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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 565/90

of 5 March 1990

opening and providing for the administration of a Community tariff quota for Chinese cabbages originating in the Canary Islands (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands (1), and in particular Articles 6 and 10 thereof,

Having regard to the proposal from the Commission,

Whereas Article 6 of Regulation (EEC) No 1391/87 provides for the opening of a Community tariff quota for imports into the Community of 100 tonnes of Chinese cabbages falling within CN code ex 0704 90 90, for the period 1 November to 31 December, originating in the Canary Islands;

Whereas, where the said product is imported into that part of Spain which is included in the customs territory of the Community, it qualifies for exemption from customs duties; whereas, where the said product is imported into Portugal, the quota duties applicable are to be calculated in accordance with the relevant provisions of the Act of Accession; whereas, where the said product is released for free circulation in the remainder of the customs territory of the Community, it qualifies for the progressive reduction of customs duties according to the same timetable and under the same conditions as those provided for in Article 75 of the Accession; whereas, to qualify for the tariff quotas, the product in question has to

comply with certain marking and labelling conditions designed to prove its origin;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quota is exhausted; whereas, however, it should not be allocated among the Member States without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedure mentioned in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quota is used and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of the drawings made by that economic union, may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) The customs duties applicable to imports into the Community of the following product originating in the Canary Islands shall be suspended at the level indicated and within the limits of the Community tariff quota, as shown below:

Order No	CN code (a)	Description	Amount of quota (in tonnes)	Quota duty (%)
09 0437	ex 0704 90 90	Chinese cabbages, from 1 November to 31 December 1990	100	8,1

(a) TARIC code: 0704 90 90*2

(1) OJ No L 133, 18. 5. 1987, p. 5.

- (b) Where the said product is imported into that part of Spain and which is included in the customs territory of the Community, it shall qualify for exemption from customs duties.
 - (c) Within the limit of this tariff quota, the Portuguese Republic shall apply customs duties calculated according to the relevant provisions of the Act of Accession and the Regulations relating thereto.
2. Without prejudice to the other provisions applicable as regards quality standards, the product covered by this Regulation cannot qualify under the tariff quota unless, when it is presented to the authorities responsible for the import formalities for the purposes of release into free circulation in the customs territory of the Community, it is presented in packaging which bears the words 'Canary Islands', or the equivalent thereof in another official Community language, in a clearly visible and perfectly legible form.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for the product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall

draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The request for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such times as the balance of the tariff quota so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 November 1990.

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

Done at Brussels, 5 March 1990.

For the Council

The President

J. WALSH

COMMISSION REGULATION (EEC) No 566/90

of 7 March 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 6 March 1990;

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

Whereas Council Regulation (EEC) No 486/85⁽⁶⁾, as last amended by Regulation (EEC) No 3530/89⁽⁷⁾, lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories; whereas the Council has not yet been able formally to adopt the Regulation intended to replace Regulation (EEC) No 486/85; whereas, in order to avoid discontinuity in the arrangements applying, the application of the arrangements laid down in Regulation (EEC) No 486/85 should be contained as a precaution and without prejudice to the definitive arrangements to be adopted subsequently by the Council;

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 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

⁽⁶⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁷⁾ OJ No L 347, 28. 11. 1989, p. 3.

ANNEX

to the Commission Regulation of 7 March 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	35,37	135,56 ⁽²⁾ ⁽³⁾
0712 90 19	35,37	135,56 ⁽²⁾ ⁽³⁾
1001 10 10	43,59	186,10 ⁽¹⁾ ⁽³⁾
1001 10 90	43,59	186,10 ⁽¹⁾ ⁽³⁾
1001 90 91	36,15	141,71
1001 90 99	36,15	141,71
1002 00 00	61,28	131,51 ⁽⁴⁾
1003 00 10	52,45	117,93
1003 00 90	52,45	117,93
1004 00 10	43,85	122,91
1004 00 90	43,85	122,91
1005 10 90	35,37	135,56 ⁽²⁾ ⁽³⁾
1005 90 00	35,37	135,56 ⁽²⁾ ⁽³⁾
1007 00 90	52,45	144,72 ⁽⁴⁾
1008 10 00	52,45	29,21
1008 20 00	52,45	87,38 ⁽⁴⁾
1008 30 00	52,45	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	52,45	0,00
1101 00 00	64,78	212,57
1102 10 00	99,96	198,62
1103 11 10	82,30	303,19
1103 11 90	68,70	228,31

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

⁽²⁾ In accordance with Regulation (EEC) No 486/85 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

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

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

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

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

COMMISSION REGULATION (EEC) No 567/90

of 7 March 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 6 March 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 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 7 March 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	5,87
1003 00 90	0	0	0	5,87
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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	10,45	10,45
1107 10 99	0	0	0	7,81	7,81
1107 20 00	0	0	0	9,10	9,10

COMMISSION REGULATION (EEC) No 568/90

of 7 March 1990

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 1

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat ⁽¹⁾,

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

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 22 (2) of Regulation (EEC) No
3013/89 whereas it is necessary therefore for the Commis-
sion to fix, for the week beginning 12 February 1990, the
level of the premium and the amount to be charged on
products leaving that region;

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

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

Whereas in the Annex to Commission Regulation (EEC)
No 3618/89 of 1 December 1989 on the application of
the guarantee limitation arrangements for sheepmeat and
goatmeat ⁽⁴⁾ the weekly amounts of the guide level are set
out pursuant to Article 25 of Regulation (EEC) No
3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and
(3) of Regulation (EEC) No 3013/89, for the week begin-
ning 12 February 1990, the variable slaughter premium

for sheep certified as eligible in the United Kingdom is to
be in accordance with the amounts fixed in the Annexes
hereto; whereas, for that week, in the light of the Judg-
ment of the Court of Justice of 2 February 1988 in Case
61/86, the provisions of Article 9 (5) of Regulation (EEC)
No 3013/89 and of Article 4 of Regulation (EEC) No
1633/84 lead to the amounts to be charged on products,
leaving region 12, being fixed in accordance with those
Annexes;

Whereas, as regards the controls necessary for the appli-
cation of the provisions relating to the said amounts, the
system of controls provided for by Regulation (EEC) No
1633/84 should be maintained without prejudice to the
preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 1, within the meaning of Article 22
(2) of Regulation (EEC) No 3013/89, for the variable
slaughter premium during the week beginning 12
February 1990, the level of the premium is fixed at ECU
59,591 per 100 kilograms of estimated or actual dressed
carcase weight within the limits laid down by Article 1 (1)
(b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 3013/89 which left the territory of region 1
during the week beginning 12 February 1990, the
amounts to be charged shall be equivalent to those fixed
in the Annexes hereto.

Article 3

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

It shall apply with effect from 12 February 1990.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 7 March 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	28,008	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	59,591	0
0204 21 00	59,591	0
0204 50 11		0
0204 22 10	41,714	
0204 22 30	65,550	
0204 22 50	77,468	
0204 22 90	77,468	
0204 23 00	108,456	
0204 30 00	44,693	
0204 41 00	44,693	
0204 42 10	31,285	
0204 42 30	49,162	
0204 42 50	58,101	
0204 42 90	58,101	
0204 43 00	81,341	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	77,468	
0210 90 19	108,456	
1602 90 71 :		
— unboned (bone-in)	77,468	
— boned or boneless	108,456	

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

COMMISSION REGULATION (EEC) No 569/90

of 7 March 1990

amending Regulation (EEC) No 685/69 on detailed rules of application for intervention on the market in butter and cream

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Title III of Commission Regulation (EEC) No 685/69 ⁽³⁾, as last amended by Regulation (EEC) No 3437/89 ⁽⁴⁾, lays down the detailed rules for the granting of aid for private storage of butter and cream; whereas, in view of the present state of the market, the possibility of storing or removing from storage butter or cream during the same period is likely to deflect the provisions on storage measures from their economic objective; whereas the period during which butter and cream may be stored should therefore be amended;

Whereas Article 24 (3) of Regulation (EEC) No 685/69 lays down the various components relating to the fixing of aid for private storage; whereas, in view of the trend on the monetary market on the one hand and of the real costs of storage on the other, those components should be adapted; whereas the situation on the market for butter and cream makes it necessary to extend the maximum duration of storage under contract;

Whereas Article 29 of Regulation (EEC) No 685/69 provides for the obligation to adapt the aid where there is a change in the intervention price; whereas, in certain market situations, an adjustment of the intervention price does not necessarily affect the price of butter at the time of removal from storage; whereas, if such circumstances arise, the Commission should be authorized to draw the consequences thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 685/69 is hereby amended as follows:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 90, 15. 4. 1969, p. 12.

⁽⁴⁾ OJ No L 331, 16. 11. 1989, p. 29.

1. In the first subparagraph of Article 23 (6), the date '16 September' is replaced by '1 September'.

2. In Article 23 (7), the date '16 August' is replaced by '1 September'.

3. In Article 24 (2), the date '15 September' is replaced by '31 August' and the date '16 August' is replaced by '1 September'.

4. In Article 24 (3):

— in the first subparagraph,

— point (a), the amount '28 ECU' is replaced by 'ECU 20',

— point (b), the amount '0,45 ECU' is replaced by 'ECU 0,35', and

— point (c), the interest rates '9,5 %' and '6,5 %' are replaced by '11,5 %' and '8,5 %' respectively;

— in the second subparagraph, '180 days' is replaced by '210 days'.

5. In Article 24 (5), the date '15 August' in the second subparagraph is replaced by '31 August' and the third subparagraph is deleted.

6. In Article 26a (2), point (b) is replaced by the following:

'(b) the components of the amount of the aid referred to in Article 24 (3) (b) and (c) shall be reduced proportionately to the reduction in the duration of storage;'

7. Points (a) and (b) of the first paragraph of Article 29 are replaced by the following:

'(a) shall be increased by an amount equal to any reduction in the buying-in price, or

(b) shall be reduced by an amount equal to any increase in the buying-in price,

except where a contrary decision is taken by the Commission in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68 if the market situation so warrants.'

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, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 570/90
of 7 March 1990

amending Regulation (EEC) No 3966/89 fixing, for the 1990 fishing year, the annual import quotas for the products subject to the rules for the application by Spain and Portugal of quantitative restrictions on fishery products

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

Having regard to Council Regulation (EEC) No 360/86 of 17 February 1986 laying down rules for the application by Spain and Portugal of quantitative restrictions on fishery products ⁽¹⁾, as amended by Regulation (EEC) No 4064/86 ⁽²⁾, and in particular Article 2 thereof,

Whereas pursuant to Article 363 of the Act of Accession the Portuguese Republic may maintain quantitative restrictions for certain fishery products with regard to third countries until 31 December 1992;

Whereas by Regulation (EEC) No 3966/89 of 20 December 1989 ⁽³⁾ the Commission fixed, for the 1990 fishing year, the annual import quotas for the products subject to the rules for the application by Spain and Portugal of quantitative restrictions on fishery products;

Whereas the Republic of Portugal has stated its intention of waiving the right to maintain the remaining quantitative restrictions with effect from 1990;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products;

HAS ADOPTED THIS REGULATION:

Article 1

Part B of the Annex to Commission Regulation (EEC) No 3966/89 is hereby repealed.

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, 7 March 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 43, 20. 2. 1986, p. 8.

⁽²⁾ OJ No L 371, 31. 12. 1986, p. 9.

⁽³⁾ OJ No L 385, 30. 12. 1989, p. 28.

COMMISSION REGULATION (EEC) No 571/90

of 7 March 1990

amending Regulation (EEC) No 3967/89 fixing, for the 1990 fishing year, the overall foreseeable level of imports for the products to the supplementary trade mechanism in the fisheries sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 546/86 of 27 February 1986 laying down detailed rules for applying the supplementary trade mechanism to fishery products⁽¹⁾, as amended by Regulation (EEC) No 237/87⁽²⁾, and in particular Article 2 thereof,

Whereas by Regulation (EEC) No 3967/89⁽³⁾ the Commission fixed, for the 1990 fishing year, the overall foreseeable level of imports for the products subject to the supplementary trade mechanism in the fisheries sector;

Whereas by Commission Regulation (EEC) No 570/90⁽⁴⁾ the import quotas for products subject to quantitative restrictions were abolished for the Portuguese Republic; whereas these products should therefore no longer be subject to the supplementary trade mechanism;

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

HAS ADOPTED THIS REGULATION:

Article 1

Part B of the Annex to Commission Regulation (EEC) No 3967/89 is hereby repealed.

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, 7 March 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 47.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 13.

⁽³⁾ OJ No L 385, 30. 12. 1989, p. 30.

⁽⁴⁾ See page 12 of this Official Journal.

COMMISSION REGULATION (EEC) No 572/90

of 7 March 1990

fixing, for the sixth 12-month period, amounts for the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COMMISSION 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 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector⁽¹⁾, as last amended by Regulation (EEC) No 3880/89⁽²⁾, and in particular Article 11 (a) thereof,

Whereas Article 5c of Council Regulation (EEC) No 804/68⁽³⁾, as last amended by Regulation (EEC) No 3879/89⁽⁴⁾ instituted a levy payable by every producer or purchaser of milk or other milk products on quantities exceeding an annual reference quantity; whereas rates for this levy are set in Article 1 of Regulation (EEC) No 857/84;

Whereas, pursuant to Article 11 of Regulation (EEC) No 857/84, the Commission must state amounts for the levy,

Article 1

The amount of the levy referred to in Article 1 (1) of Regulation (EEC) No 857/84 is fixed for the sixth 12-month period at;

- ECU 27,84 per 100 kilograms of milk end/or milk equivalent where formula A or formula B is applied,
- ECU 20,88 per 100 kilograms of milk and/or milk equivalent where there is direct sale for consumption.

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, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 3.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 378, 27. 12. 1989, p. 1.

COMMISSION REGULATION (EEC) No 573/90

of 7 March 1990

amending Regulation (EEC) No 3328/89 opening invitations to tender for the supply of certain citrus fruit to Poland in accordance with Council Regulation (EEC) No 2247/89

THE COMMISSION 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 2247/89 of 24 July 1989 on an emergency measure for the free supply of certain agricultural products to Poland⁽¹⁾, and in particular Article 3 thereof,

Whereas Article 1 (2) of Commission Regulation (EEC) No 3328/89 of 3 November 1989 opening invitations to tender for the supply of certain citrus fruit to Poland in accordance with Council Regulation (EEC) No 2247/89⁽²⁾, as amended by Regulation (EEC) No 364/90⁽³⁾, allocated the quantities of oranges and lemons to be mobilized between certain Member States; whereas the quantities allocated should be adjusted in line with the tenders submitted on 13 February 1990;

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

Article 1

Article 1 (2) of Regulation (EEC) No 3328/89 is hereby replaced by the following:

'2. The supply indicated in paragraph 1 shall consist of:

(a) 15 000 tonnes of lemons mobilized in the following Member States:

— Italy :	10 500 tonnes,
— Spain :	4 000 tonnes,
— Greece :	500 tonnes;

(b) 5 000 tonnes of oranges mobilized in the following Member States:

— Italy :	3 500 tonnes,
— Spain :	500 tonnes,
— Greece :	1 000 tonnes.'

Article 2

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

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 216, 27. 7. 1989, p. 5.

⁽²⁾ OJ No L 321, 4. 11. 1989, p. 43.

⁽³⁾ OJ No L 39, 13. 2. 1990, p. 21.

COMMISSION REGULATION (EEC) No 574/90

of 7 March 1990

fixing for the 1990 marketing year the reference prices for aubergines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas aubergines are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas aubergines harvested during a given crop year are marketed from January to December; whereas the quantities harvested from 1 January to 31 March and in November and December are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period 1 April to 31 October inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs

less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal price variations into account, the marketing year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, in accordance with Article 272 (3) of the Act of Accession, the prices of Portuguese products will not be used for the purpose of calculating reference prices, during the first stage of the Accessory;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990 marketing year, the reference prices for aubergines (CN code 0709 30 00), expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

— April:	87,72;
— May:	82,04;
— June:	78,58;
— July:	69,85;
— August:	46,72;
— September:	50,09;
— October:	54,20.

Article 2

This Regulation shall enter into force on 1 April 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 575/90

of 7 March 1990

fixing for the 1990 marketing year the Community offer prices for aubergines
applicable with regard to Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 3815/89⁽²⁾, lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain;

Whereas, pursuant to Article 152 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', from 1 January 1990, of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries; whereas Community offer prices for aubergines coming from Spain should be fixed only during the period when reference prices are fixed with regard to third countries, that is to say from 1 April up to and including 31 October;

Whereas, in accordance with Article 152 (2) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, it is necessary to provide for one or more periods for each Marketing year and to fix a Community offer price for each of them;

Whereas, in accordance with Article 1 of Regulation (EEC) No 3709/89, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part thereof and which meet Quality Class I requirements and the conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations it is necessary to apply compared with normal price fluctuations, it shall not be taken into account;

Whereas the abovementioned criteria to fix Community offer prices for aubergines for the period 1 April to 31 October 1990 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

For the 1990 marketing year, the Community offer prices for aubergines (CN code 0709 30 00) applicable with regard to Spain, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows :

— April :	80,11,
— May :	82,04,
— June :	77,89,
— July :	62,52,
— August :	42,91,
— September :	49,53,
— October :	54,03.

Article 2

This Regulation shall enter into force on 1 April 1990.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 576/90

of 7 March 1990

fixing for the 1990 marketing year the reference prices for courgettes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 27(1) thereof,

Whereas, pursuant to Article 23(1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas courgettes are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas courgettes harvested during a given crop year are marketed from January to December; whereas the quantities harvested from 1 January to 20 April and in October, November and December are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period 21 April up to and including 30 September;

Whereas Article 23(2)(b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs

less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal price variations into account, the marketing year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, in accordance with Article 272(3) of the Act of Accession, the prices of Portuguese products will not be used for the purpose of calculating reference prices, during the first stage of the Accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990 marketing year, the reference prices for courgettes falling within CN code 0709 90 70, expressed in ecu per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

— April (21 to 30):	71,79,
— May:	63,12,
— June:	42,18,
— July:	38,63,
— August:	44,99,
— September:	49,68.

Article 2

This Regulation shall enter into force on 21 April 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 577/90

of 7 March 1990

fixing for the 1990 marketing year the Community offer prices for courgettes
applicable with regard to Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

Whereas Commission Regulation (EEC) No 3815/89⁽²⁾,
lays down detailed rules for the application of the
compensation mechanism to imports of fruit and vegeta-
bles from Spain;

Whereas, pursuant to Article 152 of the Act of Accession,
a compensation mechanism is to be introduced on
imports into the Community as constituted at 31
December 1985, hereinafter referred to as the 'Communi-
ty of Ten', from 1 January 1990, of fruit and vegetables
from Spain for which a reference price is fixed with
regard to third countries; whereas Community offer
prices for courgettes coming from Spain should be fixed
only during the period when reference prices are fixed
with regard to third countries, that's to say from 21 April
up to and including 30 September;

Whereas, in accordance with Article 152 (2) (a) of the Act
of Accession, a Community offer price is to be calculated
annually on the basis of the arithmetic mean of the
producer prices in each Member State of the Community
of Ten, plus transport and packaging costs incurred by the
products from the production regions to the representa-
tive consumption centres of the Community and bearing
in mind developments in the cost of production in the
fruit and vegetable sector; whereas the abovementioned
producer prices correspond to the average prices recorded
during the three years preceding the date of fixing of the
Community offer price; whereas, however, the annual
Community offer price cannot exceed the reference price
applied for third countries;

Whereas, in order to take account of seasonal variations in
prices, it is necessary to provide for one or more periods

for each Marketing year and to fix a Community offer
price for each of them;

Whereas, in accordance with Article 1 of Regulation
(EEC) No 3709/89, the producer prices to be used for the
determination of the Community offer price are to be
those of a domestic product defined by its commercial
characteristics recorded on the representative market or
markets located in the production areas where prices are
lowest for products or varieties representing a considerable
proportion of production marketed throughout the
year or during a part thereof and which meet Quality
Class I requirements and the conditions laid down as
regards packaging; whereas the average price for each
representative market must be established after disregarding
prices which may be considered excessively high or
excessively low compared with the normal fluctuations
recorded on the market; whereas, moreover, if the average
price for a Member State shows excessive variations
compared with normal price fluctuations, it shall not be
taken into account;

Whereas it is necessary to apply of the abovementioned
criteria to fix in Community offer prices for courgettes for
the period 21 April to 30 September 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990 marketing year, the Community offer prices
for courgettes (CN code 0709 90 70) with regard to Spain,
expressed in ecus per 100 kilograms net of packed
products of class I, of all sizes, shall be as follows:

— April (21 to 30):	71,79,
— May:	63,12,
— June:	39,02,
— July:	38,63,
— August:	44,99,
— September:	49,68.

Article 2

This Regulation shall enter into force on 21 April 1990.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 578/90
of 7 March 1990

amending Regulation (EEC) No 1183/86 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oil and fats sector released for consumption in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 475/86 of 25 February 1986 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⁽¹⁾, as last amended by Regulation (EEC) No 387/90⁽²⁾, and in particular Article 16 thereof;

Whereas Regulation (EEC) No 475/86, as amended by Regulation (EEC) No 198/90⁽³⁾, makes it possible to grant compensatory aid for sunflower seed used for the production of oil for certain food industries, up to a quantity not exceeding the positive balance in the forecast supply balance;

Whereas, therefore, the appropriate amendments should be made to Commission Regulation (EEC) No 1183/86⁽⁴⁾, as last amended by Regulation (EEC) No 3474/89⁽⁵⁾;

Whereas, to ensure that oil qualifying for the compensatory aid is used for its intended purpose, provision should be made for the approval of the establishments where such oil is used and for a processing security;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1183/86 is hereby amended as follows:

1. Article 13 (2) is replaced by the following:

'2. The aid shall be granted upon application by the interested party in accordance with the rules laid down in Regulation (EEC) No 2681/83; however, in addition to the conditions for payment of the aid referred to in

Article 25 (2) thereof, the following shall also be required:

- either confirmation that a quantity of oil equivalent to the seeds in question pursuant to Annex II of this Regulation has been exported;
- or confirmation that a quantity of oil equivalent to the seeds in question pursuant to Annex II of this Regulation has been sold and delivered to an approved establishment as referred to in Article 13a and that the security referred to in Article 13a (3) has been lodged.

For this purpose the weight of the seeds concerned shall be that determined in accordance with the method defined in Annex I to Regulation (EEC) No 2681/83⁶ defined 2. The following Article 13a is

added:

'Article 13a

1. The sunflower oil obtained from seeds qualifying for the compensatory aid must be used at an approved establishment for the manufacture of products falling with CN codes 1516, 1517 and 2103 90 90.

2. An establishment shall not be approved unless:

- (a) it has suitable technical equipment;
 - (b) it has premises designed to permit the isolation and identification of stocks of oils and fats;
 - (c) it undertakes to keep permanent records showing the quantities of sunflower oil used, the quantities, composition and sunflower oil content of the products obtained, the date on which the products leave the establishment and the names and addresses of their holders, supported by references to the delivery orders and invoices;
- and

- (d) it undertakes to forward to the agency responsible for inspection its manufacturing programme by batches, in accordance with detailed rules laid down by the Member State.

Approval shall be withdrawn whenever the provisions of this Article are not complied with; approval may also be withdrawn if it is found that the establishment concerned has not complied with any other obligation arising from this Regulation.

At the request of the establishment concerned, approval may be restored after a period of not less than six months, following a thorough inspection.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽²⁾ OJ No L 42, 16. 2. 1990, p. 8.

⁽³⁾ OJ No L 22, 27. 1. 1990, p. 1.

⁽⁴⁾ OJ No L 107, 24. 4. 1986, p. 17.

⁽⁵⁾ OJ No L 337, 21. 11. 1989, p. 19.

3. Before sunflower oil obtained from seeds qualifying for compensatory aid is delivered to an approved establishment, the undertaking using the seeds shall lodge a processing guarantee with the competent authority. The primary requirement within the meaning of Article 20 (2) of Regulation (EEC) No 2220/85 shall be the use of the oil in the products referred to in paragraph 1 and the production of supporting evidence by 31 December 1990 at the latest.

The amount of the security shall be Pta 9 000 per 100 kilograms of sunflower oil, expressed in terms of crude oil equivalent. Where applicable, the coefficient of

equivalence between crude oil and refined oil shall be 0,96.

4. Spain shall carry out the necessary checks to ensure that this Regulation is applied correctly.'

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, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 579/90

of 7 March 1990

laying down detailed rules for the special measures for certain processed oil products in Spain

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

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

Having regard to Council Regulation (EEC) No 2112/87 of 13 July 1987 introducing special measures for certain processed oil products in Spain ⁽¹⁾, as amended by Regulation (EEC) No 199/90 ⁽²⁾, and in particular Article 2 thereof,

Whereas Regulation (EEC) No 2112/87 provides that the amount of the levy provided for in Article 14 of Commission Regulation (EEC) No 1183/86 of 21 April 1986 laying down detailed 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 ⁽³⁾, as last amended by Regulation (EEC) No 578/90 ⁽⁴⁾, and collected in Spain on the purchase of oils intended for certain food industries may be repaid to the undertakings using such oils at their request;

Whereas, in order to ensure that the oil qualifying for such repayment is used for its intended purpose, provision should be made for the approval of the establishments where such oil is used and detailed rules should be laid for the repayment of the levy;

Whereas in the case of the mayonnaise industry, in order to determine the quantities of oil which may qualify for such repayment, the oil content of the products referred to in Article 1 of Regulation (EEC) No 2112/87 should be fixed at a standard level;

Whereas, for the sake of legal clarity, the implementing rules laid down in Regulation (EEC) No 2112/87 should be redrafted and Commission Regulation (EEC) No 2722/87 of 10 September 1987 laying down detailed rules for the special measures for certain processed oil products in Spain ⁽⁵⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Establishments operated by oil-processing undertakings must be approved if they are to qualify for the provisions of Regulation (EEC) No 2112/87.

⁽¹⁾ OJ No L 197, 18. 7. 1987, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 4.

⁽³⁾ OJ No L 107, 24. 4. 1986, p. 17.

⁽⁴⁾ See page 24 of this Official Journal.

⁽⁵⁾ OJ No L 261, 11. 9. 1987, p. 9.

2. An establishment shall not be approved unless:

- (a) it has suitable technical equipment;
 - (b) it has premises designed to permit the isolation and identification of stocks of oils and fats;
 - (c) it undertakes to keep permanent records showing the quantities of soya oil used, the quantities, composition and soya oil content of the products obtained, the date on which the products leave the establishment and the names and addresses of their holders, supported by references to the delivery orders and invoices;
- and
- (d) it undertakes to forward to the agency responsible for inspection its manufacturing programme by batches, in accordance with the detailed rules laid down by the Member State.

Approval shall be withdrawn whenever the provisions of this Article are not complied with; approval may also be withdrawn if it is found that the establishment concerned has not complied with any other obligation arising from this Regulation.

At the request of the establishment concerned, approval may be restored after a period of not less than six months, following a through inspection.

3. To obtain repayment of the levy provided for in Article 14 of Regulation (EEC) No 1183/86, undertakings manufacturing the products referred to in Article 1 of Regulation (EEC) No 2112/87 shall submit a monthly production declaration within the 15 days following the month in question.

In the case of products falling within CN codes 1516 and 1517, this declaration shall specify:

- the quantity of soya oil used;
- the quantity of products processed, broken down according to their soya oil content.

In the case of products falling within CN code 2103 90 90, the declaration shall be submitted in the form shown in Annex II.

4. The quantity of oil eligible for repayment shall be expressed in terms of crude oil equivalent. The coefficient of equivalence between crude oil and refined oil shall be 0.96.

5. The levy to be repaid shall be that applicable in the month for which the production declaration has been submitted.

Article 2

In the case of products falling within CN code 2103 90 90, for the purposes of determining the quantities of oil eligible for repayment and within the limit of the oils on which the levy has been paid by the undertaking using them, the refined oil content of the products referred to in Article 1 of Regulation (EEC) No 2112/87 shall be that specified in Annex 1.

Article 3

1. Spain shall carry out the necessary checks to ensure that this Regulation is applied correctly.

2. Spain shall inform the Commission each month, in respect of the preceding month, of the quantities of oil for which the levy has been repaid, giving separate figures for the mayonnaise industry, on the one hand, and the margarine and hydrogenated fats industry, on the other.

Article 4

Regulation (EEC) No 2722/87 is hereby repealed.

Article 5

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, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Oil content of products falling within CN code 2103 90 90
(percentage net weight)

		(%)
		Oil content
Product		
Mayonnaise		75
Fine sauce		35
Salad dressing and other		25

*ANNEX II***Production declaration**

Undertaking : Month :
 Tax identification No : Year :
 Address :

	Product (tonnes)	Oil content (%)	Total oil (tonnes)
Mayonnaise		75	
Fine sauce		35	
Salad dressing and other		25	
Total oil			
Levy in force			ECU/tonne
Reimbursement			ECU

COMMISSION REGULATION (EEC) No 580/90

of 7 March 1990

amending Regulation (EEC) No 3419/88 fixing the maximum quantity of sunflower oil to be released for consumption and exported to Spain for the 1988/89 marketing year

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

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

Having regard to Council Regulation (EEC) No 475/86 of 25 February 1986 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 ⁽¹⁾, as last amended by Regulation (EEC) No 387/90 ⁽²⁾, and in particular Article 16 thereof,

Whereas Commission Regulation (EEC) No 3419/88 ⁽³⁾ fixes in particular the quantity of sunflower seed used for the production of oil intended for export and qualifying for compensatory aid;

Whereas some of the oil obtained from such seed has not yet been exported;

Whereas by Regulation (EEC) No 475/86, as amended by Regulation (EEC) No 198/90 ⁽⁴⁾ eligibility for the compensatory aid was extended to sunflower seed used for the production of oil intended for certain food industries up to a quantity not exceeding the positive balance in the forecast supply balance;

Whereas Regulation (EEC) No 3419/88 should be amended accordingly;

Whereas, with a view to sound management, a time limit should be laid down for ascertaining that the seed has been exported or used in the food industry;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3419/88 is amended as follows:

1. The third indent of Article 1 is replaced by the following:

— the quantity of sunflower seed harvested in Spain, used for the production of oil intended for export or for use in products covered by CN codes 1516, 1517 and 2103 90 90 and qualifying for the compensatory aid provided for in Article 14 of Regulation (EEC) No 475/86 shall be 375 000 tonnes.

2. The following Article 2a is inserted:

Article 2a

Ascertainment that expedition or delivery to an approved establishment has taken place as referred to in Article 13 of Regulation (EEC) No 1183/86 must occur by 31 July 1990 at the latest.

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, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽²⁾ OJ No L 42, 16. 2. 1990, p. 8.

⁽³⁾ OJ No L 301, 4. 11. 1988, p. 33.

⁽⁴⁾ OJ No L 22, 27. 1. 1990, p. 1.

COMMISSION REGULATION (EEC) No 581/90
of 7 March 1990

**amending Regulation (EEC) No 3474/89 fixing the maximum quantity of
sunflower oil to be released for consumption in Spain and exported from that
Member State in the 1989/90 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Having regard to Council Regulation (EEC) No 475/86 of
25 February 1986 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 ⁽¹⁾, as last amended by Regulation
(EEC) No 387/90 ⁽²⁾, and in particular Article 16 thereof,

Whereas Commission Regulation (EEC) No 3474/89 ⁽³⁾,
fixes in particular the quantity of sunflower seed used for
the production of oil intended for export and qualifying
for compensatory aid;

Whereas by Regulation (EEC) No 475/86, as amended by
Regulation (EEC) No 198/90 ⁽⁴⁾, eligibility for the
compensatory aid was extended to sunflower seed used for
the production of oil intended for certain food industries
up to a quantity not exceeding the positive balance in the
forecast supply balance;

Whereas Regulation (EEC) No 3474/89 should be
amended accordingly;

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

Done at Brussels, 7 March 1990.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3474/89 is amended as follows:

1. The third indent of Article 1 is replaced by the follo-
wing:

‘— the quantity of sunflower seed harvested in Spain,
used for the production of oil intended for export
or use in products covered by CN codes 1516,
1517 and 2103 90 90 and qualifying for the
compensatory aid provided for in Article 14 of
Regulation (EEC) No 475/86 shall be 115 000
tonnes.’

2. Article 3 is replaced by the following:

Article 3

For the 1989/90 marketing year, ascertainment export
or delivery to an approved establishment has taken
place as referred to in Article 13 of Regulation (EEC)
No 1183/86 must occur by 31 December 1990 at the
latest.’

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽²⁾ OJ No L 42, 16. 2. 1990, p. 8.

⁽³⁾ OJ No L 337, 21. 11. 1989, p. 19.

⁽⁴⁾ OJ No L 22, 27. 1. 1990, p. 1.

COMMISSION REGULATION (EEC) No 582/90
of 7 March 1990
fixing the import levy on molasses

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1898/89 ⁽³⁾, as last amended by Regulation (EEC) No 331/90 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1898/89 to

the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 1,40 per 100 kilograms.

Article 2

This Regulation shall enter into force on 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 36, 8. 2. 1990, p. 20.

COMMISSION REGULATION (EEC) No 583/90
of 7 March 1990

**correcting Regulation (EEC) No 1785/89 amending Regulation (EEC) No 4103/88
fixing the monetary compensatory amounts in the agricultural sector and
certain coefficients and rates required for their application**

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 9 (2) thereof,

Having regard to Commission Regulation (EEC) No 3153/85 of 11 November 1985 laying down detailed rules for the calculation of monetary compensatory amounts ⁽³⁾, as last amended by Regulation (EEC) No 3672/89 ⁽⁴⁾, and in particular Article 6 (3) thereof,

Whereas the monetary compensatory amounts applicable from 26 to 30 June 1989 were adjusted by Commission Regulation (EEC) No 1785/89 ⁽⁵⁾; whereas a check revealed that an error had crept into Part 8 of Annex I to that Regulation with regard to the amounts to be deducted from the monetary compensatory amounts for

the United Kingdom; whereas the Regulation in question should therefore be amended for the period under consideration,

HAS ADOPTED THIS REGULATION:

Article 1

At the request of those concerned, the amounts to be deducted shown in Part 8 of Annex I to Regulation (EEC) No 1785/89 shall, for the period 26 to 30 June 1989, be those set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽³⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁴⁾ OJ No L 358, 8. 12. 1989, p. 28.

⁽⁵⁾ OJ No L 179, 26. 6. 1989, p. 1.

ANNEX

CN code	Table	Additional code	Notes	Positive			Negative							
				Germany	Nether-lands	Spain	United Kingdom	Belgium/Luxem-bourg	Denmark	Italy	France	Greece	Ireland	Portugal
				DM	Fl	Pta	£	Bfrs/Lfrs	Dkr	Lit	FF	Dr	£ Irl	Esc
				— 100 kg —										

Amounts to be deducted

—	51xx	0,146
—	52xx	0,309
—	53xx	0,494
—	54xx	0,664
—	55xx	0,973
—	56xx	1,447
—	570x	2,217
—	571x	2,217
—	572x	3,070
—	573x	3,070
—	574x	3,947
—	575x	3,947
—	576x	4,825
—	577x	4,825
—	578x	5,702
—	59xx	0,146

Amounts to be deducted

—	61xx	0,106
—	62xx	0,224
—	63xx	0,358
—	64xx	0,481
—	65xx	0,705
—	66xx	1,047
—	670x	1,605
—	671x	1,605
—	672x	2,223
—	673x	2,223
—	674x	2,858
—	675x	2,858
—	676x	3,493
—	677x	3,493
—	678x	4,128
—	69xx	0,106

COMMISSION REGULATION (EEC) No 584/90

of 7 March 1990

amending Regulation (EEC) No 440/90 introducing a countervailing charge on fresh lemons originating in Cyprus

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 440/90⁽³⁾, as amended by Regulation (EEC) No 530/90⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Cyprus;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas if those conditions are taken into consideration the countervailing charge on the import of fresh lemons originating in Cyprus must be altered;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 440/90, 'ECU 3,74' is hereby replaced by 'ECU 1,11'.

Article 2

This Regulation shall enter into force on 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 209, 31. 7. 1987, p. 4.

⁽³⁾ OJ No L 46, 22. 2. 1990, p. 14.

⁽⁴⁾ OJ No L 53, 1. 3. 1990, p. 93.

COMMISSION REGULATION (EEC) No 585/90

of 7 March 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⁽¹⁾,

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

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⁽⁴⁾, as last amended by Regulation (EEC) No 512/90⁽⁵⁾;

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 49,217 per 100 kilograms.

Article 2

This Regulation shall enter into force on 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 269, 16. 9. 1989, p. 29.

⁽⁵⁾ OJ No L 53, 1. 3. 1990, p. 57.

COMMISSION REGULATION (EEC) No 586/90

of 7 March 1990

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

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 498/90⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 498/90 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 498/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 53, 1. 3. 1990, p. 20.

ANNEX

to the Commission Regulation of 7 March 1990 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	24,79 ⁽¹⁾	
1701 11 90 910	24,19 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	24,79 ⁽¹⁾	
1701 12 90 910	24,19 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2695
1701 99 10 100	26,95	
1701 99 10 910	26,30	
1701 99 10 950	26,30	
1701 99 90 100		0,2695

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

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

COMMISSION REGULATION (EEC) No 587/90
of 7 March 1990

fixing the maximum export refund for white sugar for the 44th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 999/89

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 1381/89⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 999/89, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 44th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 44th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 29,031 per 100 kilograms.

Article 2

This Regulation shall enter into force on 8 March 1990.

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

Done at Brussels, 7 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 107, 19. 4. 1989, p. 6.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 5.

COMMISSION REGULATION (EEC) No 588/90

of 7 March 1990

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 448/90⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1989/90 marketing year were fixed by Regulations (EEC) No 1228/89⁽⁷⁾ and (EEC) No 1229/89⁽⁸⁾;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed in Regulation (EEC) No 1228/89;

Whereas the standard quality for sunflower seed has been maintained by the Council for the 1988/89 and 1989/90 marketing years; whereas the coefficients of equivalence applied to the prices of sunflower seed from third coun-

tries have been fixed by Commission Regulation (EEC) No 2869/87⁽⁹⁾;

Whereas the abatement of the subsidy for colza and rape seed which arises from the system of maximum guaranteed quantities for the 1989/90 marketing year has been fixed by Commission Regulation (EEC) No 2625/89⁽¹⁰⁾;

Whereas the abatement of the subsidy for sunflower seed which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has been fixed by Commission Regulation (EEC) No 2957/89⁽¹¹⁾;

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

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽¹²⁾, as last amended by Regulation (EEC) No 1983/82⁽¹³⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Commission Regulation No 225/67/EEC of 28 June 1967 on detailed rules for determining the world market price for oil seeds⁽¹⁴⁾, as last amended by Regulation (EEC) No 2869/87, provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 47, 23. 2. 1990, p. 8.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 128, 11. 5. 1989, p. 20.

⁽⁸⁾ OJ No L 128, 11. 5. 1989, p. 22.

⁽⁹⁾ OJ No L 273, 26. 9. 1987, p. 16.

⁽¹⁰⁾ OJ No L 254, 31. 8. 1989, p. 9.

⁽¹¹⁾ OJ No L 281, 30. 9. 1989, p. 91.

⁽¹²⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽¹³⁾ OJ No L 215, 23. 7. 1982, p. 6.

⁽¹⁴⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

or information available to it, not to be representative of the real trend of the market must also be disregarded; whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

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

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

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

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis

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

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

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 2215/88⁽²⁾, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 534/90⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

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

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 9.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 55, 2. 3. 1990, p. 8.

with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals ;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be advised as provided for in Council Regulation (EEC) No 478/86 ⁽¹⁾; whereas pursuant to Article 95 (2) and 293 (2) of the Act of Accession this aid is to be introduced at the beginning of the 1986/87 marketing year for seed harvested in these two Member States ;

Whereas, in Article 14 of Council Regulation (EEC) No 475/86 of 25 February 1986 laying down general rules for the mechanism for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ⁽²⁾, as amended by Regulation (EEC) No 387/90 ⁽³⁾, provision is made for the granting of compensatory aid, subject to certain conditions ; whereas compensatory aid should be fixed for sunflower seeds harvested in Spain ;

Whereas Council Regulation (EEC) No 1920/87 ⁽⁴⁾, provides for the granting of a special subsidy for sunflower seed harvested and processed in Portugal ; whereas the amount of this subsidy should be fixed ;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ecus resulting from the calculation referred to above plus or minus the differential amount ; whereas Article 1 of Commission Regulation (EEC) No 1813/84 ⁽⁵⁾, as last amended by Regulation (EEC) No 431/89 ⁽⁶⁾, defined the elements which determine the differential amounts ; whereas these elements are equal to the incidence on the target price less percentage referred to in Article 5, paragraph 1 of the said regulation or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72 ; whereas, according to these provisions, this percentage represents :

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

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate ;

(b) for the other Member States, the difference between :

- the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the

central rate of each of the currencies of the Member States referred to in (a), and

- the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined ;

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

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

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

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 8 March 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 8 March 1990.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽³⁾ OJ No L 42, 16. 2. 1990, p. 8.

⁽⁴⁾ OJ No L 183, 3. 7. 1987, p. 18.

⁽⁵⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁶⁾ OJ No L 50, 22. 2. 1989, p. 7.

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

Done at Brussels, 7 March 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

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

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,170	1,770	1,770
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	25,614	25,692	25,638	22,875	21,498	21,500
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	60,75	60,94	60,81	54,39	51,13	51,33
— Netherlands (Fl)	67,57	67,77	67,63	60,34	56,71	56,94
— BLEU (Bfrs/Lfrs)	1 236,82	1 240,59	1 237,98	1 104,56	1 038,07	1 038,17
— France (FF)	195,09	195,66	195,20	173,51	162,96	162,97
— Denmark (Dkr)	228,73	229,43	228,95	204,28	191,98	191,82
— Ireland (£ Irl)	21,713	21,777	21,726	19,311	18,137	18,139
— United Kingdom (£)	16,413	16,448	16,354	14,034	13,312	13,209
— Italy (Lit)	42 844	42 968	42 861	38 021	37 063	36 977
— Greece (Dr)	4 545,09	4 550,77	4 505,48	3 859,26	4 264,05	4 171,78
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	178,89	270,63	270,63
— in another Member State (Pta)	3 624,22	3 636,61	3 626,36	3 202,78	3 083,12	3 060,25
(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)	5 328,11	5 342,86	5 317,72	4 728,44	4 657,25	4 595,95

(1) 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 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)
1. Gross aids (ECU):						
— Spain	3,670	3,670	3,670	3,670	4,270	4,270
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	28,114	28,192	28,138	25,375	23,998	24,000
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	66,65	66,84	66,72	60,29	57,03	57,23
— Netherlands (Fl)	74,16	74,37	74,22	66,94	63,30	63,53
— BLEU (Bfrs/Lfrs)	1 357,54	1 361,31	1 358,70	1 225,28	1 158,79	1 158,89
— France (FF)	214,33	214,91	214,45	192,75	182,20	182,22
— Denmark (Dkr)	251,06	251,76	251,27	226,60	214,30	214,15
— Ireland (£ Irl)	23,855	23,919	23,868	21,453	20,279	20,281
— United Kingdom (£)	18,173	18,209	18,114	15,795	15,086	14,984
— Italy (Lit)	47 094	47 218	47 111	42 271	41 403	41 317
— Greece (Dr)	5 025,03	5 030,71	4 985,42	4 339,20	4 787,83	4 695,56
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	561,13	652,87	652,87
— in another Member State (Pta)	4 006,46	4 018,85	4 008,60	3 585,02	3 465,36	3 442,49
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	499,40	499,40	499,40	499,40	512,33	512,33
— in another Member State (Esc)	5 827,52	5 842,26	5 817,12	5 227,85	5 169,58	5 108,28

(1) 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 3	1st period 4	2nd period 5	3rd period 6	4th period 7
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	35,387	35,349	35,100	32,621	32,621
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	83,83	83,74	83,17	77,41	77,41
— Netherlands (Fl)	93,35	93,25	92,59	86,05	86,05
— BLEU (Bfrs/Lfrs)	1 708,73	1 706,89	1 694,87	1 575,17	1 575,17
— France (FF)	270,30	269,95	267,96	248,49	248,49
— Denmark (Dkr)	316,01	315,67	313,45	291,31	291,31
— Ireland (£ Irl)	30,084	30,046	29,823	27,657	27,657
— United Kingdom (£)	23,279	23,213	22,952	20,866	20,866
— Italy (Lit)	59 451	59 369	58 918	54 576	54 576
— Greece (Dr)	6 417,40	6 396,25	6 305,78	5 722,00	5 722,00
(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)	4 420,32	4 415,45	4 375,84	3 994,50	3 994,50
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	7 893,11	7 883,65	7 816,62	7 273,96	7 273,96
— in another Member State (Esc)	7 720,59	7 711,34	7 645,77	7 114,98	7 114,98
3. Compensatory aids:					
— in Spain (Pta)	4 391,25	4 386,78	4 347,18	3 965,83	3 965,83
4. Special aid:					
— in Portugal (Esc)	7 720,59	7 711,34	7 645,77	7 114,98	7 114,98

(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 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
DM	2,045620	2,041300	2,037030	2,033060	2,033060	2,022810
Fl	2,302790	2,299100	2,295280	2,291240	2,291240	2,279320
Bfrs/Lfrs	42,528200	42,515100	42,497200	42,472200	42,472200	42,412900
FF	6,913790	6,912230	6,910940	6,910170	6,910170	6,905190
Dkr	7,848500	7,857870	7,865680	7,873630	7,873630	7,897000
£Irl	0,768125	0,768043	0,768349	0,768353	0,768353	0,770055
£	0,722273	0,724944	0,727397	0,729678	0,729678	0,736125
Lit	1 510,28	1 512,45	1 514,76	1 516,93	1 516,93	1 522,56
Dr	193,06900	194,38600	196,30300	198,32100	198,32100	203,51500
Esc	179,76700	180,54200	181,50200	182,62300	182,62300	185,95100
Pta	131,31400	131,72400	132,14200	132,57100	132,57100	133,76600

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 March 1990

terminating the review of anti-dumping measures applying to imports of certain glass textile fibres (rovings) originating in Czechoslovakia and the German Democratic Republic and confirming the expiry of the said measures

(90/85/EEC)

THE COMMISSION 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⁽¹⁾, and in particular Articles 9 and 15 thereof,

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Previous procedure

- (1) In November 1982 the Commission published a notice in the *Official Journal of the European Communities* initiating an anti-dumping proceeding concerning imports of certain glass textile fibres (rovings) originating in Czechoslovakia, the German Democratic Republic and Japan⁽²⁾.

In December 1983 a definitive anti-dumping duty was imposed with regard to imports from Czechoslovakia and the German Democratic Republic⁽³⁾ and an undertaking was accepted on behalf of

Japanese exporters with regard to products originating in Japan⁽⁴⁾.

- (2) In July 1988 the Commission published a notice announcing the imminent expiry of the measures in question⁽⁵⁾ pursuant to Article 15 of Regulation (EEC) No 2423/88.

No request for review concerning the undertaking accepted on behalf of the Japanese exporters was received and the said undertaking duly expired on 16 December 1988⁽⁶⁾.

B. Review requests and initiation

- (3) In September 1988 the Commission received a request for a review of the measures concerning imports from Czechoslovakia and the German Democratic Republic lodged by the Association des Producteurs de Fibres de Verre Européen (APFE) on behalf of Community producers representing almost all Community production. The request claimed that the expiry of the anti-dumping measures for imports from Czechoslovakia and the German Democratic Republic would lead again to injury or threat of injury. The main basis of these allegations was the continuous rise of imports at low prices and the risk that expiry of these anti-dumping measures might contribute to a reduction in the current capacity utilization and competitiveness of the European industry.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 310, 27. 11. 1982, p. 2.

⁽³⁾ OJ No L 354, 16. 12. 1983, p. 15.

⁽⁴⁾ OJ No L 352, 15. 12. 1983, p. 47.

⁽⁵⁾ OJ No C 172, 1. 7. 1988, p. 3.

⁽⁶⁾ OJ No C 97, 18. 4. 1989, p. 9.

- (4) The evidence provided was considered sufficient and the Commission accordingly announced by notices published in the *Official Journal of the European Communities*, its intention to carry out a review of anti-dumping measures of certain glass textile fibres (rovings) originating in Czechoslovakia and the German Democratic Republic⁽¹⁾ and the initiation of that review⁽²⁾. The investigation period covered the calendar year 1988. During the investigation the parties concerned were able to make known their views and provide all information necessary for the determination of injury related to the expiry of the measures. Pursuant to Article 15 of Regulation (EEC) No 2423/88 the measures remained in force pending the outcome of the investigation.

C. Product

- (5) The products concerned are continuous glass textile fibres (rovings) falling within CN code 7019 10 51 previously Nimex code 70.20-70.

D. Results of the injury investigation

- (6) The investigation carried out by the Commission services examined the question of whether imports of the goods in question would lead again to injury or threat of injury to Community producers if the current anti-dumping measures were no longer in force.

An analysis of the causality between the non-renewal of the anti-dumping measures and the recurrence of injury was, therefore, made by evaluating the present situation and by assessing the foreseeable recurrence of injury or threat of injury after expiry of the said measures.

- (7) With regard to the present situation it was found that there had been a large increase in demand in the rovings sector due mainly to more applications being found for composite reinforcements in the automotive industry. This favourable market situation was reflected in the Community industry by a higher capacity utilization, increased production, consumption, sales and market share, steadiness of employment and ongoing or imminent investment programmes.

On the other hand imports from the countries in question have increased at a lower rate than the consumption in the Community and consequently the market share of Czechoslovakia and the German Democratic Republic in the Community market has decreased. It was also found that prices of the products in question originating in Czechoslovakia and the German Democratic Republic had

steadily increased and were always well above the variable duty established in 1983.

- (8) Concerning the foreseeable recurrence of injury or threat of injury after expiry of the anti-dumping measures, the consequences of expiry of the measures were considered in the light of their effectiveness during the period that the duty was in force.
- (9) It was established during the investigation that exporters in Czechoslovakia and the German Democratic Republic did not only respect the minimum price established in 1983 but continuously exceeded it and increased their export prices between 3 — 5 % annually. It is reasonable therefore, to assume that expiry of the anti-dumping duty would not, on its own, have been enough to substantially alter the situation which prevailed during the five year period nor would it be enough to change the present situation. The anti-dumping measures originally caused exporters in Czechoslovakia and the German Democratic Republic to revise their export prices and due to the overall shortages on the reinforcement market, expiry of the duty should not lead to prices falling.
- (10) Finally with regard to the foreseeable recurrence of injury or threat of injury after expiry of the anti-dumping measures it was confirmed that no additional capacities in the said two countries were to be expected in the near future.
- (11) In view of the above, it was concluded that no change in the pattern of imports from Czechoslovakia and the German Democratic Republic to the Community of the products in question could be expected in relation to the expiry of the anti-dumping measures.

E. Withdrawal of review requested

- (12) The complainant advised the Commission by letter dated 4 December 1989 that it is withdrawing the request for review mentioned under 3.

F. Termination

- (13) In these circumstances the Commission considers that the review proceeding should be terminated and that the measures remaining in force pending the outcome of the review should lapse forthwith,

HAS DECIDED AS FOLLOWS:

Article 1

The review of anti-dumping measures concerning imports of certain glass textile fibres (rovings) falling within CN code 7019 10 51 originating in Czechoslovakia and the German Democratic Republic is hereby terminated.

⁽¹⁾ OJ No C 294, 18. 11. 1988, p. 4.

⁽²⁾ OJ No C 87, 8. 4. 1989, p. 3.

Article 2

Done at Brussels, 1 March 1990.

The anti-dumping duty which remained in force pending the outcome of the review shall lapse with effect from the day following the publication of this Decision in the *Official Journal of the European Communities*.

For the Commission

Frans ANDRIESEN

Vice-President