        | 7 736,79        | 7 741,16        | 6 404,74        |
| — in another Member State (Esc)               | 7 528,26     | 7 553,63        | 7 567,69        | 7 571,97        | 6 264,76        |
| 3. Compensatory aids:                         |              |                 |                 |                 |                 |
| — in Spain (Pta)                              | 4 231,02     | 4 251,34        | 4 267,49        | 4 278,28        | 3 319,27        |
| 4. Special aid:                               |              |                 |                 |                 |                 |
| — in Portugal (Esc)                           | 7 528,26     | 7 553,63        | 7 567,69        | 7 571,97        | 6 264,76        |

(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>2 | 1st period<br>3 | 2nd period<br>4 | 3rd period<br>5 | 4th period<br>6 | 5th period<br>7 |
|-----------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| DM        | 2,037730     | 2,033630        | 2,029140        | 2,025240        | 2,025240        | 2,013910        |
| Fl        | 2,298250     | 2,294850        | 2,290670        | 2,286870        | 2,286870        | 2,275150        |
| Bfrs/Lfrs | 42,653500    | 42,640800       | 42,614999       | 42,602400       | 42,602400       | 42,542900       |
| FF        | 6,930760     | 6,929750        | 6,930000        | 6,930910        | 6,930910        | 6,932150        |
| Dkr       | 7,873910     | 7,881780        | 7,892500        | 7,898130        | 7,898130        | 7,915460        |
| £Irl      | 0,769273     | 0,769181        | 0,769255        | 0,769245        | 0,769245        | 0,771005        |
| £         | 0,721482     | 0,723740        | 0,726253        | 0,728316        | 0,728316        | 0,734345        |
| Lit       | 1 516,22     | 1 518,82        | 1 520,84        | 1 522,82        | 1 522,82        | 1 529,39        |
| Dr        | 192,13300    | 193,51300       | 195,41200       | 196,97700       | 196,97700       | 203,07600       |
| Esc       | 179,86600    | 180,56100       | 181,48300       | 182,53900       | 182,53900       | 185,70100       |
| Pta       | 132,16100    | 132,54900       | 133,05400       | 133,45500       | 133,45500       | 134,65400       |

**COMMISSION REGULATION (EEC) No 399/90**  
**of 15 February 1990**  
**fixing the aid for cotton**

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87 <sup>(1)</sup>,

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2796/89 <sup>(4)</sup>, as last amended by Regulation (EEC) No 318/90 <sup>(5)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2796/89 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 50,051 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 16 February 1990.

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

Done at Brussels, 15 February 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 377, 31. 12. 1987, p. 48.

<sup>(2)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(3)</sup> OJ No L 85, 30. 3. 1989, p. 7.

<sup>(4)</sup> OJ No L 269, 16. 9. 1989, p. 29.

<sup>(5)</sup> OJ No L 35, 7. 2. 1990, p. 17.

## COMMISSION REGULATION (EEC) No 400/90

of 15 February 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 201/90<sup>(2)</sup>, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<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 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 28.

<sup>(4)</sup> OJ No L 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 16 February 1990.

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

Done at Brussels, 15 February 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX

to the Commission Regulation of 15 February 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| Product code   | Destination (1) | Amount of refund |
|----------------|-----------------|------------------|
| 0709 90 60 000 | —               | —                |
| 0712 90 19 000 | —               | —                |
| 1001 10 10 000 | —               | —                |
| 1001 10 90 000 | 01              | 10,00            |
| 1001 90 91 000 | —               | —                |
| 1001 90 99 000 | 04              | 52,00            |
|                | 05              | 52,00            |
|                | 02              | 10,00            |
| 1002 00 00 000 | 03              | 60,00            |
|                | 05              | 60,00            |
|                | 02              | 10,00            |
| 1003 00 10 000 | 06              | 70,00            |
|                | 02              | 0                |
| 1003 00 90 000 | 04              | 60,00            |
|                | 02              | 10,00            |
| 1004 00 10 000 | —               | —                |
| 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              | 87,00            |
| 1101 00 00 120 | 01              | 87,00            |
| 1101 00 00 130 | 01              | 80,00            |
| 1101 00 00 150 | 01              | 77,00            |
| 1101 00 00 170 | 01              | 75,00            |
| 1101 00 00 180 | 01              | 71,00            |
| 1101 00 00 190 | —               | —                |
| 1101 00 00 900 | —               | —                |
| 1102 10 00 100 | 01              | 87,00            |
| 1102 10 00 200 | 01              | 87,00            |
| 1102 10 00 300 | 01              | 87,00            |
| 1102 10 00 500 | 01              | 87,00            |
| 1102 10 00 900 | —               | —                |
| 1103 11 10 100 | 01              | 205,00           |
| 1103 11 10 200 | 01              | 194,00           |
| 1103 11 10 500 | 01              | 173,00           |
| 1103 11 10 900 | 01              | 163,00           |
| 1103 11 90 100 | 01              | 87,00            |
| 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 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).

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 12 February 1990

**authorizing the automatic renewal or maintenance in force of provisions governing matters covered by the common commercial policy contained in the friendship, trade and navigation treaties and similar agreements concluded between Member States and third countries**

(90/61/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 the automatic renewal or continuance in force of the friendship, trade and navigation treaties and similar agreements concluded by Member States was last authorized by Decision 89/150/EEC<sup>(2)</sup>;

Whereas the Member States concerned have again requested authorization for the automatic renewal or continuance in force of provisions governing matters covered by the common commercial policy within the meaning of Article 113 of the Treaty and contained in the friendship, trade and navigation treaties and similar agreements listed in the Annex, in order to avoid interrupting their commercial relations with the third countries concerned as are based on such agreements;

Whereas, however, most of the matters covered by these provisions of national treaties and agreements will in future be governed by Community agreements; whereas,

in that case, authorization should be given only in respect of those matters not covered by Community agreements; whereas, in addition, such authorization does not absolve the Member States from the obligation of avoiding and, where appropriate, eliminating any incompatibility between such treaties and agreements and the provisions of Community law;

Whereas the provisions of the treaties and agreements to be automatically renewed or maintained in force must not, furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have stated that the automatic renewal or continuance in force of these treaties and agreements should not be such as to constitute an obstacle to the opening of Community commercial negotiations with the relevant third countries or the transfer of the commercial fields covered by current bilateral agreements to Community agreements;

Whereas, at the conclusion of the consultation provided for in Article 2 of Decision 69/494/EEC, it was established, as the aforesaid statements by the Member States confirm, that the provisions of the relevant treaties and bilateral agreements will not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, nevertheless, the Member States concerned have stated that they would be willing to adapt and, if necessary, terminate those treaties and agreements should it be found, during the period under consideration, that the automatic renewal or continuance in force of the provisions thereof relating to matters covered by Article

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

<sup>(2)</sup> OJ No L 58, 1. 3. 1989, p. 63.

113 of the Treaty hinder the implementation of the common commercial policy;

Whereas the treaties and agreements involved contain termination clauses requiring a period of notice of between three and 12 months;

Whereas, therefore, there is no reason for not authorizing the automatic renewal or continuance in force, until 31 December 1991, of the provisions in question,

HAS ADOPTED THIS DECISION:

*Article 1*

The provisions governing matters covered by the common commercial policy within the meaning of Article 113 of the Treaty and contained in the friendship,

trade and navigation treaties and similar agreements listed in the Annex hereto may be automatically renewed or maintained in force until 31 December 1991 as regards those areas not covered by agreements between the Community and the third countries concerned in so far as their provisions are not contrary to existing common policies.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 12 February 1990.

*For the Council*

*The President*

A. REYNOLDS

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

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lid-Staat<br>Estado-membro | País tercero<br>Tredjeland<br>Drittland<br>Τρίτη χώρα<br>Third country<br>Pays tiers<br>Paese terzo<br>Derde land<br>País terceiro | Naturaleza del Acuerdo<br>Aftalens art<br>Art des Abkommens<br>Φύση της συμφωνίας<br>Type of Agreement<br>Nature de l'accord<br>Natura dell'accordo<br>Aard van de overeenkomst<br>Natureza do acordo | Fecha del Acuerdo<br>Aftalens dato<br>Zeitpunkt des Abkommens<br>Ημερομηνία της συμφωνίας<br>Date of the Agreement<br>Date de l'accord<br>Data dell'accordo<br>Datum van de overeenkomst<br>Data do acordo |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                                                         | (2)                                                                                                                                | (3)                                                                                                                                                                                                   | (4)                                                                                                                                                                                                        |
| BELGIQUE/BELGIË                                                                                                                             | El Salvador                                                                                                                        | Convention commerciale / Handelsovereenkomst                                                                                                                                                          | 21. 3. 1906                                                                                                                                                                                                |
|                                                                                                                                             | États-Unis / Verenigde Staten                                                                                                      | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 21. 2. 1961                                                                                                                                                                                                |
|                                                                                                                                             | Éthiopie / Ethiopië                                                                                                                | Traité / Verdrag                                                                                                                                                                                      | 6. 9. 1906                                                                                                                                                                                                 |
|                                                                                                                                             | Honduras                                                                                                                           | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 25. 3. 1909                                                                                                                                                                                                |
|                                                                                                                                             |                                                                                                                                    | Déclaration complémentaire / Aanvullende verklaring                                                                                                                                                   | 30. 8. 1909                                                                                                                                                                                                |
|                                                                                                                                             | Liberia                                                                                                                            | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 1. 5. 1885                                                                                                                                                                                                 |
|                                                                                                                                             | Maroc / Marokko                                                                                                                    | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 4. 1. 1862                                                                                                                                                                                                 |
|                                                                                                                                             | Norvège / Noorwegen                                                                                                                | Traité de commerce et de navigation / Handels- en scheepvaartverdrag                                                                                                                                  | 27. 6. 1910                                                                                                                                                                                                |
|                                                                                                                                             | République Dominicaine / Dominicaanse Republiek                                                                                    | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 21. 8. 1884                                                                                                                                                                                                |
|                                                                                                                                             | Venezuela                                                                                                                          | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 1. 3. 1884                                                                                                                                                                                                 |
| BENELUX                                                                                                                                     | Paraguay                                                                                                                           | Accord de commerce et de navigation / Handels- en scheepvaartakkoord                                                                                                                                  | 13. 8. 1963                                                                                                                                                                                                |
|                                                                                                                                             | Union soviétique / USSR                                                                                                            | Traité de commerce / Handelsverdrag                                                                                                                                                                   | 14. 7. 1971                                                                                                                                                                                                |
| DANMARK                                                                                                                                     | Bolivia                                                                                                                            | Handelstraktat                                                                                                                                                                                        | 9. 11. 1931                                                                                                                                                                                                |
|                                                                                                                                             | Brasiliën                                                                                                                          | Midlertidig aftale om mestbegunstigelsesklausul                                                                                                                                                       | 30. 7. 1936                                                                                                                                                                                                |
|                                                                                                                                             | Bulgarien                                                                                                                          | Ordning vedrørende den gensidige anvendelse af mestbegunstigelsesklausul (brevveksling)                                                                                                               | 27. 7. / 5. 8. 1921                                                                                                                                                                                        |
|                                                                                                                                             | Burma                                                                                                                              | Noteveksling vedrørende mestbegunstigelsesklausul                                                                                                                                                     | 29. 4. 1948 og<br>17. 4. 1950                                                                                                                                                                              |
|                                                                                                                                             | Chile                                                                                                                              | Handels- og søfartstraktat                                                                                                                                                                            | 4. 2. 1899                                                                                                                                                                                                 |
|                                                                                                                                             | Columbia                                                                                                                           | Handels- og søfartstraktat                                                                                                                                                                            | 21. 6. 1923                                                                                                                                                                                                |
|                                                                                                                                             | Costa Rica                                                                                                                         | Handels- og søfartstraktat                                                                                                                                                                            | 26. 9. 1956                                                                                                                                                                                                |
|                                                                                                                                             | Den Arabiske Republik<br>Egypten                                                                                                   | Midlertidig handelsaftale                                                                                                                                                                             | 7. 5. 1930                                                                                                                                                                                                 |
|                                                                                                                                             | Den Dominikanske<br>Republik                                                                                                       | Venskabs-, handels- og søfartstraktat                                                                                                                                                                 | 26. 7. 1852                                                                                                                                                                                                |
|                                                                                                                                             | De Forenede Stater                                                                                                                 | Handels- og søfartstraktat                                                                                                                                                                            | 1. 10. 1951                                                                                                                                                                                                |
|                                                                                                                                             | El Salvador                                                                                                                        | Handels- og søfartstraktat                                                                                                                                                                            | 9. 7. 1958                                                                                                                                                                                                 |
|                                                                                                                                             | Guatemala                                                                                                                          | Handels- og søfartstraktat                                                                                                                                                                            | 4. 3. 1948                                                                                                                                                                                                 |
|                                                                                                                                             | Haiti                                                                                                                              | Handelstraktat                                                                                                                                                                                        | 21. 10. 1937                                                                                                                                                                                               |
|                                                                                                                                             | Iran                                                                                                                               | Venskabs-, etablerings- og handelstraktat                                                                                                                                                             | 20. 2. 1934                                                                                                                                                                                                |

| (1)                  | (2)                             | (3)                                                                                                                  | (4)                               |
|----------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| DANMARK<br>(fortsat) | Israel                          | Foreløbig aftale (modus vivendi) om mestbegunstigelses-klausul i alle sager om søfart og i alt vedrørende told, osv. | 14. 11. 1952                      |
|                      | Japan                           | Handels- og søfartstraktat                                                                                           | 12. 2. 1912                       |
|                      | Jugoslavien                     | Handelsdeklaration                                                                                                   | 17./30. 3. 1909                   |
|                      | Liberia                         | Venskabs-, handels- og søfartstraktat                                                                                | 21. 5. 1860                       |
|                      | Paraguay                        | Handels- og søfartstraktat                                                                                           | 3. 5. 1967                        |
|                      | Peru                            | Handels- og søfartstraktat                                                                                           | 10. 6. 1957                       |
|                      | Polen                           | Handels- og søfartstraktat                                                                                           | 22. 3. 1924                       |
|                      | Rumænien                        | Noteveksling om handel og søfart                                                                                     | 28. 8. 1930                       |
|                      | Sovjetunionen                   | Handels- og søfartstraktat                                                                                           | 17. 8. 1946                       |
|                      | Thailand                        | Venskabs-, handels- og søfartstraktat                                                                                | 5. 11. 1937                       |
|                      |                                 | Noteveksling                                                                                                         | 9. 3. 1972                        |
|                      | Tjekkoslaviet                   | Noteveksling om handel og søfart                                                                                     | 18. 4. 1925                       |
|                      |                                 | Noteveksling om varebehandling                                                                                       | 26. 8. 1929                       |
|                      | Tyrkiet                         | Etablerings-, handels- og søfartstraktat                                                                             | 31. 5. 1930                       |
|                      | Ungarn                          | Handels- og søfartskonvention                                                                                        | 14. 3. 1887                       |
|                      | Uruguay                         | Handels- og søfartstraktat                                                                                           | 4. 3. 1953                        |
|                      | Zaire                           | Handelskonvention                                                                                                    | 23. 2. 1885                       |
|                      | Østrig                          | Handelstraktat                                                                                                       | 6. 4. 1928                        |
| DEUTSCHLAND          | Arabische Republik              | Handelsabkommen (ratificiert)                                                                                        | 21. 4. 1951                       |
|                      | Ägypten                         |                                                                                                                      |                                   |
|                      | Argentinien                     | Handelsvertrag                                                                                                       | 19. 9. 1857                       |
|                      | Chile                           | Handelsvertrag                                                                                                       | 2. 2. 1951                        |
|                      | Dominikanische Republik         | Freundschafts-, Handels- und Schifffahrtsvertrag                                                                     | 23. 12. 1957                      |
|                      | Ecuador                         | Handelsvertrag                                                                                                       | 1. 8. 1953                        |
|                      | El Salvador                     | Abkommen über die Meistbegünstigung (ratificiert)                                                                    | 31. 10. 1952                      |
|                      | Indien                          | Handelsabkommen                                                                                                      | 19. 3. 1952 und<br>31. 3. 1955    |
|                      | Iran                            | Handels-, Zoll- und Schifffahrtsvertrag                                                                              | 17. 2. 1929                       |
|                      | Island                          | Vorläufiger Handels- und Schifffahrtsvertrag                                                                         | 19. 12. 1950                      |
|                      | Japan                           | Handels- und Schifffahrtsvertrag                                                                                     | 20. 7. 1927                       |
|                      | Pakistan                        | Handelsabkommen (ratificiert)                                                                                        | 4. 3. 1950                        |
|                      | Paraguay                        | Abkommen über die Meistbegünstigung (ratificiert)                                                                    | 30. 7. 1955                       |
|                      | Peru                            | Handelsabkommen (ratificiert)                                                                                        | 20. 7. 1951                       |
|                      | Saudi-Arabien                   | Freundschaftsvertrag, bestätigt und abgeändert durch Briefwechsel                                                    | 26. 4. 1929<br>31. 3./10. 7. 1952 |
|                      | Türkei                          | Handelsvertrag                                                                                                       | 27. 5. 1930                       |
|                      | UdSSR                           | Abkommen über allgemeine Fragen des Handels und der Schifffahrt (ratificiert)                                        | 25. 4. 1958                       |
|                      | Uruguay                         | Abkommen über die Meistbegünstigung (ratificiert)                                                                    | 18. 4. 1953                       |
|                      | Vereinigte Staaten              | Freundschafts-, Handels- und Schifffahrtsvertrag                                                                     | 29. 10. 1954                      |
| ΕΛΛΑΔΑ               | Βουλγαρία                       | Συνθήκη εμπορίου                                                                                                     | 9. 7. 1964                        |
|                      | Καμερούν                        | Εμπορική συμφωνία                                                                                                    | 29. 10. 1962                      |
|                      | Κύπρος                          | Εμπορική συμφωνία                                                                                                    | 23. 8. 1962                       |
|                      | Αίγυπτος                        | Προσωρινή εμπορική συμφωνία                                                                                          | 10. 4. 1926                       |
|                      | Ηνωμένες Πολιτείες της Αμερικής | Συνθήκη φιλίας, εμπορίου και ναυτιλίας                                                                               | 3. 8. 1951                        |
|                      | Ινδία                           | Συμφωνία εμπορίου                                                                                                    | 14. 2. 1958                       |
|                      | Ιράν                            | Σύμβαση εγκαταστάσεως, εμπορίου και ναυτιλίας                                                                        | 9. 1. 1931                        |
|                      | Ισραήλ                          | Σύμβαση εμπορίου και ναυτιλίας                                                                                       | 22. 7. 1952                       |
|                      | Ιαπωνία                         | Συνθήκη φιλίας, εμπορίου και ναυτιλίας                                                                               | 20. 5. 1899                       |

| (1)                  | (2)                    | (3)                                                                                                                                         | (4)          |
|----------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| ΕΛΛΑΔΑ<br>(συνέχεια) | Λίβανος                | Προξενική σύμβαση ναυτιλίας, εμπορικών και αστικών δικαιωμάτων                                                                              | 6. 10. 1948  |
|                      | Λιβύη                  | Εμπορική συμφωνία                                                                                                                           | 16. 3. 1957  |
|                      | Πακιστάν               | Εμπορική συμφωνία                                                                                                                           | 17. 1. 1963  |
|                      | Γιουγκοσλαβία          | Οικονομική συνεργασία και εμπορικές συναλλαγές                                                                                              | 1. 10. 1960  |
|                      |                        | Εμπορική συμφωνία                                                                                                                           | 17. 12. 1974 |
|                      |                        | Συμφωνία εμπορίου και ναυτιλίας                                                                                                             | 2. 11. 1927  |
|                      | Γκάνα                  | Ανταλλαγή επιστολών                                                                                                                         | 13. 11. 1926 |
|                      | Νιγηρία                | Ανταλλαγή επιστολών                                                                                                                         | 13. 11. 1926 |
|                      | Σιέρα Λεόνε            | Ανταλλαγή επιστολών                                                                                                                         | 13. 11. 1926 |
|                      | Νέα Ζηλανδία           | Ανταλλαγή επιστολών                                                                                                                         | 13. 11. 1926 |
|                      | Τζαμάικα               | Ανταλλαγή επιστολών                                                                                                                         | 17. 11. 1926 |
|                      | Τρινιτάντ και Τομπάγκο | Ανταλλαγή επιστολών                                                                                                                         | 17. 11. 1926 |
|                      | Σρι Λάνκα              | Ανταλλαγή επιστολών                                                                                                                         | 26. 11. 1926 |
|                      | ΕΣΣΔ                   | Σύμβαση εμπορίου και ναυτιλίας                                                                                                              | 11. 6. 1929  |
| ESPAÑA               | Andorra                | Canje de Notas                                                                                                                              | 13. 7. 1867  |
|                      | Brasil                 | Canje de Notas que regula el intercambio comercial                                                                                          | 16. 5. 1962  |
|                      | Costa Rica             | Convenio de cooperación económica                                                                                                           | 29. 8. 1972  |
|                      | Ecuador                | Convenio de cooperación económica                                                                                                           | 9. 5. 1974   |
|                      | Guatemala              | Convenio de cooperación económica                                                                                                           | 31. 10. 1972 |
|                      | Honduras               | Convenio de cooperación económica                                                                                                           | 17. 10. 1972 |
|                      | Hungría                | Acuerdo a largo plazo sobre intercambios comerciales, navegación, transporte y desarrollo de la cooperación económica, industrial y técnica | 8. 4. 1976   |
|                      | México                 | Acuerdo de cooperación económica y comercial                                                                                                | 14. 10. 1977 |
|                      | Panamá                 | Protocolo de cooperación económica                                                                                                          | 15. 6. 1964  |
|                      | Perú                   | Acuerdo comercial                                                                                                                           | 23. 5. 1953  |
|                      | Uruguay                | Tratado comercial sobre la concesión de la cláusula de nación más favorecida                                                                | 24. 2. 1954  |
| FRANCE               | Albanie                | Traité de commerce et de navigation                                                                                                         | 14. 12. 1963 |
|                      | Canada                 | Convention d'établissement et de navigation                                                                                                 | 12. 5. 1933  |
|                      | Colombie               | Convention relative à l'établissement des nationaux, au commerce et à la navigation                                                         | 30. 5. 1892  |
|                      | Costa Rica             | Traité de commerce                                                                                                                          | 30. 4. 1953  |
|                      | Cuba                   | Convention commerciale et protocole                                                                                                         | 6. 11. 1929  |
|                      | Équateur               | Accord commercial                                                                                                                           | 20. 3. 1959  |
|                      | El Salvador            | Traité de commerce                                                                                                                          | 23. 3. 1953  |
|                      | États-Unis             | Convention de navigation et de commerce modifiée par accord                                                                                 | 17. 7. 1919  |
|                      | Hongrie                | Convention commerciale                                                                                                                      | 13. 10. 1925 |
|                      | Iran                   | Convention d'établissement et de navigation                                                                                                 | 24. 6. 1964  |
|                      | Liberia                | Traité de commerce et de navigation                                                                                                         | 17. 4. 1852  |
|                      | Libye                  | Convention de coopération économique                                                                                                        | 10. 8. 1955  |
|                      | Paraguay               | Accord commercial                                                                                                                           | 11. 9. 1956  |
|                      | Pologne                | Traité de commerce et de navigation                                                                                                         | 22. 5. 1937  |
|                      | République Dominicaine | Accord commercial (*)                                                                                                                       | 20. 12. 1954 |
|                      | Roumanie               | Convention de commerce et de navigation                                                                                                     | 27. 8. 1930  |
|                      | Tchécoslovaquie        | Convention commerciale                                                                                                                      | 2. 7. 1928   |
|                      | Turquie                | Convention de commerce et de navigation                                                                                                     | 29. 8. 1929  |
|                      | Uruguay                | Convention de commerce et de navigation                                                                                                     | 4. 6. 1892   |
|                      |                        | Protocole additionnel                                                                                                                       | 30. 12. 1953 |
|                      | Venezuela              | Accord de commerce et de navigation                                                                                                         | 26. 7. 1950  |
|                      | Yougoslavie            | Convention de commerce et de navigation                                                                                                     | 30. 1. 1929  |

(\*) Reconstitution autorisée sous réserve d'une déclaration du gouvernement français concernant les articles 11 et 12 relatifs à l'obligation d'achat de tabac.

| (1)        | (2)                    | (3)                                                                                                                                        | (4)                                                     |
|------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| IRELAND    | Arab Republic of Egypt | Exchange of notes in regard to commercial relations<br>Exchange of notes prolonging the provisional Commercial Agreement of 25/28. 7. 1930 | 25/28. 7. 1930<br>27. 2. 1951                           |
|            | Brazil                 | Exchange of notes in regard to commercial relations                                                                                        | 16. 10. 1931                                            |
|            | Costa Rica             | Exchange of notes in regard to commercial relations                                                                                        | 2. 8. 1933 and<br>2. 4. 1934                            |
|            | Guatemala              | Exchange of notes in regard to commercial relations                                                                                        | 8. 2. and<br>10. 4. 1930                                |
|            | United States          | Treaty of friendship, commerce and navigation                                                                                              | 21. 10. 1950                                            |
|            | Vietnam                | Exchange of notes in regard to commercial relations                                                                                        | 1. 12. 1964                                             |
| ITALIA     | Africa del Sud         | Estensione del trattato con il Regno Unito alle province di :<br>Natal<br>Transval<br>Orange<br>Nota verbale                               | 10. 3. 1884<br>28. 5. 1906<br>13. 7. 1907<br>1. 5. 1948 |
|            | Argentina              | Convenzione commerciale<br>Protocollo<br>Protocollo addizionale<br>Convenzione sui pagamenti                                               | 1. 6. 1894<br>31. 1. 1895<br>4. 3. 1937<br>4. 3. 1937   |
|            | Bulgaria               | Protocollo sostitutivo del trattato di commercio e di navigazione (*)                                                                      | 19. 12. 1950                                            |
|            | Cile                   | Trattato di commercio e di navigazione                                                                                                     | 12. 7. 1898                                             |
|            | Cuba                   | Trattato d'amicizia, di commercio e di navigazione<br>Protocollo addizionale                                                               | 29. 12. 1903                                            |
|            | Ecuador                | Trattato d'amicizia, di commercio e di navigazione<br>Convenzione addizionale                                                              | 12. 8. 1900<br>26. 2. 1911                              |
|            | Haiti                  | Convenzione di commercio e di navigazione e scambi di note                                                                                 | 14. 6. 1954                                             |
|            | Iran                   | Trattato di commercio, di stabilimento e di navigazione<br>Scambio di note                                                                 | 26. 1. 1955<br>9. 2. 1955                               |
|            | Iugoslavia             | Convenzione di commercio e di navigazione                                                                                                  | 31. 3. 1955                                             |
|            | Libano                 | Trattato d'amicizia, di commercio e di navigazione                                                                                         | 15. 2. 1949                                             |
|            | Liberia                | Trattato d'amicizia, di commercio e di navigazione<br>Dichiarazione comune                                                                 | 23. 10. 1862<br>24. 11. 1951                            |
|            | Nicaragua              | Trattato d'amicizia, di commercio e di navigazione                                                                                         | 25. 1. 1906                                             |
|            | Nuova Zelanda          | Scambio di note                                                                                                                            | 24. 11. 1967                                            |
|            | Panama                 | Trattato d'amicizia, di commercio e di navigazione, protocollo e scambio di note                                                           | 7. 10. 1965                                             |
|            | Perù                   | Trattato di commercio e di navigazione e dichiarazione                                                                                     | 23. 12. 1874                                            |
|            | Polonia                | Trattato di commercio                                                                                                                      | 12. 5. 1922                                             |
|            | Romania                | Protocollo doganale (*)                                                                                                                    | 25. 11. 1950                                            |
|            | Stati Uniti            | Trattato d'amicizia, di commercio e di navigazione<br>Accordo supplementare al trattato                                                    | 2. 2. 1948<br>26. 9. 1951                               |
|            | Svizzera               | Trattato di commercio<br>Protocolli                                                                                                        | 27. 1. 1923<br>28. 11. 1925 e<br>30. 12. 1933           |
|            | Turchia                | Trattato di commercio e di navigazione e scambio di note                                                                                   | 29. 12. 1936                                            |
|            | Ungheria               | Trattato di commercio e di navigazione<br>Protocollo doganale (*)                                                                          | 4. 7. 1928<br>28. 3. 1950                               |
|            | URSS                   | Trattato di commercio e di navigazione                                                                                                     | 11. 12. 1948                                            |
|            | Uruguay                | Trattato di commercio                                                                                                                      | 26. 2. 1947                                             |
|            | Venezuela              | Trattato d'amicizia, di navigazione e di commercio<br>Modus vivendi                                                                        | 19. 6. 1861<br>29. 6. 1939                              |
|            | Yemen                  | Trattato d'amicizia e di relazioni economiche                                                                                              | 4. 9. 1937                                              |
| LUXEMBOURG | États-Unis             | Traité d'amitié, d'établissement et de navigation                                                                                          | 23. 2. 1962                                             |

(\*) Protocollo richiamato e riesaminato in occasione dell'accordo commerciale quadro fra i due paesi.

| (1)       | (2)                                         | (3)                                                                                                                                                                                                                                               | (4)                     |
|-----------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| NEDERLAND | Afghanistan                                 | Vriendschaps- en handelsverdrag                                                                                                                                                                                                                   | 26. 7. 1939             |
|           | Arabische Republiek                         | Voorlopige handelsovereenkomst                                                                                                                                                                                                                    | 17. 3. 1930             |
|           | Egypte                                      |                                                                                                                                                                                                                                                   |                         |
|           | Bolivia                                     | Handelsverdrag                                                                                                                                                                                                                                    | 30. 5. 1929             |
|           | Brazilië                                    | Voorlopig handelsakkoord                                                                                                                                                                                                                          | 15. 3. 1937             |
|           | Bulgarije                                   | Notawisseling                                                                                                                                                                                                                                     | 1/9. 3. 1922            |
|           | Canada                                      | Handelsovereenkomst                                                                                                                                                                                                                               | 11. 7. 1924             |
|           | Colombia                                    | Vriendschaps-, handels- en scheepvaartverdrag                                                                                                                                                                                                     | 1. 5. 1829              |
|           | Costa Rica                                  | Handels- en scheepvaartovereenkomst                                                                                                                                                                                                               | 3. 6. 1957              |
|           | El Salvador                                 | Handelsverdrag en briefwisseling                                                                                                                                                                                                                  | 13. 3. 1956             |
|           | Ethiopië                                    | Overeenkomst nopens de meestbegunstigingsclausule                                                                                                                                                                                                 | 30. 9. 1926             |
|           | Guatemala                                   | Handelsverdrag                                                                                                                                                                                                                                    | 12. 5. 1926             |
|           | Haiti                                       | Handelsverdrag en notawisseling                                                                                                                                                                                                                   | 7. 9. 1926              |
|           | Hongarije                                   | Handelsovereenkomst                                                                                                                                                                                                                               | 9. 12. 1924             |
|           | Iran                                        | Voorlopig handelsverdrag en briefwisseling                                                                                                                                                                                                        | 20. 6. 1928             |
|           | Japan                                       | Handels- en scheepvaartverdrag                                                                                                                                                                                                                    | 6. 7. 1912              |
|           | Jemen                                       | Vriendschapsverdrag                                                                                                                                                                                                                               | 12. 4. 1939             |
|           | Joegoslavië                                 | Handels- en scheepvaartverdrag                                                                                                                                                                                                                    | 28. 5. 1930             |
|           | Liberia                                     | Vriendschaps-, handels- en scheepvaartverdrag                                                                                                                                                                                                     | 20. 12. 1862            |
|           | Marokko                                     | Handels- en scheepvaartverdrag                                                                                                                                                                                                                    | 18. 5. 1858             |
|           | Maskate                                     | Handelsverdrag                                                                                                                                                                                                                                    | 27. 8. 1877             |
|           | Mexico                                      | Handelsverdrag                                                                                                                                                                                                                                    | 27. 1. 1950             |
|           | Polen                                       | Handels- en scheepvaartverdrag                                                                                                                                                                                                                    | 30. 5. 1924             |
|           | Roemenië                                    | Handelsschikking                                                                                                                                                                                                                                  | 29. 8. 1930             |
|           | Tsjechoslowakije                            | Overeenkomst                                                                                                                                                                                                                                      | 20. 1. 1923             |
|           | Turkije                                     | Notawisseling                                                                                                                                                                                                                                     | 21. 11. 1929            |
|           | Uruguay                                     | Handels- en scheepvaartverdrag                                                                                                                                                                                                                    | 29. 1. 1934             |
|           |                                             | Protocol                                                                                                                                                                                                                                          | 12. 6. 1953             |
|           | Venezuela                                   | Verdrag betreffende de diplomatieke betrekkingen                                                                                                                                                                                                  | 11. 5. 1920             |
|           | Verenigde Staten                            | Vriendschaps-, handels- en scheepvaartverdrag                                                                                                                                                                                                     | 27. 3. 1956             |
|           | Zaire                                       | Overeenkomst met de internationale Vereniging van de Kongo                                                                                                                                                                                        | 27. 12. 1884            |
|           | Zuid-Afrika                                 | Voorlopig akkoord nopens de handelsbetrekkingen en de scheepvaart                                                                                                                                                                                 | 20. 2. 1935             |
| PORTUGAL  | Bulgária                                    | Acordo de comércio a longo prazo                                                                                                                                                                                                                  | 11. 2. 1975             |
|           | Checoslováquia                              | Acordo de comércio a longo prazo                                                                                                                                                                                                                  | 1. 3. 1975              |
|           | Cuba                                        | Acordo de comércio a longo prazo                                                                                                                                                                                                                  | 13. 9. 1976             |
|           | União das Repúblicas Socialistas Soviéticas | Acordo de comércio                                                                                                                                                                                                                                | 19. 12. 1974            |
| UEBL/BLEU | Afrique du Sud / Zuid-Afrika                | Accord commercial provisoire / Voorlopig handelsakkoord                                                                                                                                                                                           | 13. 7. 1937             |
|           | Albanie / Albanië                           | Échange de lettres / Briefwisseling                                                                                                                                                                                                               | 19. 2. 1929             |
|           | Argentine / Argentinië                      | Accord provisoire / Voorlopig akkoord                                                                                                                                                                                                             | 16. 1. 1934             |
|           | Bolivie / Bolivia                           | Traité d'amitié et de commerce / Vriendschaps- en handelsverdrag                                                                                                                                                                                  | 18. 4. 1912             |
|           |                                             | Avenant au traité / Aanvullend protocol                                                                                                                                                                                                           | 10. 12. 1963            |
|           | Brésil / Brazilië                           | Accord commercial provisoire / Voorlopig handelsakkoord                                                                                                                                                                                           | 14. 1. 1932             |
|           | Bulgarie / Bulgarije                        | Échange de lettres / Briefwisseling                                                                                                                                                                                                               | 8. 2. 1926              |
|           | Canada                                      | Convention de commerce / Handelsovereenkomst                                                                                                                                                                                                      | 3. 7. 1924              |
|           | Chili                                       | Accord commercial provisoire / Voorlopig handelsakkoord                                                                                                                                                                                           | 27. 8. 1936             |
|           | Colombie / Colombia                         | Échange de lettres portant application à l'UEBL du traité conclu entre les Pays-Bas et la Colombie le 1 <sup>er</sup> mai 1829 / Briefwisseling van toepassing in de BLEU voor het Verdrag afgesloten tussen Nederland en Colombia van 1 mei 1829 | 19 et/en<br>22. 8. 1936 |

| (1)                          | (2)                                | (3)                                                                                                                                                                                                   | (4)                     |
|------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| UEBL/BLEU<br>(suite/vervolg) | Équateur / Ecuador                 | Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag                                                                                                         | 5. 3. 1887              |
|                              |                                    | Avenant au traité / Aanvullend protocol                                                                                                                                                               | 19. 10. 1937            |
|                              | Guatemala                          | Traité de commerce et de navigation / Handels- en scheepvaartverdrag                                                                                                                                  | 7. 11. 1924             |
|                              | Haïti                              | Accord commercial provisoire / Voorlopig handelsakkoord                                                                                                                                               | 9. 7. 1936              |
|                              | Hongrie / Hongarije                | Échange de lettres / Briefwisseling                                                                                                                                                                   | 30. 9. 1924             |
|                              | Iran                               | Convention de commerce et de navigation / Handels- en scheepvaartovereenkomst                                                                                                                         | 9. 5. 1929              |
|                              | Nouvelle-Zélande / Nieuw-Zeeland   | Accord commercial provisoire par échange de lettres / Voorlopig handelsakkoord bij briefwisseling                                                                                                     | 5. 12. 1933             |
|                              | Pologne / Polen                    | Traité de commerce / Handelsverdrag                                                                                                                                                                   | 30. 12. 1922            |
|                              | Roumanie / Roemenië                | Accord commercial provisoire / Voorlopig handelsakkoord                                                                                                                                               | 28. 8. 1930             |
|                              | Suisse / Zwitserland               | Traité de commerce / Handelsverdrag                                                                                                                                                                   | 26. 8. 1929             |
|                              | Tchécoslovaquie / Tsjechoslowakije | Traité de commerce / Handelsverdrag                                                                                                                                                                   | 28. 12. 1925            |
|                              | Union soviétique / USSR            | Convention commerciale provisoire / Voorlopige handelsovereenkomst                                                                                                                                    | 5. 9. 1935              |
|                              | Uruguay                            | Accord commercial provisoire / Voorlopig handelsakkoord                                                                                                                                               | 22. 2. 1937             |
|                              | Viêt-nam / Vietnam                 | Échange de lettres portant sur le traitement de la nation la plus favorisée dans le domaine tarifaire / Briefwisseling betreffende de toepassing van de meestbegunstigingsclausule op tarifair gebied | 16 et/en<br>20. 1. 1956 |
|                              | Yémen / Jemen                      | Convention commerciale / Handelsovereenkomst                                                                                                                                                          | 7. 12. 1936             |
|                              | Yougoslavie / Joegoslavië          | Traité de commerce et de navigation / Handels- en scheepvaartverdrag                                                                                                                                  | 16. 12. 1926            |
| UNITED KINGDOM               | Afghanistan                        | Treaty of friendship and commerce                                                                                                                                                                     | 22. 11. 1921            |
|                              |                                    | Trade convention                                                                                                                                                                                      | 5. 6. 1923              |
|                              |                                    | Exchange of notes                                                                                                                                                                                     | 6. 5. 1930              |
|                              | Argentina                          | Treaty of amity, commerce and navigation                                                                                                                                                              | 2. 2. 1825              |
|                              | Bolivia                            | Treaty of commerce                                                                                                                                                                                    | 1. 8. 1911              |
|                              | Burma                              | Treaty regarding the recognition of Burmese independence, and related matters, with exchange of notes                                                                                                 | 17. 10. 1947            |
|                              |                                    | Exchange of notes regulating commercial relations pending the conclusion of a new Treaty of commerce and navigation                                                                                   | 24. 12. 1949            |
|                              | Colombia                           | Treaty of friendship, commerce and navigation                                                                                                                                                         | 16. 2. 1866             |
|                              |                                    | Protocol applying the Treaty of certain parts of the Dominions                                                                                                                                        | 20. 8. 1912             |
|                              |                                    | Exchange of notes                                                                                                                                                                                     | 30. 12. 1938            |
|                              | Costa Rica                         | Treaty of friendship, commerce and navigation                                                                                                                                                         | 27. 11. 1849            |
|                              |                                    | Protocol respecting the application of the Treaty to certain parts of the Dominions                                                                                                                   | 18. 8. 1913             |
|                              | Czechoslovakia                     | Treaty of commerce with declaration                                                                                                                                                                   | 14. 7. 1923             |
|                              | Hungary                            | Treaty of commerce and navigation                                                                                                                                                                     | 23. 7. 1926             |
|                              | Iran                               | Treaty of peace and commerce                                                                                                                                                                          | 4. 3. 1857              |
|                              |                                    | Commercial convention                                                                                                                                                                                 | 9. 2. 1903              |
|                              |                                    | Agreement modifying the commercial convention                                                                                                                                                         | 21. 3. 1920             |
|                              | Japan                              | Treaty of commerce, establishment and navigation, with Protocols and exchanges of notes                                                                                                               | 14. 11. 1962            |
|                              |                                    | Exchange of notes on voluntary export control                                                                                                                                                         | 14. 11. 1962            |
|                              | Liberia                            | Treaty of friendship and commerce                                                                                                                                                                     | 21. 11. 1848            |
|                              |                                    | Agreement modifying the Treaty of 21. 11. 1848                                                                                                                                                        | 23. 7. 1908             |
|                              | Morocco                            | General treaty                                                                                                                                                                                        | 9. 12. 1856             |
|                              |                                    | Convention of commerce and navigation                                                                                                                                                                 | 9. 12. 1856             |
|                              |                                    | Exchange of notes, concerning the convention of 9. 12. 1856                                                                                                                                           | 1. 3. 1957              |

| (1)                        | (2)             | (3)                                                                                                                 | (4)          |
|----------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------|--------------|
| UNITED KINGDOM<br>(cont'd) | Muscat and Oman | Treaty of friendship, commerce and navigation with exchange of letters                                              | 20. 12. 1951 |
|                            | Nepal           | Treaty of peace and friendship                                                                                      | 30. 10. 1950 |
|                            | Nicaragua       | Treaty of friendship, commerce and navigation                                                                       | 28. 7. 1905  |
|                            | Peru            | Treaty of friendship, commerce and navigation                                                                       | 10. 4. 1850  |
|                            |                 | Agreement relating to commerce and navigation (with Protocols and exchanges of notes)                               | 6. 10. 1936  |
|                            |                 | Exchange of notes regarding the continuance in force of Articles 4 and 5 of the Commercial Agreement of 6. 10. 1936 | 28. 1. 1950  |
|                            | Poland          | Treaty of commerce and navigation                                                                                   | 26. 11. 1923 |
|                            | Romania         | Treaty of commerce and navigation with Protocols and exchange of notes                                              | 6. 8. 1930   |
|                            | Soviet Union    | Temporary Commercial Agreement                                                                                      | 16. 2. 1934  |
|                            | Switzerland     | Treaty of friendship, commerce and reciprocal establishment                                                         | 6. 9. 1855   |
|                            |                 | Convention applying the Treaty of 1855 to the Dominions                                                             | 30. 3. 1914  |
|                            |                 | Exchange of notes applying to Liechtenstein Commercial Agreements in force                                          | 26. 4. 1924  |
|                            | Turkey          | Treaty of commerce and navigation                                                                                   | 1. 3. 1930   |
|                            |                 | Exchange of notes relating to certain commercial matters                                                            | 28. 2. 1957  |
|                            | United States   | Convention of commerce                                                                                              | 3. 7. 1815   |
|                            |                 | Convention                                                                                                          | 20. 10. 1818 |
|                            |                 | Convention of commerce                                                                                              | 6. 8. 1827   |
|                            | Venezuela       | Treaty of amity, commerce and navigation                                                                            | 18. 4. 1825  |
|                            |                 | Convention                                                                                                          | 29. 10. 1834 |
|                            |                 | Exchange of notes                                                                                                   | 3. 2. 1903   |
|                            | Yugoslavia      | Treaty of commerce and navigation with exchanges of notes                                                           | 12. 5. 1927  |
|                            |                 | Agreement on trade and payments                                                                                     | 27. 11. 1936 |

## COUNCIL DECISION

of 12 February 1990

granting a Community guarantee to the European Investment Bank against losses under loans for projects in Hungary and Poland

(90/62/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the peoples of Hungary and Poland (hereinafter referred to as 'the two countries') have close historic relationships with the peoples of the Community; whereas these relations have been strengthened by the recent trade and cooperation agreements; whereas these two countries are undertaking major political and social reforms;

Whereas the two countries have embarked upon a fundamental economic reform;

Whereas these economic reforms will significantly contribute to a strong development of mutually beneficial economic and commercial relationships between the two countries and the Community; whereas these intensified relationships will therefore promote throughout the Community a harmonious development of economic activities;

Whereas there is a great need for capital investment in the two countries; whereas this capital investment requires external finance; whereas the Community as well as 12 other countries have agreed to cooperate with a

view to aiding the two countries; whereas the European Investment Bank (hereinafter called 'the Bank') could make an important contribution;

Whereas the Council has invited the Bank, and the Bank has agreed, to make loans for capital investment projects carried out in the two countries under the guarantee provided in this Decision;

Whereas the Bank and the Commission should fix the terms on which this guarantee is to be given,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Community shall fully guarantee the European Investment Bank in case the Bank does not receive the payments due under any loan in Hungary and Poland.

To this end, the Bank and the Commission shall fix the terms on which the guarantee shall be given.

Done at Brussels, 12 February 1990.

*For the Council**The President*

A. REYNOLDS

<sup>(1)</sup> OJ No C 283, 9. 11. 1989, p. 10.

<sup>(2)</sup> OJ No C 15, 22. 1. 1990.