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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1152/90**of 27 April 1990****instituting a system of aid in favour of small cotton producers**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece⁽¹⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

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

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

Whereas the system of aid for cotton introduced in Protocol 4, as adapted by Regulation (EEC) No 1964/87, provides that the aid for cotton is to be reduced where production exceeds the maximum guaranteed quantity fixed for the marketing year concerned; whereas these arrangements for reducing the aid have resulted in past marketing years, in falls in the income of agricultural producers and in particular of those growing cotton on a small area; whereas, in order to alleviate the effects of these falls on the latter category of producers, their income should be supported through the grant of flat-rate aid per hectare;

Whereas the aid for small cotton producers should be fixed at a level enabling the additional cost of manual harvesting to be offset;

Whereas expenditure on the system of aid for small producers must not exceed a given ceiling; whereas, to that end, a maximum guaranteed area any overrun in which results in a reduction in the aid should be determined; whereas that maximum guaranteed area is to be equal to the average areas sown by small producers in 1987 and 1988;

Whereas, with a view to sound administration, a definition of small producers should be laid down;

Whereas, in order to facilitate the implementation of the provisions contemplated, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within a management committee;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1964/87, the Council is to decide on any adjustments to the system of aid instituted by Protocol 4 before the 1992/93 marketing year; whereas, pending that decision, the duration of the system of aid introduced by this Regulation should apply to the end of the 1991/92 marketing year only,

HAS ADOPTED THIS REGULATION:

Article 1

A system of aid in favour of small cotton producers is hereby instituted.

Article 2

The system of aid provided for in Article 1 shall be applicable in the 1989/90, 1990/91 and 1991/92 marketing years.

Article 3

1. The aid provided for under this Regulation shall be ECU 250 per hectare of area sown and harvested in each of the three marketing years. However, where areas given over to cotton by small producers as referred to in Article 4 exceed a Community maximum guaranteed area, the aid shall be reduced for the marketing year in question depending on the overrun recorded.

2. The Community maximum guaranteed area referred to in paragraph 1 shall be determined for the three marketing years concerned in accordance with the proce-

⁽¹⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽²⁾ OJ No C 96, 17. 4. 1990.

⁽³⁾ OJ No C 112, 7. 5. 1990.

dures laid down in Article 12 of Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽¹⁾, as last amended by Commission Regulation (EEC) No 3995/87 ⁽²⁾. This area shall be equal to the average of the areas given over to cotton by small producers in 1987 and 1988.

Article 4

For the purposes of this Regulation, 'small producer' means a cotton producer who gives over an area not exceeding 2,5 hectares to this crop in 1989, 1990 and 1991 and who has submitted a declaration of areas sown in accordance with Article 8 of Commission Regulation (EEC) No 1201/89 ⁽³⁾, as amended by Regulation (EEC) No 2733/89 ⁽⁴⁾, and an aid application before a date to be determined.

Article 5

1. Member States may refrain from granting the aid in the case of amounts less than a minimum which they shall determine.
2. The aid shall be converted into national currency at the agricultural conversion rate in force on the first day of the marketing year in respect of which that aid is due.

Article 6

The aid provided for under this Regulation shall be considered as an intervention measure intended to stabilize the

agricultural markets within the meaning of Article 3 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁶⁾.

Article 7

1. The detailed rules for the application of this Regulation shall be laid down by the Commission in accordance with the procedure provided for in Article 12 of Regulation (EEC) No 1308/70.
2. In accordance with the procedure referred to in paragraph 1, the Commission shall record any overrun in the maximum guaranteed area and shall determine the resulting reduction in the aid.

Article 8

The Member States and the Commission shall forward each other the data required for the application of this Regulation. Such data shall be compiled in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1308/70. The detailed rules for forwarding and disseminating such data shall be adopted in accordance with the same procedure.

Article 9

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

It shall apply from 1 September 1989.

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

Done at Brussels, 27 April 1990.

For the Council
The President
M. O'KENNEDY

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.
⁽²⁾ OJ No L 377, 31. 12. 1987, p. 34.
⁽³⁾ OJ No L 123, 4. 5. 1989, p. 23.
⁽⁴⁾ OJ No L 263, 9. 9. 1989, p. 15.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 13.
⁽⁶⁾ OJ No L 185, 15. 7. 1988, p. 1.

COMMISSION REGULATION (EEC) No 1153/90

of 7 May 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 4 May 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 8 May 1990.

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

Done at Brussels, 7 May 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 7 May 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	39,80	131,12 ⁽²⁾ ⁽³⁾
0712 90 19	39,80	131,12 ⁽²⁾ ⁽³⁾
1001 10 10	49,77	190,23 ⁽¹⁾ ⁽²⁾
1001 10 90	49,77	190,23 ⁽¹⁾ ⁽²⁾
1001 90 91	40,78	138,38
1001 90 99	40,78	138,38
1002 00 00	65,46	135,83 ⁽⁴⁾
1003 00 10	56,71	134,40
1003 00 90	56,71	134,40
1004 00 10	48,11	127,23
1004 00 90	48,11	127,23
1005 10 90	39,80	131,12 ⁽²⁾ ⁽³⁾
1005 90 00	39,80	131,12 ⁽²⁾ ⁽³⁾
1007 00 90	56,71	138,92 ⁽⁴⁾
1008 10 00	56,71	31,51
1008 20 00	56,71	110,04 ⁽⁴⁾
1008 30 00	56,71	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	56,71	0,00
1101 00 00	71,56	207,31
1102 10 00	106,11	204,62
1103 11 10	91,98	309,69
1103 11 90	75,71	222,32

(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 1154/90

of 7 May 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 4 May 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 May 1990.

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

Done at Brussels, 7 May 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 May 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	5	6	7	8
0709 90 60	0	0,72	0,72	0,72
0712 90 19	0	0,72	0,72	0,72
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	9,99	9,99	9,99
1001 90 99	0	9,99	9,99	9,99
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0,72	0,72	0,72
1005 90 00	0	0,72	0,72	0,72
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	13,99	13,99	13,99

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	5	6	7	8	9
1107 10 11	0	17,78	17,78	17,78	17,78
1107 10 19	0	13,29	13,29	13,29	13,29
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1155/90

of 7 May 1990

on import licences for pigmeat products originating in the African, Caribbean and Pacific States (ACP States) 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 4 (5) of Commission Regulation (EEC) No 904/90⁽²⁾ provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quota;

Whereas no licence applications have been lodged from 1 to 10 April 1990;

Whereas Article 4 (5) of Regulation (EEC) No 904/90 stipulates that if the total quantity for which applications have been submitted is less than that available the

Commission shall calculate the quantity remaining, which is to be added to that available for the following quarter; whereas the quantity available for the third quarter of 1990 of the products referred to in Article 8 of Regulation (EEC) No 715/90 should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 904/90 during the first 10 days of July 1990 in respect of an overall quantity of 187,5 tonnes of products falling within CN code 1601 00.

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 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 93, 10. 4. 1990, p. 23.

COMMISSION REGULATION (EEC) No 1156/90

of 7 May 1990

on import licences for poultrymeat products originating in the African, Caribbean and Pacific States (ACP States) 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 4 (5) of Commission Regulation (EEC) No 903/90 ⁽²⁾ provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas no application for a licence has been lodged from 1 to 10 April 1990;

Whereas Article 4 (5) of Regulation (EEC) No 903/90 stipulates that if the total quantity for which applications have been submitted is less than that available the Commission shall calculate the quantity remaining, which is to be added to that available for the following

quarter; whereas the quantity available for the third quarter of 1990 of the products referred to in Article 6 of Regulation (EEC) No 715/90 should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1990 for:

- 150 tonnes of products falling within CN code 0207,
- 187,5 tonnes of products falling within CN codes 1602 31 and 1602 39.

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 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 93, 10. 4. 1990, p. 20.

COMMISSION REGULATION (EEC) No 1157/90

of 7 May 1990

amending Regulation (EEC) No 1021/90 increasing to 400 000 tonnes the quantity of barley held by the German intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 201/90 ⁽²⁾, and in particular Article 7 (5) thereof,

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

Whereas Commission Regulation (EEC) No 1021/90 ⁽⁵⁾ opened a standing invitation to tender for the export of 200 000 tonnes of barley held by the German intervention agency; whereas, in a communication of 3 May 1990, Germany informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the German intervention agency, for which a standing invitation to tender for export has been opened, should be increased to 400 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1021/90 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1021/90 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 400 000 tonnes of barley to be exported to all third countries.

2. The regions in which the 400 000 tonnes of barley are stored are listed in Annex I hereto.'

Article 2

Annex I to Regulation (EEC) No 1021/90 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 7 May 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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 106, 26. 4. 1990, p. 9.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg	110 121
Niedersachsen/Bremen	86 900
Nordrhein-Westfalen	114 991
Hessen	14 863
Rheinland-Pfalz	34 390
Baden-Württemberg	14 205
Bayern	19 728
Saarland	4 700

COMMISSION REGULATION (EEC) No 1158/90

of 7 May 1990

fixing the maximum buying-in price and the quantities of beef bought in for the
21st partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector ⁽³⁾, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽⁴⁾, as last amended by Regulation (EEC) No 1006/90 ⁽⁵⁾;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted;

Whereas, after the tenders submitted for the 21st partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the price difference recorded results in a different maximum buying-in price being set in Spain in accordance with Article 11 (1) of Regulation (EEC) No 859/89;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 21st partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 275,5 per 100 kilograms of carcasses or half-carcasses of quality R3 and at ECU 283 per 100 kilograms of carcasses or half-carcasses of quality R3 offered in Spain,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 5 008 tonnes; the quantities offered are hereby reduced by 55 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89;

(b) for category C:

- the maximum buying-in price is hereby fixed at ECU 275,5 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity accepted is hereby fixed at 3 151 tonnes; the quantities offered are hereby reduced by 55 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89.

Article 2

This Regulation shall enter into force on 8 May 1990.

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

Done at Brussels, 7 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁵⁾ OJ No L 104, 24. 4. 1990, p. 5.

COMMISSION REGULATION (EEC) No 1159/90

of 7 May 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 1016/90 ⁽³⁾, as last amended by Regulation (EEC) No 1135/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1016/90 to the infor-

mation 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 1016/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 May 1990.

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

Done at Brussels, 7 May 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 105, 25. 4. 1990, p. 12.

⁽⁴⁾ OJ No L 113, 4. 5. 1990, p. 15.

ANNEX

to the Commission Regulation of 7 May 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	23,84 ⁽¹⁾	
1701 11 90 910	24,72 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	23,84 ⁽¹⁾	
1701 12 90 910	24,72 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2592
1701 99 10 100	25,92	
1701 99 10 910	26,88	
1701 99 10 950	26,88	
1701 99 90 100		0,2592

⁽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 1160/90

of 7 May 1990

**abolishing the countervailing charge and re-establishing a preferential customs
duty on imports of tomatoes originating in Turkey**

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 second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1026/90⁽³⁾ introduced a countervailing charge on tomatoes originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas for this product originating in Turkey there were no prices for six consecutive days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing

charge on imports of tomatoes originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁴⁾, as amended by Regulation (EEC) No 1555/84⁽⁵⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1026/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 8 May 1990.

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

Done at Brussels, 7 May 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 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 106, 26. 4. 1990, p. 22.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 1161/90

of 7 May 1990

introducing a corrective amount on the import of courgettes into the Community of Ten from Spain (except the Canary Islands)

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 compensatory mechanism for imports of fruit and vegetables from Spain⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain (except the Canary Islands) for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 577/90⁽²⁾ fixed, for the 1990 marketing year, the Community offer price for courgettes applicable with regard to Spain (except Canary Islands);Whereas Commission Regulation (EEC) No 3815/89⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain (except the Canary Islands);

Whereas, in the case of courgettes the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 has

remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain (except the Canary Islands);

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾;
- in the case of other currencies, an exchange rate based on the arithmetic mean of the spot market rate for each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of courgettes (CN ex 0709 90 70) from Spain (except the Canary Islands) a corrective amount of ECU 11,75 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 9 May 1990.

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

Done at Brussels, 7 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.
⁽²⁾ OJ No L 59, 8. 3. 1990, p. 22.
⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1162/90
of 7 May 1990
amending for the third time Regulation (EEC) No 1925/89 fixing countervailing
charges on 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 (EEC) No 2358/71
of 26 October 1971 on the common organization of the
market in seeds⁽¹⁾, as last amended by Regulation (EEC)
No 1239/89⁽²⁾, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 1925/89⁽³⁾,
as last amended by Regulation (EEC) No 736/90⁽⁴⁾, fixed
countervailing charges on seeds in respect of a certain
type of hybrid maize and sorghum for sowing;

Whereas, since that time, a significant variation has been
recorded in the free-at-frontier offer prices which, under
the terms of Article 4 (2) of Commission Regulation

(EEC) No 1665/72⁽⁵⁾, as amended by Regulation (EEC)
No 2811/86⁽⁶⁾, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 1925/89 is replaced by
the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 May 1990.

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

Done at Brussels, 7 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 35.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 24.

⁽⁴⁾ OJ No L 81, 28. 3. 1990, p. 34.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

⁽⁶⁾ OJ No L 260, 12. 9. 1986, p. 8.

ANNEX

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CN code	Amount of countervailing charge (1)	Country of origin (2)
1005 10 11	0,62	064
	13,8	404
	15,8	048
	31,8	400
	32,4	066
	32,4	1
1005 10 13	16,9	048
	21,7	062
	24,6	064
	26,0	068
	40,0	066
	40,0	2
1005 10 15	9,5	404
	31,6	064
	44,5	066
	119,8	048
	130,8	052
	130,8	3

(1) The countervailing charge may not exceed 4 % of the customs value. In the case of Spain it may not exceed the rate obtained by alignment on the Common Customs Tariff in accordance with the timetable specified in the Act of Accession.

(2) Origin identification :

- 1 Other countries with the exception of Austria and Chile
- 2 Other countries with the exception of Canada, Chile, Japan, Austria, Argentina and the United States
- 3 Other countries with the exception of Bulgaria, Austria, the United States, Chile, Argentina and South Africa
- 048 Yugoslavia
- 052 Turkey
- 062 Czechoslovakia
- 064 Hungary
- 066 Romania
- 068 Bulgaria
- 400 the United States
- 404 Canada

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 April 1990

concerning the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods

(90/216/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods must make it possible to improve the flow of traffic across the frontiers between the contracting parties; whereas it is therefore advisable to approve that Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the

carriage of goods is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The Community shall be represented on the joint committee provided for in Article 15 of the Agreement by the Commission, assisted by the representatives of the Member States.

Article 3

The President of the Council shall carry out the notification provided for in Article 22 of the Agreement.

Done at Luxembourg, 23 April 1990.

For the Council

The President

A. REYNOLDS

AGREEMENT

between the European Economic Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods

PREAMBLE

THE CONTRACTING PARTIES,

CONSIDERING the free trade agreements concluded between the European Economic Community and the Swiss Confederation ;

CONSIDERING the Joint Declaration adopted in Luxembourg on 9 April 1984 by Ministers of the EFTA countries and the Member States of the Community and the Commission of the European Communities, and the statement adopted in Brussels on 2 February 1988 by Ministers of the EFTA countries and Ministers of the Member States of the Community with the aim of creating a dynamic European economic area of benefit their countries ;

CONSIDERING that the Contracting Parties have ratified the International Convention on the Harmonization of Frontier Controls of Goods ;

BEARING in mind the need to facilitate the passage of goods at frontiers between the European Economic Community and the Swiss Confederation ;

CONSIDERING that such facilitation should be progressively developed in accordance with the achievement of the European economic area ;

ACKNOWLEDGING that the conditions under which inspections and formalities are carried out may be extensively harmonized without impairing their purpose, their proper implementation or their effectiveness ;

CONSIDERING that no provision of this Agreement may be interpreted as exempting the Contracting Parties from their obligations under other international agreements,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT :

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Agreement :

- (a) 'inspections' shall mean any operation whereby the customs authorities or any other inspection authority carries out the physical examination or visual inspection of the means of transport or of the goods themselves in order to ascertain that their nature, origin, condition, quantity and value are in conformity with the particulars contained in the documents produced ;
- (b) 'formalities' shall mean any formality to which the authorities subject a trader and which consists in the production or examination of documents, certificates accompanying the goods, or other particulars, irrespective of the method or medium employed, relating to the goods or the means of transport.

Article 2

Scope

1. Without prejudice to special provisions in force under agreement concluded between the European

Economic Community, hereinafter called 'the Community', and the Swiss Confederation, this Agreement shall apply to inspections and formalities concerning the carriage of goods which have to cross a frontier between Switzerland and the Community, hereinafter referred to as the 'Contracting Parties'.

2. This Agreement shall not apply to inspections or formalities :

- in respect of ships and aircraft as means of transport ; however, it shall apply to vehicles and goods carried by the said means of transport ;
- required for the issue of health or plant health certificates in the country of origin of the goods or the country whence they were consigned.

Article 3

Territories covered

1. 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 by that Treaty and, on the other hand, to the territory of the Swiss Confederation.

2. This Agreement shall also apply to the Principality of Liechtenstein for as long as that Principality remains bound to the Swiss Confederation by a customs union treaty.

CHAPTER II**PROCEDURES***Article 4***Random checks and formalities**

1. Save as otherwise expressly provided in this Agreement, the Contracting Parties shall take the necessary measures to ensure that:
 - the various inspections and formalities provided for in Article 2 (1) are carried out with the minimum delay necessary and, in so far as possible, in one place,
 - inspections are carried out by means of random checks except in duly justified circumstances.
2. For the purposes of implementing the second indent of paragraph 1, the basis for carrying out random checks shall be the total number of consignments passing through a frontier post and presented to a customs office or other inspection authority during a given period, and not the total number of goods making up each consignment.
3. The Contracting Parties shall facilitate, at the places of departure and destination of goods, the use of simplified procedures and data-processing and data-transmission techniques for the purposes of the export, transit and import of goods.
4. The Contracting Parties shall endeavour to deploy customs offices, including those in the interior of their territory, in such a way as best to take account of the requirements of commercial operators.

*Article 5***Veterinary rules**

In areas relating to the protection of human and animal health and the protection of animals, implementation of the principles set out in Articles 4, 8 and 14 and the rules governing the fees to be charged in respect of the formalities and inspections carried out shall be the subject of specific recommendations to be adopted in accordance with Article 17 of this Agreement.

*Article 6***Plant health rules**

1. Plant health inspections of imports shall take the form only of random checks and sample testing except in duly justified circumstances. Such inspections shall be carried out at either the place of destination of the goods or another place designated within the respective territories on condition that the itinerary of the goods is affected to the least possible extent.
2. The rules governing the carrying out of identity checks on imports in relation to goods covered by plant

health legislation shall be determined by means of decisions and the measures pertaining to the fees to be charged in respect of plant health formalities and inspections shall be the subject of recommendations made by the joint committee in accordance with Article 17 of this Agreement.

3. Paragraphs 1 and 2 shall not apply to goods of other than Community or Swiss origin except in cases where, by their nature, they present no plant health risk or in cases where they have undergone a plant health inspection on entering the territory of the respective Contracting Parties, and are found, at the time of such inspections, to meet the requirements relating to plant health laid down in the legislation of each Contracting Party.

4. Where a Contracting Party considers that there is imminent danger of the introduction or spread of harmful organisms in its territory, it may take such temporary measures as are necessary to protect itself against that danger. The Contracting Parties shall notify one another forthwith of the measures taken and of the reasons which made them necessary.

*Article 7***Delegation of powers**

The Contracting Parties shall see to it that, by express delegation by the competent authorities and on their behalf, one of the other services represented, and preferably the customs service, may carry out inspections for which those authorities are responsible and, in so far as such inspections relate to the requirement to produce the necessary documents, checks on the validity and authenticity thereof and on the identity of the goods declared in such documents. In that event, the authorities concerned shall ensure that the means required for carrying out such checks are made available.

*Article 8***Recognition of inspections and documents**

For the purposes of implementing this Agreement and without prejudice to the possibility of carrying out random checks, the Contracting Parties shall, in the event of goods being imported or entering in transit, recognize the inspections carried out and the documents drawn up by the competent authorities of the other Contracting Party which certify that the goods comply with the legal requirements of the country of import or equivalent requirements in the country of export.

*Article 9***Opening hours of frontier posts**

1. Where the volume of traffic so warrants, the Contracting Parties shall see to it that:
 - (a) frontier posts are open, except when traffic is prohibited, so that:

- frontiers can be crossed 24 hours a day with the corresponding inspections and formalities in respect of goods placed under a customs transit procedure, their means of transport and vehicles travelling unladen, save where frontier inspection is necessary in order to prevent the spread of disease or to protect animals,
- inspections and formalities relating to the movement of means of transport and goods which are not moving under a customs transit procedure may be performed from Monday to Friday during an uninterrupted period of at least six hours, unless those days are public holidays;

(b) as regards vehicles and goods transported by air, the periods referred to in the second indent of subparagraph (a) shall be adapted in such a way as to meet actual needs and for that purpose shall be split or extended if necessary.

2. Where general compliance with the period referred to in the second indent of paragraph 1 (a) and in paragraph 1 (b) poses problems for veterinary services, the Contracting Parties shall see to it that, subject to at least 12 hours' notice being given by the carrier, a veterinary expert is available during those periods; in the case of the transport of live animals, however, this notice may be increased to 18 hours.

3. Where several frontier posts are situated in the immediate vicinity of one and the same frontier zone, the Contracting Parties may jointly agree, for certain of such posts, to derogate from paragraph 1 provided that the other posts in that zone are able to clear goods and vehicles in accordance with that paragraph.

4. As regards the frontier posts and customs offices and services referred to in paragraph 1, and under the conditions laid down by the Contracting Parties, the competent authorities shall, if specifically requested during business hours and for sound reasons, provide for inspections and formalities to be carried out, as an exception, outside business hours, on condition that, where relevant, payment is made for services so rendered.

Article 10

Express lanes

The Contracting Parties shall endeavour to establish at frontier posts, where technically possible and justified by the volume of traffic, express lanes reserved for goods placed under a customs transit procedure, their means of transport, vehicles travelling unladen and all goods subject to such inspections and formalities as do not exceed those required in respect of goods placed under a transit procedure.

CHAPTER III

COOPERATION

Article 11

Cooperation between authorities

1. In order to facilitate the crossing of frontiers, the Contracting Parties shall take the measures necessary to extend cooperation at both national and regional or local level between the authorities responsible for the organization of inspections and between the various departments carrying out inspections and formalities on either side of such frontiers.

2. Each Contracting Party shall, in so far as it is concerned, see to it that persons engaged in trade covered by this Agreement can rapidly inform the competent authorities of any problems encountered when crossing frontiers.

3. The cooperation referred to in paragraph 1 shall cover in particular:

- (a) the arrangement of frontier posts in such a way as to meet traffic requirements;
- (b) the conversion of frontier offices into juxtaposed inspection offices, where possible;
- (c) the harmonization of the responsibilities of the frontier posts and offices situated on either side of the frontier;
- (d) the seeking of appropriate solutions to any problems reported.

4. The Contracting Parties shall cooperate in order to harmonize the business hours of the various departments carrying out inspections and formalities on either side of the frontier.

Article 12

Notification of new inspections and formalities

Where a Contracting Party intends to introduce a new inspection or formality, it shall inform the other Contracting Party thereof.

The Contracting Party concerned shall ensure that the measures taken to facilitate the crossing of frontiers are not rendered inoperative through the application of such new inspections or formalities.

Article 13

Free flow of traffic

1. The Contracting Parties shall take the measures necessary to ensure that waiting time caused by the various inspections and formalities does not exceed the time required for their proper completion. To that end, they shall organize the business hours of the departments which are to carry out inspections and formalities, the

staff available and the practical arrangements for processing goods and documents associated with the carrying out of inspections and formalities in such a way as to reduce waiting time in the flow of traffic to the fullest possible extent.

2. The competent authorities of countries in whose territory serious disruption in regard to the carriage of goods occurs, which is likely to jeopardize the objectives of simplifying and expediting the crossing of frontiers, shall immediately inform the competent authorities of the other countries affected by such disruption.

3. The competent authorities of each country so affected shall immediately take appropriate measures to ensure, as far as possible, the free flow of traffic. The measures shall be notified to the joint committee which shall, where appropriate, meet in emergency session at the request of a Contracting Party to discuss these measures.

Article 14

Administrative assistance

1. In order to ensure the smooth functioning of trade between the Contracting Parties and to facilitate the detection of any irregularity or infringement, the customs authorities of the countries concerned shall, upon request, or, where they consider that this would be in the interests of the other Contracting Party, on their own initiative, provide each other with all available information (including administrative findings and reports) of interest for the proper implementation of this Agreement.

2. Assistance may be withheld or denied, in whole or in part, where the requested country considers that the assistance would be prejudicial to its security, law and order or other essential interests, or would violate an industrial, commercial or professional secret.

3. If assistance is withheld or denied, the requesting country shall be notified of the decision and the reasons therefor without delay.

4. If the customs authority of a country requests assistance which it would not be able to give if requested, it shall draw attention to that fact in its request. Compliance with such a request shall be at the discretion of the customs authority to which the request is made.

5. Information obtained in accordance with paragraph 1 shall be used solely for the purposes of this Agreement and shall be accorded the same protection by the recipient country as is given to information of like nature under the national law of that country. Such information shall be used for other purposes only with the written consent of the customs authority which furnished it and subject to any restrictions laid down by that authority.

CHAPTER IV

ADMINISTRATIVE BODIES

Article 15

Joint committee

1. A joint committee is hereby established on which the Contracting Parties to this Agreement shall be represented.

2. The joint committee shall act by mutual agreement.

3. The joint committee shall meet whenever necessary but at least once a year. Any Contracting Party may request that a meeting be held.

4. The joint committee shall adopt its own rules of procedure which shall contain, *inter alia*, provisions for convening meetings and for appointing its chairman and his term of office.

5. The joint committee may decide to set up any subcommittee or working party that can assist it in carrying out its duties.

Article 16

Consultation groups

1. The competent authorities of the countries concerned may set up any consultation group responsible for dealing with questions of a practical, technical or organizational nature at regional or local level.

2. Such consultation groups shall meet whenever necessary at the request of the competent authorities of a country. The joint committee shall be kept regularly informed of their deliberations by the Contracting Parties responsible for them.

Article 17

Powers of the joint committee

1. It shall be the responsibility of the joint committee to administer this Agreement and ensure its proper implementation. For that purpose it shall make recommendations and take decisions.

2. In addition to the matters expressly provided for in this Agreement it shall, by means of decisions, adopt implementing measures of a technical and administrative nature with a view to reducing inspections and formalities.

3. Decisions shall be implemented by the Contracting Parties in accordance with their own rules.

4. For the purposes of the proper implementation of this Agreement, the joint committee shall be informed at regular intervals by the Contracting Parties of experience gained in its implementation and those Parties shall, at the request of any one of them, consult one another within the joint committee.

*Article 18***Settlement of disputes**

Any dispute between the Contracting Parties concerning the interpretation or application of this Agreement shall be referred to the joint committee which shall seek an amicable settlement thereof.

CHAPTER V

SUNDRY AND FINAL PROVISIONS*Article 19***Payment facilities**

The Contracting Parties shall see to it that any sums payable in respect of the inspections and formalities applied to trade can also be paid by means of guaranteed or certified international cheques, expressed in the currency of the country in which sum sums are due.

*Article 20***Implementation of the Agreement**

Each Contracting Party shall take appropriate measures to ensure that the provisions of this Agreement are effectively and harmoniously applied, taking into account the need to make it easier for goods to cross frontiers and the need to achieve mutually satisfactory solutions of any difficulties arising out of the application of the said provisions.

*Article 21***Denunciation**

Any Contracting Party may denounce this Agreement by so notifying the other Contracting Party. The Agreement shall lapse 12 months following the date of such notification.

*Article 22***Ratification**

1. This Agreement shall be approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on 1 July 1991 on conditions that the Contracting Parties have notified one another prior to that date that the requisite procedures have been completed.

2. If this Agreement does not enter into force on 1 July 1990, it shall enter into force on the first day of the second month following the date on which the Contracting Parties notify one another that the requisite procedures have been completed.

*Article 23***Languages**

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all texts being equally authentic.

Done at,

For the Swiss Confederation

For the European Economic Community

COUNCIL DECISION

of 25 April 1990

on financial aid from the Community for the eradication of African swine fever
in Sardinia

(90/217/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas African swine fever appeared in Sardinia in 1978 and in Community has already provided for financial assistance to Italy under Council Decision 80/1097/EEC of 11 November 1980 on financial aid from the Community for the eradication of African swine fever in Sardinia ⁽⁴⁾, as last amended by Regulation (EEC) No 3768/85 ⁽⁵⁾;

Whereas the continued presence of this disease prevents the free movement of live pigs, fresh pigmeat and certain pigmeat products;

Whereas the final eradication of this disease constitutes an essential prerequisite for the establishment — with regard to trade in live pigs and pigmeat — of the internal market in the pig sector as well as for increasing the productivity of breeding and, consequently, improving the standard of living of persons engaged in this sector;

Whereas the Italian Republic must present a new plan for the eradication of African swine fever within a period of five years;

Whereas this eradication plan must include certain measures which ensure that the action taken is effective and a change in strategy; whereas adoption of these measures and their adaptation to developments in the situation must involve a procedure in which the Member States and the Commission are closely associated;

Whereas the Member States should be kept regularly informed of the progress of the measures undertaken,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic shall draw up a new plan for the eradication of African swine fever in Sardinia.

Article 2

The plan referred to in Article 1 must provide for, apart from an indication of the organization that is to implement and coordinate it:

1. measures to eliminate outbreaks of African swine fever, and more particularly:

(a) the immediate killing and destruction of all the animals of porcine species on those holdings:

— where a clinical case of African swine fever is diagnosed,

— which, as a result of an epizootiological investigation, can be considered as contaminated.

Killing and destruction shall be effected in such a way as to avoid any danger of spreading the virus;

(b) the cleansing and disinfection of, and elimination of insect and rodent pests from, the holdings referred to in the first indent of (a) after the elimination of the pigs;

(c) immediate and adequate compensation for the owners of holdings whose pigs have been slaughtered in accordance with (a);

(d) a delay for health reasons before restocking of holdings, the duration of such delay being at least one month after slaughter and the completion of the operations provided for in paragraph (b) for holdings operating in enclosed premises and at least three months for other holdings;

(e) the gradual restocking of holdings by the prior introduction of 'sentinel' pigs, in which the absence of African swine fever antibodies has been checked prior to their entry into the holding and again one month later;

(f) continuous serological surveillance of holdings until they are fully restocked;

⁽¹⁾ OJ No C 327, 30. 12. 1989, p. 54.

⁽²⁾ OJ No C 113, 7. 5. 1990.

⁽³⁾ OJ No C 62, 12. 3. 1990, p. 43.

⁽⁴⁾ OJ No L 325, 1. 12. 1980, p. 8.

⁽⁵⁾ OJ No L 362, 31. 12. 1985, p. 8.

(g) the establishment of a protection zone with a radius of at least three kilometres when a clinical case as referred to in the first indent of (a) has been diagnosed. The zone must be established for at least 30 days. Swine may not leave the holdings on which they are kept during the first 15 days. Between the 15th and 30th day, the pigs may leave the holding only in order to be transported under official supervision directly to a slaughterhouse for immediate slaughter. Such transport may be authorized by the competent authority only after the official veterinarian has carried out an examination of all swine on the holding and confirmed that none of the swine may be suspected of being infected with African swine fever;

2. measures for the surveillance and protection of pig farms, and in particular:

(a) serological testing by representative samples from all pig farms in each province beginning in the Nuoro province.

However, the following rules shall apply in the special cases described below:

- in the case of breeding farms, multiplication farms or mixed closed circuit farms, all breeding sows and young sows intended for breeding must be subjected to serological investigation at regular intervals,
 - in the case of mixed farms receiving pigs from external sources, if no clear separation exists between the breeding and the pig fattening unit, all the pigs on the holding must be subjected to serological investigation at regular intervals;
- (b) systematic serological investigation on all farms where one or more animals have reacted positively to the serological test provided for in (a) and the continuation of this investigation until all positive animals have been detected and eliminated;
- (c) an epizootical investigation to identify the holdings on which pigs reacting positively to serological tests originate or may have had contact and systematic serological investigation on such holdings;
- (d) a serological screening (pre-movement test) of all pigs being moved for breeding and fattening;
- (e) serological testing by sampling of pigs at the time of their slaughter;
- (f) elimination by slaughter and destruction of all animals reacting positively to serological tests following measures provided for in (a) to (d);
- (g) immediate and adequate compensation for owners of pigs slaughtered and destroyed in accordance with (f);
- (h) laboratory testing of representative samples from slaughtered wild pigs;

3. measures for identification of pigs and registration of pig farms, and in particular:

- (a) the establishment of a system identifying all pigs in Sardinia so that the province and holding of origin can be traced at any time;
- (b) the registration of all holdings engaged in pig farming in Sardinia, specifying the type of production, the size of their stock, entries of pigs to the holding and their origin, exit of pigs and their destination;

4. measures to construct facilities for sanitary control, identification and bleeding of pigs kept mainly in the free grazing areas.

Article 3

The Commission shall examine the plan drawn up by the Italian authorities in order to ascertain whether it meets the conditions for its approval or whether it should be amended in any way. The plan, including any amendments to it, shall be approved in accordance with the procedure provided for in Article 9.

Article 4

The measure provided for in this Decision shall qualify for financial aid from the Community.

Article 5

1. Community financial assistance shall be granted for a period of five years from the date fixed by the Commission in its decision approving the plan referred to in Article 1.

2. The estimated assistance to be charged to the Community budget under the chapter covering expenditure relating to agriculture shall be ECU 9 million for the duration of the period provided for in paragraph 1.

Article 6

1. On condition that all the measures laid down are applied and are in compliance with the plan approved by the Commission pursuant to Article 3, the expenditure incurred by Italy

- pursuant to Article 2 (1) (a), (b), (c), (e) and (f), and (2),
- pursuant to Article 2 (3) and (4),

shall qualify for Community financial aid within the limits laid down in Article 5.

2. The Community shall refund 50 % of the expenditure referred to in the first indent of paragraph 1 and 30 % of the expenditure referred to in the second indent of paragraph 1.

3. Detailed rules for the application of this Article shall be adopted, as required, in accordance with the procedure laid down in Article 9.

Article 7

1. Applications for payment shall relate to expenditure incurred by Italy during the calendar year and shall be submitted to the Commission before 1 July of the following year.
2. The Commission shall decide on the aid provided for under this Decision after consulting the committee referred to in Article 9.
3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 9.

Article 8

Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2048/88⁽²⁾, shall apply *mutatis mutandis*.

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall without delay be referred by the chairman, either on his own initiative or at the request of the representative of a Member State, to the Standing Veterinary Committee (hereinafter called 'the committee') set up by Decision 68/361/EEC⁽³⁾.
2. Within the committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.
3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority of 54 votes.
4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.
5. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is deli-

vered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 10

1. The Commission shall carry out, working together with the competent national authorities, regular on-the-spot checks to ensure that the eradication plan is being applied.

The Commission shall inform the Member States within the committee of developments regularly, at least once a year, in the light of the information provided by the Italian authorities, who shall submit a progress report to the Commission together with the applications for payment and any reports from experts who, acting on behalf of the Community and appointed by the Commission have made on-the-spot visits.

2. Should the eradication plan require amendment in the course of its execution, a new decision approving it shall be taken in accordance with the procedure laid down in Article 9.

Article 11

This Decision is addressed to the Italian Republic.

Done at Brussels, 25 April 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 255, 18. 10. 1968, p. 23.

COUNCIL DECISION

of 25 April 1990

concerning the administration of Bovine Somatotrophin (BST)

(90/218/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas products arising from milk production occupy a very important place in the Community; whereas they represent an essential source of income for a part of the agricultural population;

Whereas knowledge acquired provides the possibility for placing on the market substances which may have a significant impact on productivity in milk production;

Whereas despite the work accomplished, in particular the evaluation of Bovine Somatotrophin by the Committee for Veterinary Medicinal Products in accordance with Council Directives 81/851/EEC of 28 September 1981 on the approximation of the laws of the Member States relating to veterinary medicinal products⁽³⁾ and 87/22/EEC of 22 December 1986 on the approximation of national measures relating to the placing on the market of high-technology medical products, particularly those derived from biotechnology⁽⁴⁾, the various effects of new substances such as Bovine Somatotrophin are not yet sufficiently clear; in this respect, a necessary period should be provided for in-depth studies to be made;

Whereas, pending a Community decision, Member States may adopt divergent measures; whereas these divergencies may lead to a distortion of competition between milk producers and to new barriers to intra-Community trade;

Whereas in the view of the preceding considerations, it is a matter of over-riding public interest to provide for a temporary prohibition of administration to dairy cows of the substances in question, until all necessary information is obtained;

Whereas it will be necessary to re-examine the overall situation,

HAS ADOPTED THIS DECISION:

Article 1

Notwithstanding the scientific and technical examination of applications laid down by Community rules, Member States shall, until 31 December 1990, prohibit the administration of Bovine Somatotrophin on their territory by any means whatsoever to dairy cows.

Article 2

By way of derogation from Article 1, Member States may authorize the administration to dairy cows of Bovine Somatotrophin for the purposes of carrying out scientific and technical trials, subject to strictly controlled conditions to be notified to the Commission.

Article 3

On a proposal from the Commission, the Council may, acting by a qualified majority, adopt measures necessary for the uniform application of this Decision.

Article 4

The Commission shall, before 1 October 1990, submit a report to the European Parliament and to the Council on the situation, accompanied by proposals concerning future arrangements. The Council shall decide before 31 December 1990 on such proposals.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 25 April 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No C 96, 17. 4. 1990.

⁽²⁾ OJ No C 56, 7. 3. 1990, p. 25.

⁽³⁾ OJ No L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 15, 12. 1. 1987, p. 38.

Information concerning the date of entry into force of certain Protocols and Agreements between the European Economic Community and the countries of the European Free Trade Association (EFTA)

- Second Additional Protocol to the Agreement between the European Economic Community and the Republic of Finland consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽¹⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 30 June 1989, the Protocol entered into force, in accordance with Article 3 thereof, on 1 August 1989.

- Second Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽²⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 12 September 1989, the Protocol entered into force, in accordance with Article 3 thereof, on 1 November 1989.

- Second Additional Protocol to the Agreement between the European Economic Community and the Swiss Confederation consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽³⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 26 June 1989, the Protocol entered into force, in accordance with Article 3 thereof, on 1 August 1989.

- Third Additional Protocol to the Agreement between the European Economic Community and the Republic of Finland consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽⁴⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 1 December 1989, the Protocol entered into force, in accordance with Article 3 thereof, on 1 February 1990.

- Third Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽⁵⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 12 September 1989, the Protocol entered into force, in accordance with Article 3 thereof, on 1 November 1989.

- Third Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Sweden consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽⁶⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 3 August 1989, the Protocol entered into force, in accordance with Article 3 thereof, on 1 October 1989.

- Third Additional Protocol to the Agreement between the European Economic Community and the Swiss Confederation consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽⁷⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 24 January 1990, the Protocol entered into force, in accordance with Article 3 thereof, on 1 March 1990.

⁽¹⁾ OJ No L 136, 19. 5. 1989, p. 6.

⁽²⁾ OJ No L 136, 19. 5. 1989, p. 14.

⁽³⁾ OJ No L 136, 19. 5. 1989, p. 22.

⁽⁴⁾ OJ No L 206, 18. 7. 1989, p. 5.

⁽⁵⁾ OJ No L 206, 18. 7. 1989, p. 11.

⁽⁶⁾ OJ No L 206, 18. 7. 1989, p. 14.

⁽⁷⁾ OJ No L 206, 18. 7. 1989, p. 17.

- Supplementary Protocol to the Agreement between the European Economic Community and the Republic of Austria concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect ⁽¹⁾.

As completion of the procedures necessary for the entry into force of the Protocol was notified on 26 March 1990, the Protocol entered into force, in accordance with Article 4 thereof, on 1 May 1990.

- Agreement between the European Economic Community and the Republic of Austria on trade electronic data interchange systems ⁽²⁾.

As completion of the procedures necessary for the entry into force of the Agreement was notified on 31 January 1990, the Agreement entered into force, in accordance with Article 8 thereof, on 1 February 1990.

- Agreement between the European Economic Community and the Republic of Finland on trade electronic data interchange systems ⁽³⁾.

As completion of the procedures necessary for the entry into force of the Agreement was notified on 29 December 1989, the Agreement entered into force, in accordance with Article 8 thereof, on 1 February 1990.

- Agreement between the European Economic Community and the Kingdom of Norway on trade electronic data interchange systems ⁽⁴⁾.

As completion of the procedures necessary for the entry into force of the Agreement was notified on 31 January 1990, the Agreement entered into force, in accordance with Article 8 thereof, on 1 February 1990.

- Agreement between the European Economic Community and the Kingdom of Sweden on trade electronic data interchange systems ⁽⁵⁾.

As completion of the procedures necessary for the entry into force of the Agreement was notified on 31 January 1990, the Agreement entered into force, in accordance with Article 8 thereof, on 1 February 1990.

⁽¹⁾ OJ No L 352, 4. 12. 1989, p. 59.

⁽²⁾ OJ No L 400, 30. 12. 1989, p. 2.

⁽³⁾ OJ No L 400, 30. 12. 1989, p. 7.

⁽⁴⁾ OJ No L 400, 30. 12. 1989, p. 17.

⁽⁵⁾ OJ No L 400, 30. 12. 1989, p. 22.