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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 857/90
of 4 April 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 754/90⁽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 3 April 1990;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 754/90 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 5 April 1990.

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

Done at Brussels, 4 April 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 83, 30. 3. 1990, p. 4.

ANNEX

to the Commission Regulation of 4 April 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	38,43	131,76 (?) (?)
0712 90 19	38,43	131,76 (?) (?)
1001 10 10	47,93	188,02 (?) (?)
1001 10 90	47,93	188,02 (?) (?)
1001 90 91	39,41	136,69
1001 90 99	39,41	136,69
1002 00 00	64,09	133,30 (*)
1003 00 10	55,34	119,51
1003 00 90	55,34	119,51
1004 00 10	46,74	124,70
1004 00 90	46,74	124,70
1005 10 90	38,43	131,76 (?) (?)
1005 90 00	38,43	131,76 (?) (?)
1007 00 90	55,34	140,88 (*)
1008 10 00	55,34	30,99
1008 20 00	55,34	96,29 (*)
1008 30 00	55,34	0,00 (?)
1008 90 10	(?)	(?)
1008 90 90	55,34	0,00
1101 00 00	69,49	205,68
1102 10 00	104,04	200,94
1103 11 10	89,07	306,15
1103 11 90	73,63	222,71

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 858/90

of 4 April 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 3 April 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 5 April 1990.

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

Done at Brussels, 4 April 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 4 April 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 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	1,81	1,81	9,58
1001 90 99	0	1,81	1,81	9,58
1002 00 00	0	0	0	0
1003 00 10	0	5,81	5,87	5,81
1003 00 90	0	5,81	5,87	5,81
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	2,55	2,55	13,42

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	3,22	3,22	17,05	17,05
1107 10 19	0	2,41	2,41	12,74	12,74
1107 10 91	0	10,34	10,45	10,34	10,34
1107 10 99	0	7,73	7,81	7,73	7,73
1107 20 00	0	9,01	9,10	9,01	9,01

COMMISSION REGULATION (EEC) No 859/90
of 2 April 1990

**amending the list annexed to Regulation (EEC) No 3699/89 establishing for 1990
the list of vessels exceeding eight metres length overall permitted to fish for sole
in certain of the Community areas using beam trawls whose aggregate length
exceeds nine metres**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 3699/89 of 11 December 1989 establishing for 1990 the list of vessels exceeding eight metres length overall authorized to fish for sole in certain Community zones using beam trawls of aggregate length exceeding nine metres⁽³⁾, as amended by Regulation (EEC) No 437/90⁽⁴⁾, and in particular Article 2 thereof;

Whereas the German authorities have requested replacement in the list annexed to Regulation (EEC) No 3699/89 of 10 vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the

national authorities have provided all the information in support of the request required under Article 2 of Regulation (EEC) No 3699/89; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be replaced in the list,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3699/89 is amended as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 2 April 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 362, 12. 12. 1989, p. 19.

⁽⁴⁾ OJ No L 46, 22. 2. 1990, p. 9.

ANNEX

The Annex to Regulation (EEC) No 3699/89 is amended as follows :

Vessels to be replaced :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY				
— SC 37	Rochelsteert	DCSV	Büsum	147
— SC 55	Rebecca	DJIW	Büsum	184
— SD 27	Friesland I	DJFL	Friedrichskoog	110
— WIT 2	Karl-Georg	DDHQ	Wittdün	137
— BÜS 2	Blume		Büsum	66
— WIT 1	Kehrwieder	DJFM	Wittdün	146
— ST 18	Gebrüder	DJDC	Tönning	184
— ST 15	Neptun I	DJHK	Tönning	125
— TÖN 15	Blondi	DJKW	Tönning	99
— HUS 4	Stefanie	DCIU	Husum	136

Vessels replacing the abovementioned vessels :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY				
— ZX 1				
— ZX 2				
— ZX 3				
— ZX 4				
— ZX 5				
— ZX 6				
— ZX 7				
— ZX 8				
— ZX 9				
— TÖN 6	Birgit	DA 7121	Tönning	55

COMMISSION REGULATION (EEC) No 860/90

of 2 April 1990

amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community⁽³⁾, as last amended by Regulation (EEC) No 436/90⁽⁴⁾, and in particular Article 3 thereof;

Whereas the German and Netherlands authorities have requested replacement in the list annexed to Regulation (EEC) No 55/87 of 11 vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all

the information in support of the request required under Article 3 of Regulation (EEC) No 55/87; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be replaced in the list;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 55/87 is amended as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 2 April 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 46, 22. 2. 1990, p. 7.

ANNEX

The Annex to Regulation (EEC) No 55/87 is amended as follows :

Vessels to be replaced :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY				
— SC 37	Rochelsteert	DCSV	Büsum	147
— SC 55	Rebecca	DJIW	Büsum	184
— SD 27	Friesland I	DJFL	Friedrichskoog	110
— WIT 2	Karl-Georg	DDHQ	Wittdün	137
— BÜS 2	Blume		Büsum	66
— WIT 1	Kehrwieder	DJFM	Wittdün	146
— ST 18	Gebrüder	DJDC	Tönning	184
— ST 15	Neptun I	DJHK	Tönning	125
— TÖN 15	Blondi	DJKW	Tönning	99
— HUS 4	Stefanie	DCIU	Husum	136
NETHERLANDS				
— TX 30	Nienke		Texel	177

Vessels replacing the abovementioned vessels :

External identification Letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY				
— ZX 1				
— ZX 2				
— ZX 3				
— ZX 4				
— ZX 5				
— ZX 6				
— ZX 7				
— ZX 8				
— ZX 9				
— TÖN 6	Birgit	DA 7121	Tönning	55
NETHERLANDS				
— TX 95	Nova Cura		Texel	132

COMMISSION REGULATION (EEC) No 861/90

of 4 April 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 Commission to fix, for the week beginning 12 March 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 Commission;

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 beginning 12 March 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 Judgment 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 application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions;

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 March 1990, the level of the premium is fixed at ECU 38,231 per 100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 12 March 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 March 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, 4 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 4 April 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	17,969	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	38,231	0
0204 21 00	38,231	0
0204 50 11		0
0204 22 10	26,762	
0204 22 30	42,054	
0204 22 50	49,700	
0204 22 90	49,700	
0204 23 00	69,580	
0204 30 00	28,673	
0204 41 00	28,673	
0204 42 10	20,071	
0204 42 30	31,540	
0204 42 50	37,275	
0204 42 90	37,275	
0204 43 00	52,185	
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	49,700	
0210 90 19	69,580	
1602 90 71 :		
— unboned (bone-in)	49,700	
— boned or boneless	69,580	

⁽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 862/90

of 3 April 1990

correcting Commission Regulation (EEC) No 626/85 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 8 thereof,Whereas a check has revealed that a mistake was made in the French and Greek versions of Commission Regulation (EEC) No 626/85⁽³⁾, as last amended by Regulation (EEC) No 2328/88⁽⁴⁾; whereas the Regulation in question should be amended accordingly with respect to the nature of the physical stocktaking of products in stock held by storage agencies;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The French version of Article 26 (2) of Regulation (EEC) No 626/85 is replaced by the following:

‘2. Les organismes stockeurs procèdent à un premier inventaire physique des produits qui sont en

stock le dernier jour du mois de février, à minuit (heure locale), de l'année suivant l'année civile au cours de laquelle les produits ont été achetés.

Des inventaires physiques sont faits par la suite pour les produits en stock le 31 août de chaque année à minuit (heure locale).’

2. The Greek version of Article 26 (2) of Regulation (EEC) No 626/85 is replaced by the following:

‘2. Οι οργανισμοί αποθεματοποίησης αναλαμβάνουν την υποχρέωση να προβούν σε μια πρώτη φυσική απογραφή των προϊόντων που βρίσκονται στο απόθεμα την τελευταία ημέρα του Φεβρουαρίου, στις 24.00 (τοπική ώρα), του έτους που έπεται του ημερολογιακού έτους κατά το οποίο αγοράστηκαν τα προϊόντα.

Μεταγενέστερη φυσική απογραφή πρέπει να γίνει για τα προϊόντα που βρίσκονται στο απόθεμα στις 31 Αυγούστου κάθε έτους, στις 24.00 (τοπική ώρα).’

*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, 3 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.⁽³⁾ OJ No L 72, 13. 3. 1985, p. 7.⁽⁴⁾ OJ No L 202, 27. 7. 1988, p. 45.

COMMISSION REGULATION (EEC) No 863/90**of 4 April 1990****fixing the maximum export refund for white sugar for the 48th 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 last amended by Regulation (EEC) No 653/90⁽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 48th 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 48th 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 28,383 per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 April 1990.

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

Done at Brussels, 4 April 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 71, 17. 3. 1990, p. 15.

**COMMISSION REGULATION (EEC) No 864/90
of 4 April 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 741/90 ⁽³⁾, as amended by Regulation (EEC) No 835/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 741/90 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 741/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 April 1990.

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

Done at Brussels, 4 April 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 82, 29. 3. 1990, p. 14.

⁽⁴⁾ OJ No L 86, 31. 3. 1990, p. 51.

ANNEX

to the Commission Regulation of 4 April 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	23,34 ⁽¹⁾	
1701 11 90 910	23,73 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	23,34 ⁽¹⁾	
1701 12 90 910	23,73 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2538
1701 99 10 100	25,38	
1701 99 10 910	25,80	
1701 99 10 950	25,80	
1701 99 90 100		0,2538

⁽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 865/90
of 4 April 1990

laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 thereof,

Whereas Article 11 of Regulation (EEC) No 715/90 provides that the levy applicable to imports of grain sorghum covered by CN code 1007 00 is to be that fixed pursuant to Article 13 of Council Regulation (EEC) No 2727/75 ⁽²⁾, as last amended by Regulation (EEC) No 201/90 ⁽³⁾, reduced by 60 % within the limit of a quota of 100 000 tonnes per calendar year and reduced by 50 % in excess of that quota; whereas that Regulation provides that no import levy is to be collected on millet covered by CN code 1008 20 00 within the limit of a quota of 60 000 tonnes per calendar year and that the levy applicable in excess of that quota is to be reduced by 50 %;

Whereas detailed rules on the administration of those quotas should first be laid down; whereas, in this context, it should be provided that licences for the importation of the products in question are to be issued after a period for reflection and after, where appropriate, the fixing of a single coefficient for reducing the quantities applied for; whereas, in addition, in the interests of the operators, the possibility of withdrawing licence applications after the fixing of the reduction coefficient should be provided for;

Whereas detailed rules relating additionally to imports outside the quotas are also required;

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

HAS ADOPTED THIS REGULATION:

I. Provisions on quotas

Article 1

1. Import licence applications under the quotas for grain sorghum covered by CN code 1007 00 and millet

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 22, 27. 1. 1990, p. 7.

covered by CN code 1008 20 00 fixed by Regulation (EEC) No 715/90 shall be lodged with the competent authorities in any Member State up to 1 p.m. (Brussels time) on Mondays or, if that day is not a working day, on the first following working day.

2. Import licence applications may not relate to a quantity exceeding the quota.

3. The Member States shall transmit information concerning the import licence applications to the Commission by telex or telefax by 6 p.m. (Brussels time) at the latest on the day laid down in paragraph 1. That information must be communicated separately from that regarding other import licence applications for cereals.

4. If import licence applications exceed the quantities in the annual quota, the Commission shall fix a single coefficient for reducing the quantities applied for on the third working day at the latest following the submission of the applications. Licence applications may be withdrawn within one working day following the date on which the reduction coefficient was fixed.

5. Without prejudice to the application of paragraph 4, a licence shall be issued on the fifth working day following the day on which the application for the licence was lodged.

6. By way of derogation from Article 8 (4) of Commission Regulation (EEC) No 3719/88 ⁽⁴⁾, the quantity imported may not exceed that indicated in sections 17 and 18 of the import licence. The figure zero shall be entered to that effect in section 19 of the licence.

Article 2

For grain sorghum, import licence applications and licences shall bear:

(a) under the heading 'Notes' and in section 24, the words 'levy reduced by 60 % (ACP/OCT quota) — Regulation (EEC) No 715/90';

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import levy must be fixed in advance.

Article 3

For millet, import licence applications and licences shall bear :

- (a) under the heading 'Notes' and in section 24, the words 'non-application of the levy (ACP/OCT quota) — Regulation (EEC) no 715/90';
- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import levy must be fixed in advance. The levy shall neither be increased nor adjusted.

II. Provisions on imports outside quotas

Article 4

For quantities to be imported outside the quotas, import licence applications and licences shall bear :

- (a) under the heading 'Notes' and in section 24, the words 'levy reduced by 50 % (ACP/OCT) — Regulation (EEC) No 715/90';
- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import licence must be fixed in advance.

Article 5

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

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

Done at Brussels, 4 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 March 1990

concerning the conclusion of the Agreement between the Federal Republic of Germany and the European Economic Community, on the one hand, and the Republic of Austria, on the other, on cooperation on management of water resources in the Danube Basin

(90/160/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Having regard to the Resolution of the Council of the European Communities and of the representatives of the Governments of the Member States, meeting within the Council, of 19 October 1987 on the continuation and implementation of a European Community policy and action programme on the environment (1987/1992) ⁽⁴⁾ and the fourth action programme of the European Communities on the environment, annexed to the said Resolution, hereinafter called 'fourth action programme';

Whereas the fourth action programme, in continuation of the earlier Action Programmes, lists amongst its main

areas of activity, monitoring and control with a view to improving water quality and reducing pollution;

Whereas the fourth action programme calls for active participation by the Community and its Member States in international action for the protection of the environment, and attaches, in this framework particular importance to bilateral liaisons with third countries;

Whereas the Agreement between the Federal Republic of Germany and the European Economic Community, on the one hand, and the Republic of Austria, on the other, on cooperation on the management of water resources in the Danube Basin, signed in Regensburg on 1 December 1987, provides in particular for the establishment of a Standing Committee on Management of Water Resources, which will formulate recommendations to the Contracting Parties on measures to be taken in order, *inter alia*, to improve the quality of the water resources in the Danube Basin, as far as covered by this Agreement;

Whereas fifteen Directives listed in the Annex to the Final Protocol to the Agreement in question apply to the Danube Basin;

Whereas it appears necessary for the Community to approve the Agreement in order to attain one of the objectives of the Community as regards the preservation, protection and improvement of the quality of the environment, as provided for in the Single European Act;

Whereas the said Agreement was signed on behalf of the Community on 1 December 1987,

⁽¹⁾ OJ No C 98, 19. 4. 1989, p. 10.

⁽²⁾ OJ No C 256, 9. 10. 1989, p. 152.

⁽³⁾ OJ No C 298, 27. 11. 1989, p. 1.

⁽⁴⁾ OJ No C 328, 7. 12. 1987, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the Federal Republic of Germany and the European Economic Community, on the one hand, and the Republic of Austria, on the other, on cooperation on management of water resources in the Danube Basin is hereby approved on behalf of the European Economic Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council of the European Communities shall, on behalf of the European Economic Community, deposit the instrument of approval provided for in

Article 12 of the Agreement. Since both the European Economic Community and the Federal Republic of Germany are parties to this Agreement, their respective authorities will coordinate their schedules so that the instruments of approval of both parties are deposited simultaneously.

Done at Brussels, 22 March 1990.

For the Council

The President

P. FLYNN

AGREEMENT

between the Federal Republic of Germany and the European Economic Community, on the one hand, and the Republic of Austria, on the other, on cooperation on management of water resources in the Danube Basin

THE CONTRACTING PARTIES,

DESIROUS of increasing cooperation on management of water resources, in particular the protection of the aquatic environment and the regulation of discharges,

ANXIOUS to take adequate account of the Contracting Parties' mutual interest concerning the management of water resources,

CONCERNED to improve as far as possible the quality of the waters in the Danube Basin forming a common frontier between the Republic of Austria and the Federal Republic of Germany,

HAVE AGREED AS FOLLOWS:

Article 1

1. The Contracting parties shall cooperate on water management, in particular, in carrying out water management tasks and implementing the water laws in the German and Austrian Danube Basin.

2. Such cooperation shall take the form in particular of,

- (a) exchange of experience,
- (b) exchange of information on water management regulations and measures,
- (c) exchange of experts,
- (d) exchange of publications, regulations and guidelines,
- (e) participation in scientific and specialist meetings,
- (f) consideration of projects on the territory of the Federal Republic of Germany or the Republic of Austria which might substantially influence the proper management of water resources on the territory of the other State,
- (g) consultations in the Standing Committee on Management of Water Resources (Article 7).

3. The Agreement shall not apply to questions concerning fisheries and shipping; the treatment of questions concerning the protection of the aquatic environment against pollution shall not, however, be thereby excluded.

Article 2

1. The Contracting Parties shall notify each other in good time of major projects on the territory of the Federal Republic of Germany or the Republic of Austria or where such projects might substantially influence the proper management of water resources on the territory of the other State.

2. The maintenance and achievement of proper management of water resources within the meaning of this Agreement shall cover projects relating to:

- (a) protection of the aquatic environment including the groundwater, in particular the prevention of pollution, and the discharge of waste water and heat;
- (b) the maintenance and extension of watercourses which might lead to a change in the river flow, in particular the regulation and flow and damming control of watercourses, defence against high water and ice and interference with the water flow through installations in or on watercourses;
- (c) the utilization of the aquatic environment including the groundwaters, in particular the use of water power and the diversion and abstraction of water;
- (d) hydrography.

3. Notification pursuant to paragraph 1 shall be made directly between the relevant authorities and departments insofar as the effects remain restricted to their area of competence, or through the Standing Committee on Management of Water Resources.

4. The Contracting Parties shall inform each other of the bodies responsible for notifying the Standing Committee on Management of Water Resources and of the relevant authorities and departments.

Article 3

1. The Contracting Parties shall take the necessary measures within their respective legal systems to ensure that projects on stretches of water forming the frontier shall not have a substantial adverse effect on the condition of water resources on the territory of the Federal Republic of Germany or the Republic of Austria. They shall hold consultations with the aim of reaching mutual agreement, insofar as one party invokes these effects within a period of three months of notification by adducing serious grounds.

2. In the case of projects on all other waters which might have a substantial adverse effect on the condition of water resources on the territory of the other State, the Contracting Parties shall, at the request of the party concerned, discuss the possibilities of preventing such effects before the projects are carried out.

Article 4

1. In the case of projects on stretches of water forming the frontier which are carried out on the territories of the Federal Republic of Germany and the Republic of Austria, the competent authorities in each case shall decide on that part of the work to be carried out on their territory; in this connection they shall coordinate the timing of the necessary procedures and the substance of the decisions to be adopted.

2. In the case of projects on stretches of water forming the frontier which are to be carried out on the territory of only the Federal Republic of Germany or the Republic of Austria but which could have an adverse effect on the rights and interests of the other State, for example with regard to the water system and condition of the water, the competent authorities of the other State shall be given the opportunity in good time to submit their opinion, in particular on the substance and on the conditions and obligations laid down in the public interest.

3. Where a matter within paragraph 1 or 2 is communicated by one of the Contracting Parties to the Standing Committee on Management of Water Resources, the competent authorities may not take their decision until the matter has been dealt with by that Committee, unless a delay would lead to a dangerous situation.

Article 5

The competent authorities shall carry out control measurements of the quality of the waters, jointly where this is expedient, in areas where the waters form or cross the frontier between the Federal Republic of Germany and the Republic of Austria.

Article 6

The competent authorities shall coordinate their alarm, intervention and notification plans for averting dangers from high water and ice, for measures following accidents with harmful substances and in the event of critical conditions of the aquatic environment and shall, where necessary, draw up harmonized guidelines.

Article 7

1. A Standing Committee on Management of Water Resources shall be set up. Its duty shall be to contribute to the solution of questions arising from the application of this Agreement through joint consultations. For this purpose it may address to the Contracting Parties recommendations drawn up by agreement.

2. The composition, procedures and specific powers of the aforementioned Standing Committee shall be governed by the Statute in Annex 1, which is an integral part of this Agreement.

3. Recommendations pursuant to the third sentence of paragraph 1 may relate in particular to:

- (a) minimum requirements in respect of discharges to the aquatic environment,
- (b) measures to improve a critical condition of the aquatic environment which is due to influences from the

territory of the Federal Republic of Germany or the Republic of Austria, insofar as these influences extend to the territory of the other State,

- (c) other appropriate measures to protect the aquatic environment, including water quality objectives,
- (d) analyses and methods to establish the type and extent of pollution of the aquatic environment and the evaluation of the analysis results.

Article 8

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Austria.

Article 9

1. Disputes between the Federal Republic of Germany and/or the European Economic Community, on the one hand, and the Republic of Austria, on the other hand, concerning the interpretation or application of this Agreement shall be settled by diplomatic means.

2. Where a dispute cannot be settled in this way, it shall be submitted to an arbitral tribunal at the request of either of the Contracting Parties.

3. The arbitral tribunal shall be formed for each individual case, when each Contending Party shall appoint a member. Where both the Federal Republic of Germany and the European Economic Community are in dispute with the Republic of Austria, the Republic of Austria shall appoint two members. The members shall agree on a national of another State not party to the dispute as Chairman, who is to be appointed by the Contending Parties. The members shall be appointed within two months and the Chairman within three months of the date on which one of the Contending Parties notifies the other that it intends to submit the dispute to an arbitral tribunal.

4. If the time limits referred to in paragraph 3 are not observed, either Contending Party may, in the absence of any other agreement, request the President of the European Court of Human Rights to make the necessary appointments. If the President is a national of either of the Contending Parties or if he is prevented from acting on any other grounds, the Vice-President shall make the appointments. If the Vice-President is also a national of either of the Contending Parties or is prevented from acting, the next most senior member of the Court who is not a national of either of the Contending Parties and is not prevented from acting on any other grounds shall make the appointments.

5. The arbitral tribunal shall decide by a majority of its members' votes on the basis of the agreement existing between the Contracting Parties and the rules of international law. Its decisions shall be binding. Each Contending Party shall bear the costs of the arbitrator appointed by it and of its representation in the proceedings before the arbitral tribunal; the costs of the Chairman and other costs shall be shared equally by the Contending Parties. For other matters, the arbitral tribunal shall establish its own rules of procedure.

Article 10

1. This Agreement shall not affect existing conventions and agreements.
2. The Standing Committee on Management of Water Resources shall examine immediately to what extent conventions and agreements under paragraph 1 should be amended, supplemented or cancelled in view of their content or on other grounds; it shall draw up recommendation for their modification or cancellation and for the conclusion of new conventions or agreements.
3. The Final Protocol in Annex 2 is an integral part of this Agreement.

Article 11

This Agreement shall also apply to the Land Berlin, insofar as the Government of the Federal Republic of Germany does not make any contrary declaration to the

Austrian Federal Government within a period of three months of the entry into force of the Agreement.

Article 12

1. This Agreement must be ratified by the Federal Republic of Germany, the European Economic Community and the Republic of Austria; the documents shall be exchanged as soon as possible in Vienna.
2. This Agreement shall enter into force on the first day of the third month following the month in which the documents are exchanged.
3. After a period of five years from the date of entry into force, the Federal Republic of Germany, the European Economic Community or the Republic of Austria may at any time terminate the agreement through diplomatic channels by giving written notice of six months to the end of the year.
4. Termination of the Agreement by one Contracting Party shall mean that the Agreement ceases to be valid.

Done on 1 December 1987 at Regensburg in three originals in the German language.

For the Federal Republic of Germany

For the Republic of Austria

For the European Economic Community

*ANNEX I***STATUTE****of the Standing Committee on Management of Water Resources***Article 1*

The delegation of the Federal Republic of Germany and of the European Economic Community in the Standing Committee on Management of Water Resources (hereinafter called 'the Standing Committee', shall consist of nine members; the delegation of the Republic in Austria in the Standing Committee shall consist of six members. The Federal Republic of Germany and the European Economic Community, on the one hand, and the Republic of Austria, on the other, shall appoint a member of their respective delegations to be its head. At the same time they shall appoint the representatives of the members of the delegation. Each delegation shall have one vote.

Article 2

1. The Standing Committee shall meet at least once a year, and also when necessary or in urgent cases within two months of the request of one of the heads of delegation.
2. Unless there is an agreement to the contrary, the Standing Committee shall meet alternately on the territories of the Federal Republic of Germany and the Republic of Austria.
3. A meeting shall be convened by the head of delegation of the Contracting Party on whose territory the meeting is to take place, in agreement with the other head of delegation.

Article 3

1. Each delegation shall be entitled to call on experts.
2. The Standing Committee may call on the services of experts in carrying out specific tasks.

Article 4

1. Each delegation shall bear its own costs and those of its experts.
2. Where experts are employed on behalf of the Standing Committee, the Federal Republic of Germany and the European Economic Community on the one hand, and the Republic of Austria, on the other, shall each bear half the costs.

Article 5

The Standing Committee shall draw up its own rules of procedure.

Article 6

Where necessary, the Standing Committee may set up subcommittees for specific stretches of water or parts thereof and for specific subjects. Such subcommittees shall be made up on the basis of parity. The subcommittees shall report to the Standing Committee on their activities.

Article 7

The working language of the Standing Committee shall be German.

*ANNEX II***FINAL PROTOCOL**

1. Article 10 (1) of the Agreement on cooperation on management of water resources in the Danube Basin relates in particular to

- (a) the Convention between the State Government of Bavaria and the Austrian Federal Government on discharges from the Risbach, Dürrach und Walchen areas of 16 October 1950,
- (b) the Agreement between the Federal Government of the Republic of Austria and the State Government of the Free State of Bavaria on the Österreichisch-Bayerische Kraftwerk Aktiengesellschaft of 16 October 1950,
- (c) the Agreement between the Governments of the Federal Republic of Germany, the Free State of Bavaria and the Republic of Austria on the Donaukraftwerk Jochenstein Großaktiengesellschaft of 13 February 1952,
- (d) the Agreement between the Federal Government of the Republic of Austria and the Government of the Free State of Bavaria on the use of the Saalach for water power of 14 August 1959 and
- (e) the exchange of notes between the Austrian Federal Government and the German Government concerning the piping of water from the Lech into the Main area of 26 January 1923, the reapplication of which was confirmed with effect from 1 May 1952.

2. By a verbal note of 1 February 1971 the Embassy of the Federal Republic of Germany in Vienna communicated to the Austrian Federal Government the study of the supreme building authority in the Bavarian State Ministry of the Interior concerning the piping of Altmühl und Danube water into the Regnitz-Main area, which is in accordance with the 1923 exchange of notes (see 1 (e) above). There is in an agreement that Article 3 (2) of the Agreement on cooperation on management of water resources in the Danube Basin shall apply to amendments to the project described in this study which might have a substantial adverse effect on Austrian territory.

DECLARATION

by the Federal Republic of Germany and the European Economic Community on the Agreement on cooperation on management of water resources in the Danube Basin between the Federal Republic of Germany and the European Economic Community on the one hand and the Republic of Austria on the other.

The present areas of competence of the European Economic Community within the scope of the Agreement are specified in the legal instruments of the European Economic Community listed in the Annex to this Declaration. Any changes in these areas of competence shall be communicated to the Republic of Austria in writing through diplomatic channels by the Federal Republic of Germany and the European Economic Community jointly.

Regensburg, 1 December 1987.

For the Federal Republic of Germany

For the European Economic Community

*Annex***Measures taken by the Council of the European Communities regarding water management**

1. Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (OJ No L 194, 25. 7. 1975, p. 26)
 2. Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water (OJ No L 31, 5. 2. 1976, p. 1)
 3. Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (OJ No L 129, 18. 5. 1976, p. 23)
 4. Council Decision 77/795/EEC of 12 December 1977 establishing a common procedure for the exchange of information on the quality of surface fresh water in the Community (OJ No L 334, 24. 12. 1977, p. 29)
 5. Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry (OJ No L 54, 25. 2. 1978, p. 19)
 6. Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life (OJ No L 222, 14. 8. 1978, p. 1)
 7. Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States (OJ No L 271, 29. 10. 1979, p. 44)
 8. Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances (OJ No L 20, 26. 1. 1980, p. 43)
 9. Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (OJ No L 229, 30. 8. 1980, p. 11)
 10. Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (OJ No L 81, 27. 3. 1982, p. 29)
 11. Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry (OJ No L 378, 31. 12. 1982, p. 1)
 12. Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges (OJ No L 291, 24. 10. 1983, p. 1)
 13. Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (OJ No L 74, 17. 3. 1984, p. 49)
 14. Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane (OJ No L 274, 17. 10. 1984, p. 11)
 15. Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in list I of the Annex to Directive 76/464/EEC (OJ No L 181, 4. 7. 1986, p. 16)
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COMMISSION

COMMISSION DECISION

of 30 March 1990

concerning certain protection measures relating to classical swine fever in Belgium

(90/161/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 89/662/EEC⁽²⁾, and in particular Article 9 thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽³⁾, as last amended by Directive 89/662/EEC, and in particular Article 8 thereof,

Having regard to Council Directive 80/215/EEC of 22 January 1980 on health problems affecting intra-Community trade in meat products⁽⁴⁾, as last amended by Directive 89/662/EEC, and in particular Article 7 thereof,

Whereas several outbreaks of classical swine fever have occurred in parts of Belgium with a high density of pigs;

Whereas these outbreaks are liable to endanger the herds of other Member States, in view of the trade in live pigs, fresh pigmeat and certain meat-based pork products;

Whereas, since it is possible to identify a geographically limited area which presents a particular risk, the restrictions on trade could be applied on a regional basis;

Whereas the Belgian authorities have taken legal measures to prevent the spread of the disease and the adoption of these legal measures guarantees the efficacy of the implementation of this Decision;

Whereas it is necessary in this situation that the Commission continues to be informed about the intention of the Belgian authorities with a view to a reexamination of the dispositions contained in this Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. As of 25 March 1990, the Kingdom of Belgium shall not send to other Member States:

- live pigs, fresh pigmeat and pigmeat products obtained from pigs slaughtered after 25 March 1990, coming from those parts of their territory described in Annex I,
- fresh pigmeat and pigmeat products obtained from pigs slaughtered after 1 February 1990, coming from parts of their territory described in Annex II.

2. The restrictions described in paragraph 1 shall not apply to meat products which have undergone one of the treatments laid down in Article 4 (1) of Directive 80/215/EEC.

Article 2

1. The health certificate provided for in Directive 64/432/EEC accompanying pigs sent from Belgium must be completed by the following:

'Animals in accordance with Commission Decision 90/161/EEC of 30 March 1990 concerning certain protection measures relating to classical swine fever in Belgium'.

2. The health certificate provided for in Council Directive 64/433/EEC of 26 June 1964, on health problems

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 4.

affecting intra-Community trade in fresh meat⁽¹⁾, as last amended by Directive 89/662/EEC, accompanying pigmeat sent from Belgium must be completed by the following:

'Meat in accordance with Commission Decision 90/161/EEC of 30 March 1990 concerning certain protection measures relating to classical swine fever in Belgium'.

3. The health certificate provided for in Directive 77/99/EEC of 21 December 1976 on animal health problems affecting intra-Community trade in meat products⁽²⁾, as last amended by Directive 89/662/EEC, accompanying meat products sent from Belgium must be completed by the following:

'Products in accordance with Commission Decision 90/161/EEC of 30 March 1990 concerning certain protection measures relating to classical swine fever in Belgium'.

Article 3

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with

this Decision. They shall immediately inform the Commission thereof.

Article 4

The Commission will follow developments in the situation and may amend this decision in the light of such developments. The Commission shall review this decision by 17 April 1990 at the latest in order to decide whether the measures should be continued or amended.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 30 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽²⁾ OJ No L 26, 31. 1. 1977, p. 85.

ANNEX I

All parts of the territory of Belgium situated west and north of a line formed by:

- the river Scheide from the Dutch border to the town Dendermonde,
- the river Dender from Dendermonde to the town Geraardsbergen,
- the national road No N 493 from Geraardsbergen to the Village of Brakel,
- the national road No N 48 from Brakel to the town of Ronse,
- the national road No N 36 from Ronse to the bridge over the river Scheide,
- the river Scheide in direction Southwest to the point where it joins the canal van Spiere,
- the canal van Spiere in direction west to the French border.

ANNEX II

All parts of the territory of Belgium situated inside the line formed by:

- the motorway A 17 from the bridge over the canal of 'Roeselare' to Brugge,
 - the highway N 31 from the A 17 to the bridge over the canal 'Gent-Brugge-Oostende',
 - this canal via the 'Vlotkom and the Handelskom' to the canal 'Brugge to Sluis',
 - the canal of 'Brugge to Sluis' from Brugge to the Dutch-Belgian border,
 - the Dutch-Belgian border to the canal 'Gent-Terneuzen',
 - the canal 'Gent-Terneuzen' from the border to the 'Ringvaart' in Gent,
 - the 'Ringvaart' from the canal 'Gent-Terneuzen' to the bridge of the motorway E 17,
 - the motorway E 17 from Gent to exit No 6,
 - the national route N 459 from the E 17 to the bridge over the river 'Lys',
 - the river 'Lys' from the bridge of the N 459 to the connection with the canal from Roeselare to Ooigem,
 - the canal from Roeselare to Ooigem to the A 17.
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