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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 1163/90
of 8 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 7 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 9 May 1990.

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

Done at Brussels, 8 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 8 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	191,89 ⁽¹⁾ ⁽³⁾
1001 10 90	49,77	191,89 ⁽¹⁾ ⁽³⁾
1001 90 91	40,78	138,38
1001 90 99	40,78	138,38
1002 00 00	65,46	137,05 ⁽⁴⁾
1003 00 10	56,71	135,64
1003 00 90	56,71	135,64
1004 00 10	48,11	128,45
1004 00 90	48,11	128,45
1005 10 90	39,80	131,12 ⁽²⁾ ⁽³⁾
1005 90 00	39,80	131,12 ⁽²⁾ ⁽³⁾
1007 00 90	56,71	140,05 ⁽⁴⁾
1008 10 00	56,71	33,59
1008 20 00	56,71	111,61 ⁽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	206,33
1103 11 10	91,98	312,26
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 1164/90

of 8 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 7 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 9 May 1990.

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

Done at Brussels, 8 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 8 May 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 5	1st period 6	2nd period 7	3rd period 8
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	9,22	9,22	10,38
1001 90 99	0	9,22	9,22	10,38
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	12,91	12,91	14,53

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	16,41	16,41	18,48	18,48
1107 10 19	0	12,26	12,26	13,81	13,81
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 1165/90

of 8 May 1990

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 139/90

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 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of bone-in intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question; whereas it is appropriate therefore to offer this meat for sale in accordance with Regulation (EEC) No 2539/84;

Whereas forequarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article (5) (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁵⁾, as last amended by Regulation (EEC) No 3182/88⁽⁶⁾;

Whereas in order to ensure that beef sold is exported the lodging of security, as specified at (a) of Article 5 (2) of Regulation (EEC) No 2539/84, should be required;

Whereas products held by intervention agencies and intended for export are subject to the provisions of

Commission Regulation (EEC) No 569/88⁽⁷⁾, as last amended by Regulation (EEC) No 969/90⁽⁸⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 139/90⁽⁹⁾ should be repealed;

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

1. A sale shall be organized of approximately:

- 4 000 tonnes of bone-in beef held by the German intervention agency and bought in before 1 March 1990,
- 500 tonnes of bone-in beef held by the intervention agency of the United Kingdom and bought in before 1 March 1990,
- 3 000 tonnes of bone-in beef held by the Irish intervention agency and bought in before 1 March 1990,
- 150 tonnes of bone-in beef held by the Belgian intervention agency and bought in before 1 March 1990.

This meat shall be for export.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁰⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁸⁾ OJ No L 99, 19. 4. 1990, p. 5.

⁽⁹⁾ OJ No L 16, 20. 1. 1990, p. 12.

⁽¹⁰⁾ OJ No L 99, 10. 4. 1981, p. 38.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 15 May 1990.

4. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 160 per 100 kilograms.

Article 4

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 63 and footnote are added:

'63. Commission Regulation (EEC) No 1165/90 of 8 May 1990 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export⁽⁶³⁾.

⁽⁶³⁾ OJ No L 118, 9. 5. 1990, p. 5.'

Article 5

Regulation (EEC) No 139/90 is hereby repealed.

Article 6

This Regulation shall enter into force on 15 May 1990.

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

Done at Brussels, 8 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindestpreise in ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
Bundesrepublik Deutschland	— Vorderviertel, stammend von : Kategorien A/C	4 000	1 550
United Kingdom	— Hindquarters from : Category C	500	2 250
Ireland	— Hindquarters from : Category C	1 500	2 250
	— Forequarters from : Category C	1 500	1 550
Belgique/ België	— Quartiers arrière, provenant de : — Achtervoeten, afkomstig van : Catégorie A / Categoria A	150	2 050

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

BELGIQUE/BELGIË :	Office belge de l'économie et de l'agriculture rue de Trèves 82 1040 Bruxelles Tél. 02 / 230 17 40, télex 24076 OBEA BRU B	Belgische Dienst voor Bedrijfs- leven en Landbouw Trierstraat 82 1040 Brussel
BUNDESREPUBLIK DEUTSCHLAND	Bundesanstalt für landwirtschaftliche Marktordnung (BALM) Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse) Postfach 180 107 — Adickesallee 40 D-6000 Frankfurt am Main 18 Tel. (06 9) 1 56 40 App.772/773, Telex 04 11 56	
IRELAND :	Department of Agriculture Agriculture House Kildare Street Dublin 2 Tel. (01) 78 90 11, ext. 22 78 Telex 4280 and 5118	
UNITED KINGDOM :	Intervention Board for Agricultural Produce Fountain House 2 Queens Walk Reading RG1 7QW Berkshire Tel. (0734) 58 36 26 Telex 848 302	

COMMISSION REGULATION (EEC) No 1166/90

of 8 May 1990

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EEC) No 106/90

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 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold stocks of intervention meat; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 569/88⁽⁵⁾, as last amended by Regulation (EEC) No 1165/90⁽⁶⁾, and (EEC) No 2182/77⁽⁷⁾, as last amended by Regulation (EEC) No 3988/87⁽⁸⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EEC) No 106/90⁽⁹⁾ should be repealed;

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

1. The following approximate quantities of beef shall be put up for sale for processing within the Community:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁶⁾ See page 5 of this Official Journal.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁹⁾ OJ No L 13, 17. 1. 1990, p. 9.

- approximately 500 tonnes of bone-in beef held by the United Kingdom intervention agency and bought in before 1 April 1989,
- approximately 1 300 tonnes of bone-in beef held by the German intervention agency and bought in before 1 March 1990,
- approximately 2 000 tonnes of boned beef held by the United Kingdom intervention agency and bought in before 1 February 1990,
- approximately 200 tonnes of boned beef held by the French intervention agency and bought in before 1 January 1989,
- approximately 400 tonnes of boned beef held by the Irish intervention agency and bought in before 1 February 1990.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The sales shall be conducted in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 569/88, (EEC) No 2182/77 and this Regulation.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 15 May 1990.

6. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase:

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State;

(b) must be accompanied by:

- a written undertaking by the applicant to process the meat purchased into products specified in

Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,

- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be :

- ECU 100 per 100 kilograms for unboned forequarters,
- ECU 140 per 100 kilograms for boned meat.

Article 4

Regulation (EEC) No 106/90 is hereby repealed.

Article 5

This Regulation shall enter into force on 15 May 1990.

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

Done at Brussels, 8 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada ⁽¹⁾ Mindstepriser i ECU/ton ⁽¹⁾ Mindestpreise, ausgedrückt in ECU/Tonne ⁽¹⁾ Ελάχιστες τιμές πώλησως εκφραζόμενες σε Ecu ανά τόνο ⁽¹⁾ Minimum prices expressed in ecus per tonne ⁽¹⁾ Prix minimaux exprimés en écus par tonne ⁽¹⁾ Prezzi minimi espressi in ecu per tonnellata ⁽¹⁾ Minimumprijzen uitgedrukt in ecu per ton ⁽¹⁾ Preço mínimo expresso em ecus por tonelada ⁽¹⁾
---	--	--	---

a) Carne sin deshuesar — Ikke udbenet kød — Fleisch mit Knochen — Κρέας μη αποστεωμένο — Unboned beef — Viande avec os — Carni con osso — Vlees met been — Carne com osso

Bundesrepublik Deutschland	— Vorderviertel, stammend von : Kategorien A/C, Klassen U, R, O	1 300	1 700
United Kingdom	— Forequarters, from : Category C, class U, R, O	500	1 600

b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Αποστεωμένο κρέας — Boned beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada

France	— Catégorie A / Catégorie C : Caisse B	200	1 600
Ireland	— Category C : Briskets	400	1 800
United Kingdom	— Category C : Pony Pony parts Briskets Striploin flankedge Hindquarter skirts	900 100 1 000 8 1	2 400 1 900 1 800 800 1 000

⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.⁽¹⁾ Estes preços aplicam-se a peso líquido conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

**BUNDESREPUBLIK
DEUTSCHLAND:**

Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Referat 313 — Adickesallee 40
6000 Frankfurt am Main 18
Telex 411 156 / 411 727 / 41 38 90
Tel. 0 69 / 15 64 (0) 7 04 / 7 731 772, Telefax 069-1 564 776, Teletext 6 990 732

FRANCE:

OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 45 38 84 00, télex 26 06 43

IRELAND:

Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

UNITED KINGDOM:

Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302

COMMISSION REGULATION (EEC) No 1167/90

of 8 May 1990

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 676/90

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 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies ⁽³⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas Commission Regulation (EEC) No 2824/85 of 9 October 1985 laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repackaging ⁽⁵⁾ has provided for repackaging under certain conditions;

Whereas certain intervention agencies hold large stocks of boneless intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas as there are outlets in certain third countries for the products concerned, part of that meat should be put up for sale in accordance with Regulations (EEC) No 2539/84 and (EEC) No 2824/85;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽⁶⁾, as last amended by Regulation (EEC) No 970/90 ⁽⁷⁾;

Whereas in order to ensure that beef sold is exported lodging of security, as specified in of Article 5 (a) of Regulation (EEC) No 2539/84, should be required; —

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88 ⁽⁸⁾, as last amended by Regulation (EEC) No 1165/90 ⁽⁹⁾; whereas the Annex to the said Regulation should be modified;

Whereas Commission Regulation (EEC) No 676/90 ⁽¹⁰⁾ should be repealed;

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

1. A sale shall be organized of approximately;
 - 7 000 tonnes of boneless beef held by the Irish intervention agency and bought in before 1 February 1990,
 - 5 000 tonnes of boneless beef held by the intervention agency of the United Kingdom and bought in before 1 February 1990,
 - 150 tonnes of boneless beef held by the Danish intervention agency and bought in before 1 February 1990.

2. This meat shall be for export.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84 and (EEC) No 2824/85.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹¹⁾ shall not apply to this sale.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 99, 19. 4. 1990, p. 8.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ See page 5 of this Official Journal.

⁽¹⁰⁾ OJ No L 75, 21. 3. 1990, p. 8.

⁽¹¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 16 May 1990.

6. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 100 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 400 per 100 kilograms of boneless beef.

Article 4

No export refund shall be granted on meat referred to under (b) in Annex I.

Article 5

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item and footnote are added:

'(64) Commission Regulation No 1167/90 of 8 May 1990 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of boneless beef held by certain intervention agencies and intended for export ⁽⁶⁴⁾.'

⁽⁶⁴⁾ OJ No L 118, 9. 5. 1990, p. 13.'

Article 6

Regulation (EEC) No 676/90 is hereby repealed.

Article 7

This Regulation shall enter into force on 16 May 1990.

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

Done at Brussels, 8 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I*

Precio mínimo expresado en ecus por tonelada ⁽¹⁾ — Mindestpreise in ECU/ton ⁽¹⁾ — Mindestpreise, ausgedrückt in ECU/Tonne ⁽¹⁾ — Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο ⁽¹⁾ — Minimum prices expressed in ECU per tonne ⁽¹⁾ — Prix minimaux exprimés en écus par tonne ⁽¹⁾ — Prezzi minimi espressi in ecu per tonnellata ⁽¹⁾ — Minimumprijzen uitgedrukt in ecu per ton ⁽¹⁾ — Preço mínimo expresso em ecus por tonelada ⁽¹⁾

1. IRELAND

a) Fillets	8 800
Striploins	3 800
Insides	3 200
Outsides	3 200
Knuckles	3 200
Rumps	3 200
Cube-rolls	4 800
b) Briskets	1 000
Forequarters	1 100
Shins/Shanks	1 000
Plates/Flanks	800

2. DANMARK

a) Mørbrad	6 400
Inderlår	2 800
Tyksteg	2 800
Klump	2 800
Yderlår	2 800
b) Bryst og slag	800
Øvrigt kød af forfjerdingen	1 100
Skank og muskel	900

3. UNITED KINGDOM

a) Fillets	8 800
Striploins	3 200
Topsides	3 200
Silversides	3 200
Thick flanks	3 200
Rumps	3 200
b) Shins and shanks	1 000
Clod and sticking	1 100
Ponies	1 100
Thin flanks	800
Forequarter flanks	800
Briskets	1 000
Foreribs	1 200

⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17° do Regulamento (CEE) n° 2173/79.

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

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of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção

DANMARK: Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
(tlf. 01 92 70 00; telex 151 37 DK)

IRELAND: Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

UNITED KINGDOM: Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302

COMMISSION REGULATION (EEC) No 1168/90**of 8 May 1990****derogating from Regulation (EEC) No 1738/89 laying down detailed rules on
production aid for durum wheat**

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 10 (5) thereof,

Whereas Council Regulation (EEC) No 3103/76 of 16
December 1976 on aid for durum wheat ⁽³⁾, as last
amended by Regulation (EEC) No 1216/89 ⁽⁴⁾, lays down
general rules on aid for durum wheat;

Whereas the final date for the submission of applications
for production aid for durum wheat, set at 30 April by
Commission Regulation (EEC) No 1738/89 ⁽⁵⁾, as
amended by Regulation (EEC) No 920/90 ⁽⁶⁾, raises
problems of an administrative nature in certain Member
States; whereas, in order to remedy that situation, the
period during which aid applications may be submitted
should be extended;

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

By way of derogation from Article 4 (1) of Regulation
(EEC) No 1738/89, the final date for the submission of
applications for production aid for durum wheat for the
1990/91 marketing year shall be 15 May 1990.

Article 2

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

It shall apply with effect from 1 May 1990.

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

Done at Brussels, 8 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 351, 21. 12. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 5.

⁽⁵⁾ OJ No L 171, 20. 6. 1989, p. 31.

⁽⁶⁾ OJ No L 94, 11. 4. 1990, p. 15.

COMMISSION REGULATION (EEC) No 1169/90

of 8 May 1990

fixing for the 1989/90 marketing year the average world market price and the indicative yield for linseed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for linseed⁽¹⁾, as amended by Regulation (EEC) No 4003/87⁽²⁾, and in particular Article 2 (4) thereof,Whereas an average world market price for linseed must be determined each year according to the criteria laid down in Council Regulation (EEC) No 1774/76 of 20 July 1976 on special measures for linseed⁽³⁾;Whereas Article 4 of Commission Regulation (EEC) No 1799/76 of 22 July 1976 laying down detailed rules for the application of special measures in respect of linseed⁽⁴⁾, as last amended by Regulation (EEC) No 3163/89⁽⁵⁾, provides that this average price is to be the arithmetic mean of the world market prices as referred to in that Article and recorded each week over a representative period;

Whereas the most representative period for the marketing of Community linseed may be taken to be that from 4 September 1989 to 16 March 1990; whereas this is therefore the period to be taken into account;

Whereas the application of all these provisions produces the average world market price for linseed specified below;

Whereas Article 2 (2) of Regulation (EEC) No 569/76 provides that the subsidy is to be granted for a production figure obtained by applying an indicative yield to the areas sown and harvested; whereas that yield must be

determined by applying the criteria laid down in Regulation (EEC) No 569/76 and (EEC) No 1774/76;

Whereas, in accordance with Article 17 (1) of Regulation (EEC) No 1799/76, the producer Member States have supplied the Commission with the results of the sampling, carried out pursuant to Article 2a (2) of that Regulation, regarding the yields per hectare of seed harvested from each of the types of flax referred to in Articles 7a and 10a of the said Regulation in the homogeneous production areas; whereas, on the basis of those results, the indicative yield for linseed should be that specified below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the average world market price for linseed shall be ECU 26,105 per 100 kilograms.

Article 2

For the 1989/90 marketing year, the indicative yields for linseed and the relevant production zones shall be as specified in the Annex.

*Article 3*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 8 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29.⁽²⁾ OJ No L 377, 31. 12. 1987, p. 46.⁽³⁾ OJ No L 199, 24. 7. 1976, p. 1.⁽⁴⁾ OJ No L 201, 27. 7. 1976, p. 14.⁽⁵⁾ OJ No L 307, 24. 10. 1989, p. 20.

ANNEX

Indicative yields (kilograms per hectare) and relevant production areas

I. FIBRE FLAX

	Retted but not de-seeded	Other
Area I: The following Dutch areas: IJsselmeerpolders, Droogmakerijen Noord-Holland and Noordelijk Kleigebied	1 501	1 715
Area II: 1. Other areas of the Netherlands 2. The following Belgian communes: Assenede, Beveren-Waas, Blankenberge, Bredene, Brugge, Damme, De Haan, De Panne, Diksmuide (with the exception of Vladslo and Woumen), Gistel, Jabbeke, Knokke-Heist, Koksijde, Lo-Reninge, Middelkerke, Nieuwpoort, Oostende, Oudenburg, Sint-Gillis-Waas (only Meerdonk), Sint-Laureins, Veurne and Zuienkerke	1 323	1 520
Area III: 1. Other areas of Belgium 2. The following French areas: — the departement of Nord, — the arrondissements of Béthune, Lens, Calais, St Omer and the canton of Marquise in the departement of Pas-de-Calais, — the arrondissements of Saint-Quentin and Vervins in the departement of Aisne, — the arrondissement of Charleville-Mézières in the departement of Ardennes 3. United Kingdom	1 014	1 215
Area IV: The following French areas: — the arrondissements of Arras, Boulogne-sur-Mer with the exception of the canton of Marquise, Montreuil in the departement of Pas-de-Calais, — the departement of Somme, — the arrondissements of Beauvais, Clermont and Compiègne in the departement of Oise	938	1 252
Area V: The following French areas: — the arrondissements of Rethel, Sedan, Vouziers, in the departement of Ardennes, — the arrondissements of Laon, Soissons, Château-Thierry in the departement of Aisne, — the departement of Marne, — the arrondissement of Senlis in the departement of Oise, — the departements of Seine-et-Marne, Essonne, Yvelines, Val-d'Oise, Hauts-de-Seine, Seine-St-Denis, Val-de-Marne, Eure-et-Loir, Loir-et-Cher, Sarthe, — the arrondissements of Alençon and Mortagne-au-Perche in the departement of Orne	980	1 196
Area VI: Other areas of the Community	856	1 108

II. SEED FLAX

Area I :	2 283
The Netherlands	
Area II :	2 157
Ireland	
Area III :	1 841
United Kingdom	
Area IV :	1 459
The Federal Republic of Germany	
Area V :	1 305
France	
Area VI :	956
Italy	
Area VII :	815
Other areas of the Community	

COMMISSION REGULATION (EEC) No 1170/90**of 8 May 1990****fixing the minimum import price applicable to certain types of processed cherries during the 1990/91 marketing year**

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 9 (6) thereof,

Having regard to Council Regulation (EEC) No 1201/88 of 28 April 1988 establishing import mechanisms for certain processed products obtained from sour cherries and originating in Yugoslavia ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas Council Regulation (EEC) No 3225/88 ⁽⁴⁾ fixes general rules for the system of minimum import prices for certain processed cherries;

Whereas, pursuant to Article 9 (2) of Regulation (EEC) No 426/86, minimum import prices are to be determined having regard in particular to:

- the free-at-frontier prices on import into the Community,
- the prices obtaining on world markets,
- the situation on the internal Community market,
- the trend of trade with non-member countries;

Whereas a minimum import price should be fixed on the basis of the abovementioned criteria for the 1990/91

marketing year for certain types of processed cherries listed in Annex I (B) to Regulation (EEC) No 426/86; whereas the minimum price thus established must apply to the same products originating in Yugoslavia, referred to in Annex I to Regulation (EEC) No 1201/88;

Whereas the Management Committee for products processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 9 (1) of Regulation (EEC) No 426/86 and Article 1 (1) of Regulation (EEC) No 1201/88, for each of the products listed in the Annex to this Regulation, the minimum import price applicable during the 1990/91 marketing year shall be as set out in that Annex.

Article 2

This Regulation shall enter into force on 10 May 1990.

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

Done at Brussels, 8 May 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 115, 3. 5. 1988, p. 9.

⁽⁴⁾ OJ No L 288, 21. 10. 1988, p. 11.

ANNEX

(ECU/100 kg net weight)

CN code	Description	Minimum import price
ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter :	
ex 0811 90	— Other :	
	— — Containing added sugar or other sweetening matter	
ex 0811 90 10	— — — With a sugar content exceeding 13% by weight :	
	— — — — Sour cherries (<i>Prunus cerasus</i>) :	
ex 0811 90 10	— — — — — Unstoned	48,20
ex 0811 90 10	— — — — — Other	54,50
	— — — — Other cherries :	
ex 0811 90 10	— — — — — Unstoned	48,20
ex 0811 90 10	— — — — — Other	54,50
ex 0811 90 30	— — — Other :	
	— — — — Sour cherries (<i>Prunus cerasus</i>) :	
ex 0811 90 30	— — — — — Unstoned	48,20
ex 0811 90 30	— — — — — Other	54,50
	— — — — Other cherries :	
ex 0811 90 30	— — — — — Unstoned	48,20
ex 0811 90 30	— — — — — Other	54,50
	— — Other :	
ex 0811 90 90	— — — Other :	
	— — — — Sour cherries (<i>Prunus cerasus</i>) :	
ex 0811 90 90	— — — — — Unstoned	48,20
ex 0811 90 90	— — — — — Other	54,50
	— — — — Other cherries :	
ex 0811 90 90	— — — — — Unstoned	48,20
ex 0811 90 90	— — — — — Other	54,50
ex 0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :	
0812 10 00	— Cherries :	
ex 0812 10 00	— — Sour cherries (<i>Prunus cerasus</i>)	—
ex 0812 10 00	— — Other	—
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :	
2008 60	— Cherries :	
	— — Not containing added spirit	
	— — — Containing added sugar, in immediate packings of a net content exceeding 1 kg :	
2008 60 51	— — — — Sour cherries (<i>Prunus cerasus</i>)	60,80
2008 60 59	— — — — Other	60,80
	— — — Containing added sugar, in immediate packings of a net content not exceeding 1 kg :	
2008 60 61	— — — — Sour cherries (<i>Prunus cerasus</i>)	67,10
2008 60 69	— — — — Other	67,10
	— — — Not containing added sugar, in immediate packings of a net content :	
	— — — — Of 4,5 kg or more :	
2008 60 71	— — — — — Sour cherries (<i>Prunus cerasus</i>)	53,70
2008 60 79	— — — — — Other	53,70
	— — — — Of less than 4,5 kg :	
2008 60 91	— — — — — Sour cherries (<i>Prunus cerasus</i>)	58,70
2008 60 99	— — — — — Other	58,70

COMMISSION REGULATION (EEC) No 1171/90

of 8 May 1990

adjusting the corrective amount on the import of aubergines 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 imple-
menting 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 and
Commission Regulation (EEC) No 3815/89 ⁽²⁾ lays down
detailed rules for applying the said compensatory
mechanism;

Whereas Commission Regulation (EEC) No 1028/90 ⁽³⁾,
as amended by Regulation (EEC) No 1122/90 ⁽⁴⁾, intro-
duces a corrective amount on imports of aubergines into
the Community of Ten from Spain (except the Canary
Islands);

Whereas Article 3 (4) of Regulation (EEC) No 3709/89
lays down the conditions under which a corrective
amount introduced pursuant to Article 3 (1) of the said
Regulation, is to be adjusted; whereas the said conditions
require that the corrective amount on imports of auber-
gines from Spain (except the Canary Islands) into the
Community of Ten be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1028/90, 'ECU 1,41'
is replaced by 'ECU 0,09'.

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, 8 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 371, 30. 12. 1989, p. 28.

⁽³⁾ OJ No L 106, 26. 4. 1990, p. 25.
⁽⁴⁾ OJ No L 112, 3. 5. 1990, p. 16.

COMMISSION REGULATION (EEC) No 1172/90

of 8 May 1990

abolishing the corrective amount on the import of artichokes 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 of the Council lays down general rules for applying the said compensatory mechanism and Commission Regulation (EEC) No 3815/89⁽²⁾ lays down detailed rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 1080/90⁽³⁾ introduces a corrective amount on imports of artichokes into the Community of Ten from Spain (except the Canary Islands);

Whereas Article 3 (4) of Regulation (EEC) No 3709/89 lays down the conditions under which a corrective amount introduced pursuant to Article 3 (1) of the said Regulation is to be abolished; adjusted; whereas the said conditions require abolition of the corrective amount on imports of artichokes into the Community of Ten from Spain (except the Canary Islands),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1080/90 is hereby repealed.

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, 8 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 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 108, 28. 4. 1990, p. 82.

COMMISSION REGULATION (EEC) No 1173/90

of 8 May 1990

abolishing the countervailing charge on aubergines originating in 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 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 1081/90⁽³⁾ introduced a countervailing charge on aubergines originating in the Canary Islands;

Whereas for these products originating in the Canary Islands there were no prices for six consecutive working

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 aubergines originating in the Canary Islands can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1081/90 is hereby repealed.

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, 8 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 108, 28. 4. 1990, p. 83.

COMMISSION REGULATION (EEC) No 1174/90

of 8 May 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

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

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

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 22 (2) of Regulation (EEC) No
3013/89 whereas it is necessary therefore for the Commis-
sion to fix, for the week beginning 16 April 1990, the
level of the premium and the amount to be charged on
products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 24 (2) and
(3) of Regulation (EEC) No 3013/89, for the week begin-
ning 16 April 1990, the variable slaughter premium for

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 1, within the meaning of Article 22
(2) of Regulation (EEC) No 3013/89, for the variable
slaughter premium during the week beginning 16 April
1990, the level of the premium is fixed at ECU 7,447 per
100 kilograms of estimated or actual dressed carcase
weight within the limits laid down by Article 1 (1) (b) of
Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regula-
tion (EEC) No 3013/89 which left the territory of region 1
during the week beginning 16 April 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 16 April 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, 8 May 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 8 May 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 (*)
	Live weight	Live weight
0104 10 90	3,500	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	7,447	0
0204 21 00	7,447	0
0204 50 11		0
0204 22 10	5,213	
0204 22 30	8,192	
0204 22 50	9,681	
0204 22 90	9,681	
0204 23 00	13,554	
0204 30 00	5,585	
0204 41 00	5,585	
0204 42 10	3,910	
0204 42 30	6,144	
0204 42 50	7,261	
0204 42 90	7,261	
0204 43 00	10,165	
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	9,681	
0210 90 19	13,554	
1602 90 71 :		
— unboned (bone-in)	9,681	
— boned or boneless	13,554	

(*) 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 1175/90**of 8 May 1990****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3891/89 of 11 December 1989 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1990) (1), and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3948/89 of 20 December 1989 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EEC) No 3891/89 and (EEC) No 3892/89 in the beef and veal sector (2) provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 252/90 (4);

Whereas Article 1 (1) (d) of Regulation (EEC) No 3948/89 fixes the amount of high-quality fresh, chilled or frozen

beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms in 1990 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1st until 5th May 1990 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3948/89 shall be met in full.

2. Applications for licences may be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first five days of June 1990 for 4 743 tonnes.

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, 8 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 378, 27. 12. 1989, p. 19.

(2) OJ No L 379, 28. 12. 1989, p. 32.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 27, 31. 1. 1990, p. 34.

COMMISSION REGULATION (EEC) No 1176/90

of 8 May 1990

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 1151/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 May 1990.

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

Done at Brussels, 8 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 187, 1. 7. 1989, p. 13.⁽⁴⁾ OJ No L 114, 5. 5. 1990, p. 23.

ANNEX

to the Commission Regulation of 8 May 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	30,24 ⁽¹⁾
1701 11 90	30,24 ⁽¹⁾
1701 12 10	30,24 ⁽¹⁾
1701 12 90	30,24 ⁽¹⁾
1701 91 00	33,32
1701 99 10	33,32
1701 99 90	33,32 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 1177/90

of 8 May 1990

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1088/90 ⁽³⁾, as amended by Regulation (EEC) No 1125/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1088/90 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1088/90 are hereby altered to the amounts shown in the Annex hereto.

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, 8 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 111, 1. 5. 1990, p. 5.

⁽⁴⁾ OJ No L 112, 3. 5. 1990, p. 20.

ANNEX

to the Commission Regulation of 8 May 1990 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point ... of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3332	—
1702 20 90	0,3332	—
1702 30 10	—	42,34
1702 40 10	—	42,34
1702 60 10	—	42,34
1702 60 90	0,3332	—
1702 90 30	—	42,34
1702 90 60	0,3332	—
1702 90 71	0,3332	—
1702 90 90	0,3332	—
2106 90 30	—	42,34
2106 90 59	0,3332	—

COMMISSION REGULATION (EEC) No 1178/90
of 8 May 1990

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 2396/89⁽³⁾ opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 3327/89⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- for the other currencies, a conversion rate based on the arithmetic mean of the spot market rates for the currency, as recorded over a given period, against the Community currencies referred to in the preceding indent, and the abovementioned factor;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (standard) carnations originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN code ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 2396/89 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 10 May 1990.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 227, 4. 8. 1989, p. 9.

⁽⁴⁾ OJ No L 321, 4. 11. 1989, p. 41.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 8 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 April 1990

on the conclusion of the Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East

(90/222/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas the Community wishes to continue its programme of aid to Palestine refugees in the Near East;

Whereas the Convention concluded with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East, approved on 5 May 1987⁽²⁾, expired on 31 December 1989;

Whereas a new Convention should be concluded with UNRWA so that the Community's aid continue to be provided as part of a comprehensive operation offering a measure of continuity;

Whereas continued support of UNRWA operations would be likely to contribute to the attainment of the Community objectives;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East is hereby approved on behalf of the Community.

The text of the Convention is attached to this Decision.

Article 2

Questions relating to the execution of the Community programme of food aid to UNRWA shall be governed by the procedure defined Regulation (EEC) No 3972/86⁽³⁾ or, if appropriate, by any regulation on food aid repealing and replacing it.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Convention in order to bind the Community.

Done at Luxembourg, 23 April 1990.

For the Council

The President

A. REYNOLDS

⁽¹⁾ OJ No C 113, 7. 5. 1990.

⁽²⁾ OJ No L 136, 26. 5. 1987, p. 43.

⁽³⁾ OJ No L 370, 30. 12. 1986, p. 1.

CONVENTION

between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East

Article 1

Desirous of continuing its aid to Palestine refugees, the European Economic Community (hereinafter referred to as 'the Community') hereby concludes this Convention with the United Nations Relief and Works Agency for Palestine Refugees (hereinafter referred to as 'UNWRA') in order to confirm its commitment to a programme of aid to UNWRA. This aid shall take the form of contributions in kind or in cash extending over a three-year period for use under the UNWRA education, health and feeding programmes.

Article 2

1. The Community shall pay to UNWRA annually a cash contribution towards the cost of the education and health programmes, including the supplementary feeding programme. The size of this contribution shall be: ECU 21 million in 1990, ECU 22 million in 1991 and ECU 23 million in 1992 for the education programme; ECU 1 million in 1990, ECU 2 million in 1991 and ECU 3 million in 1992 for the health programme; and ECU 3,4 million in 1990, ECU 2,7 million in 1991 and ECU 2 million in 1992 for the supplementary feeding programme (which is a part of the health programme). The distribution of these amounts within the health programme (including the supplementary feeding programme) will be amenable to adjustment each year depending on evidence of real needs.

2. UNWRA shall send the Community each year a report on the use made of the Community contribution. UNWRA shall also provide the Community with all the documentation relating to the execution of the education and health programmes, including the supplementary feeding programme; the detailed accounts of expenditure; and budgetary estimates of future expenditure and the yearly statistics of the UNWRA Departments of Education and Health.

3. UNWRA shall inform the Community of any significant changes planned for the education or health services provided by the Agency.

4. In the event of any significant changes in the education or health services provided by UNWRA during the period of validity of this Convention, the Community reserves the right to give its approval to the use made of the funds it is making available to UNWRA.

*Article 3***Aid for the feeding programmes**

1. The Community shall contribute in kind or in cash to the various UNRWA feeding programmes (the programme for distribution of rations to special hardship cases, the feeding in training centres programme and the supplementary feeding programme).

2. The size and form of the Community contribution to these programmes and the conditions on which aid is granted shall be determined by the Community each year in the framework of its food aid programmes, on the basis of the requests submitted by UNWRA, with the exception of the supplementary feeding programme (included within the health programme) which will amount to ECU 3,4 million in 1990, ECU 2,7 million in 1991, and ECU 2 million in 1992, subject to early adjustments as specified in Article 2 (1),

3. The Community shall pay the following contributions in cash to UNWRA for the feeding programmes:

- a sum as a contribution to the operating costs of the supplementary feeding programme, as indicated,
- a sum for the purchase of products on the Community market. However, in the event of an emergency or non-availability on the Community market or in other exceptional cases after agreement by the Community, the products concerned may be purchased in the developing countries or on the local market,
- a specific sum per tonne of each product received or purchased by UNWRA under the programme for distribution of rations to special hardship cases and the feeding in training centres programme, as a contribution to transport and distribution costs.

4. UNWRA shall send the Community, in April of each year, a report on the operation of the feeding programmes, indicating in particular the number, category and location of recipients and the services provided, the cost of the programmes and the use made of Community contributions in kind and in cash.

*Article 4***Information**

UNWRA shall take all reasonable steps to inform the Palestine refugees and the authorities of the host countries of the aid received from the Community and from its Member States.

Article 5

UNWRA shall give every facility to any persons nominated by the Community for the purpose of following the Agency's use of the Community's aid ⁽¹⁾. UNWRA shall also provide such supplementary information as may reasonably be requested by the persons so nominated.

Article 6

Any question arising out of this Convention shall be settled by consultation between the two parties at the request of either party.

*Article 7***Duration of the Convention**

This Convention shall cover a period of three calendar years (1990, 1991 and 1992).

Article 8

This Convention is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each version being equally authentic.

Done at Brussels, 26 April 1990.

*For the
United Nations Relief
and Works Agency
for Palestine
Refugees (UNWRA)*
G. GIACOMELLI

*On behalf
of the Council
of the European
Communities*
John H.F. CAMPBELL
Juan PRAT

⁽¹⁾ The checks will be carried out principally by the Commission Delegates in the various countries concerned.

COMMISSION

COMMISSION DECISION

of 20 April 1989

concerning an aid project planned by the German Government in favour of a shipbuilding contract for which there is competition between yards in different Member States

(Only the German text is authentic)

(90/223/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given the parties concerned notice to submit their comments in accordance with that provision,

Having regard to Council Directive 87/167/EEC of 26 January 1987 on aid to shipbuilding⁽¹⁾ and, in particular, Article 4 (5) thereof,

Whereas :

I

Pursuant to Article 4 (5) of Directive 87/167/EEC, the Dutch Government by telex of 24 June 1987 requested the Commission to intervene in an aid case concerning competition between yards in different Member States for a shipbuilding contract concerning the construction of a 1 700-GRT wine tanker for the German shipowner Paul Häse KG.

At the same time as the above request, the Dutch Government informed the Commission that it envisaged to grant a direct contract-related production aid to the Dutch yard tendering for the contract.

As it appeared that the other Member State involved in the competition for the contract was Germany, the Commission asked this Member State to notify the aid planned to be granted in support of the national yard tendering for the contract, drawing to its attention that such an aid plan could not be implemented prior to the Commission's approval.

The German Government replied by verbal note of 2 July 1987 informing the Commission that it did not at that

stage envisage granting any aid to the German yard tendering for the contract.

In its declaration to the Minutes of the 1 136th Council of Ministers meeting of 22 December 1986 the Commission stated that when exercising its powers under Article 4 (5) of the Directive in connection with notifications of aid proposals for yards in different Member States competing for the same order it will, in applying the procedures of Article 93 of the Treaty, only permit the lowest aid level, unless a higher aid level within the ceiling appears necessary to ensure that the contract remains within the Community.

It was evident that the aid intensity notified by the Dutch Government exceeded that of the German Government the latter at that time not planning any aid.

For this reason the Commission by letter dated 3 August 1987 advised the Dutch Government of the aid level planned by the German Government. At the same time the German Government was asked to confirm finally that no aid would be granted to the contract.

Subsequently the Dutch Government on 20 August 1987 informed the Commission that it had aligned its aid level with that of the German Government, i. e. not providing any aid. The corresponding confirmation from the German Government was provided by verbal note of 26 August 1987.

Against this background the Commission by letter of 24 November 1987 informed the two Member States concerned that it had established that the particular contract concerned was not the object of any aid plan and that accordingly it had no grounds for further intervention under Article 4 (5) of the Directive.

By verbal note dated 10 June 1988 the German Government notified to the Commission that it planned to grant after all direct contract-related production aid to the German yard tendering for the contract constituting 16,6 % of contract value before aid. This time the

⁽¹⁾ OJ No L 69, 12. 3. 1987, p. 55.

German Government also referred to competition from a third country. Moreover, it advised the Commission that the German yard concerned had won the contract which had been concluded on 10 August 1987.

It was evident that the new notification by the German Government concerned a change of the circumstances prevailing during the time of competition for the contract, on which basis the Commission previously closed the case. Thus the engagement by the Dutch Government not to grant any aid to the contract was still valid.

Although the third country yard quoted a price lower than that of both the Dutch and the German yards, the Commission established that the application of an aid level by the German Government higher than that of the Dutch Government did not have the effect that the German yard's tender price was more competitive than that of the Dutch yard. Thus the higher aid level was not necessary to retain the contract within the Community.

By letter of 25 July 1988, the Commission, therefore, informed the German and the Dutch Governments that, pursuant to Article 4 (5) of the Directive, it had initiated the procedure provided for in Article 93 (2) of the EEC Treaty in respect of the aid project planned by the German Government at the same time inviting them to submit their comments.

The other Member States were asked to submit their comments by letter of 3 January 1989. Parties concerned other than Member States were notified of the decision by publication in the *Official Journal of the European Communities*⁽¹⁾.

II

The German Government submitted its comments on the Commission's decision by verbal note of 17 August 1988 arguing that there was not a situation of intra-Community competition under the terms of Article 4 (5) of the Directive as the ships offered by the two yards were not comparable due to significant differences in the technical specifications of the ships. The reason why the price quoted by the German yard was higher than that of the Dutch yard was that the performance of the ship offered by the former surpassed that of the latter.

By verbal note dated 13 December 1988 the German Government advised the Commission that the Dutch yard was not involved in the competition for the contract in the final stages of the tendering procedure.

By telex of 2 September 1988 the Dutch Government supported the Commission's decision to initiate the

procedure and stressed the importance of maintaining the aid level at nil.

In reply to a request from the Commission to comment on the assertion of the German Government that the Dutch yard was not involved throughout the tendering procedure for the contract, the Dutch Government by letter of 9 February 1989 reconfirmed that the Dutch yard was in contention for the contract up to the last.

The other Member States and parties concerned other than Member States have not submitted any comments on the Commission's decision.

III

The principle of Article 4 (5) of Directive 87/167/EEC is to prevent aid from distorting competition between yards in different Member States. In its declaration to Article 4 (5) of the Directive in the Minutes of the 136th Council of Ministers' meeting of 22 December 1986, the Commission stated that in exercising its powers in connection with aid notifications of aid proposals for yards in different Member States competing for the same order it will, in applying the procedure of Article 93 of the Treaty, only permit the lowest aid level, unless a higher aid level within the ceiling appears necessary to ensure that the contract remains within the Community, and at the same time it will not allow this particular contract to be included in the base for calculating other operating aid under Article 5 (1).

The aid level proposed by the German Government exceeds that of the Dutch Government. The fact that a third country quoted a price lower than that of both Community yards does not in the present case justify the application of a higher aid level as this does not have the effect that the tender price of the German yard concerned became more competitive than that of the Dutch yard.

The difference in the technical specifications of the ships offered does not lead to the conclusion that the yards were not competing for the same order. The offers of the yards were both based on the same invitation to tender from the German shipowner and it is only a natural consequence that different yards present designs with different specifications. Such differences together with quality, delivery time and market economy pricing, and not the level of state aid offered are the normal parameters on which the shipowner's choice should be based. To establish that the yards were not competing for the same contract would undermine the mechanism of Article 4 (5) and deprive the Commission of an essential instrument of pursuing the aid policy of Directive 87/167/EEC.

In view of the Dutch Government's express confirmation that the competition between the yards involved continued right up to the final stages of the tendering procedure and considering the fact that the German Government was the one which subsequently changed its aid plans in an upward direction and that the contract was

⁽¹⁾ OJ No C 336, 31. 12. 1988, p. 2.

subsequently won by a German yard, the Commission must conclude that the circumstances for treating the case under Article 4 (5) of Directive 87/167/EEC continue to be present.

In the case that the assertion by the German Government is correct it would not alter the above conclusion, it is an ordinary phenomenon that the shipowner at a certain stage of the tendering procedure singles out one yard for continued detailed negotiations. This does not rule out that there was initially competition for the contract and that the aid levels proposed by Member States involved have influenced the shipowner's choice of yard.

Pursuant to the Commission's above declaration to the Minutes of the Council of Ministers' meeting on 22 December 1986, the Commission will supervise under its monitoring powers laid down in Article 11 of Directive 87/167/EEC that the German Government does not grant any subsequent aid to cover losses suffered from taking the order below cost as contracts that have been subject to the procedure provided for in Article 4 (5) of the Directive may not be included in the base of calculating other operating aid under Article 5 (1),

HAS ADOPTED THIS DECISION:

Article 1

The project notified by the German Government on 10 June 1988 to grant aid for the building of a 1 700-GRT

wine tanker for the German shipowner Paul Häse KG, in the form of a direct grant to the constructing yard of 16,6 % of contract value before aid cannot be considered compatible with the common market.

Article 2

The German Government shall not put the aid project into effect.

It shall inform the Commission within two months from the notification of this Decision of the measures it has taken in order to abolish its aid plan.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 April 1989.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 24 May 1989

on aid granted by the Italian Government to Alumina and Comsal, two
State-owned undertakings in the aluminium industry

(Only the Italian text is authentic)

(90/224/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice in accordance with the above Article to interested parties to submit their comments, and having regard to these comments,

Whereas :

I

On 5 December 1984 and 20 November 1985, the Commission decided to initiate the procedure provided for in the first paragraph of Article 93 (2) of the EEC Treaty with respect to a total of Lit 1 445 000 million of aid that the Italian Government had granted or intended to grant for the restructuring of the State-owned aluminium industry in Italy for the period 1983 to 1988. Among the reasons for which the Commission initiated the procedures in question was that the amount of aid in question appeared to exceed significantly the needs of the restructuring plan of the State-owned aluminium industry for the period under examination, and therefore could not be justified in terms of the common interest.

In submitting its comments in connection with the two procedures initiated under Article 93 (2), the Italian Government presented to the Commission a series of amendments to the said restructuring plan. By one of these modifications the Italian Government, taking into consideration the Commission's position that the excessive aid was not compatible with the common market, undertook to reduce the amount of aid it intended to provide by Lit 200 000 million.

On 17 December 1986 the Commission decided to terminate the two procedures concerning aid measures which the Italian Government had already granted or intended to grant to the State-owned aluminium industry in Italy. The reduced aid measures finally approved consisted of Lit 989 000 million in the form of new capital, Lit 400 000 million in the form of a loan bearing an interest relief grant of 10 %, both provided to EFIM (Ente partecipazioni e finanziamenti industrie manifatturiere) for its aluminium activities, grants of Lit 48 100 million and a loan of Lit 7 900 million bearing interest relief to the State-owned aluminium smelter in Bolzano.

One of the conditions on the basis of which the Commission decided to terminate the two procedures in question was that the Italian Government would provide no further aid in whatever form to the State-owned aluminium industry in Italy until the end of 1988.

This conditional Commission decision was communicated to the Italian Government by letter dated 13 January 1987.

On 2 May 1985, EFIM acquired the loss-making aluminium undertaking Comsal (Compagnia sarda alluminio Spa), mainly involved in the production of rolled semi-finished products.

By Article 3 (11) of Law No 910 of 22 December 1986⁽¹⁾, the Italian Government authorized EFIM to issue a debenture loan amounting to Lit 150 000 million. The interest on the loan as well as any other charges were paid by the State. Moreover the loan would gradually be converted into equity capital upon payment of each repayment instalment.

By decision of CIPE of 18 September 1987⁽²⁾, the Italian authorities instructed EFIM to use Lit 100 000 million of the debenture loan in question to finance investments in Alumina and Comsal, two State-owned aluminium undertakings.

The Italian Government's authorization to EFIM was not notified to the Commission in accordance with Article 93 (3) of the EEC Treaty.

II

The Commission, having learned of the Italian Government's decision to provide funds for investments in the State-owned aluminium industry under very favourable terms, requested the notification of this measure under Article 93 (3) of the EEC Treaty by letter dated 27 October 1987.

The Italian Government replied by letter dated 29 March 1988, in which it expressed the opinion that an increase in EFIM's endowment fund, financed by means of a debenture loan at the expense of the State did not constitute State aid in any manner and need not therefore be

⁽¹⁾ *Gazzetta Ufficiale della Repubblica Italiana* No 301, 30. 12. 1986, supplemento ordinario n. 1.

⁽²⁾ *Gazzetta Ufficiale della Repubblica Italiana* No 245 of 20. 10. 1987, p. 35.

notified on the basis of Article 93 (3). By that same letter the Italian Government informed the Commission that of the debenture loan issued by EFIM, Lit 70 000 million were intended to finance investments for the modernization of Alumina's Portovesme plant and Lit 30 000 million to finance investments for the modernization, expansion and diversification of production of Comsal's Portovesme plant. The loan included a four-year period of grace, and was to be reimbursed between the years 1991 and 1994.

A variable interest rate was to be charged, changing every half year. For the first six months (1 December 1987 to 31 May 1988) the interest rate was fixed at 6,3 %. The whole of the interest as well as the repayments of the principal sum would be paid by the public authorities, the loan being gradually converted into equity capital for EFIM at the end of each period.

On the basis of the information thus obtained from the Italian Government and from public sources, the Commission took the view that the provision of Lit 100 billion of funds under very favourable terms in order to finance modernization and expansion investments in the Portovesme plants of the State-owned aluminium undertakings Alumina and Comsal, contained aid elements falling under Article 92 (1) of the EEC Treaty.

The Commission's view was based on the fact that the provision of funds amounting to Lit 100 000 million to Alumina and Comsal for their investment programmes constituted aid measures falling under Article 92 (1), as the two undertakings would not pay any interest or repayment instalments for the amounts received. Furthermore as the two undertakings had been suffering losses for several years and as the restructuring plan of the State-owned aluminium industry had so far failed to enable the undertakings to return to viability, the conversion of Lit 100 000 million into equity capital could not be considered as the provision of risk capital according to standard company practice in a market economy, and therefore constituted aid within the meaning of Article 92 (1) of the EEC Treaty. Furthermore, according to the Commission's decision of 17 December 1986 on aid to the State-owned aluminium industry in Italy, communicated to the Italian authorities on 13 January 1987, the Italian Government was subject to the obligation not to grant any further aid to that industry until the end of 1988. Consequently, the granting of Lit 100 000 million in the form of interest-free loans to Alumina and Comsal, later to be converted into equity capital, constituted new aids granted in breach of the Commission's decision of 17 December 1986.

The Commission therefore decided to initiate the procedure provided for in Article 93 (2) and, by letter dated 28

September 1988, gave notice to the Italian Government to submit its comments.

III

The Italian Government submitted its comments in connection with the procedure by letters dated 31 January and 7 March 1989. In these letters the Italian authorities provided information on the finance, in the form of capital contributions, loans and grants, granted to public-sector aluminium companies for the period 16 January 1986 to 28 June 1988, described how the restructuring plan for the State-owned aluminium sector was carried out, and explained the reasons which, according to the Italian authorities, prevented the restructuring plan objectives from being fully attained.

Furthermore the Italian Government informed the Commission that for the first time in 1988 the State-owned aluminium industry, excluding Comsal, was expected to make a profit of Lit 3 000 million, while the expected result for Comsal for the same year was a loss of Lit 4 600 million.

Regarding Comsal, the Italian authorities informed the Commission that the company was transferred to EFIM group by order of the Government to improve the efficiency of the State-owned aluminium undertakings and that the company, despite the losses it had suffered, totalling Lit 33 700 million in the period 1985 to 1987, appeared to be on the way to recovery, provided it was able to increase its production levels sufficiently.

Concerning the debenture loan of Lit 100 000 million issued by EFIM, the Italian Government stated that Lit 70 000 million were earmarked for investments in Alumina and Lit 30 000 million for investments in Comsal. The investment in Alumina would be completed by 1991 and the total cost would amount to Lit 84 000 million.

In its letters submitting its comments the Italian Government provided no evidence that the interest-free and State-guaranteed loans of Lit 70 000 million to Alumina and Lit 30 000 million to Comsal were not paid to the undertakings.

Finally, the Commission noted that in the covering note to their letter of 31 January 1989, the Italian authorities did not contest the aid character of the measures under consideration but explained that their letter contained the observations of the Italian Government concerning the compatibility with the common market of the aid in question.

In the context of the consultation of other parties concerned within the framework of the procedure provided for by Article 93 (2), the Governments of three other Member States submitted their comments.

IV

The effect of the Italian Government's authorization to EFIM to issue a debenture loan of Lit 100 000 million to finance investments in Alumina and Comsal was that these companies received aid in the form of a loan with no interest payable by the two companies. Furthermore this loan was later to be replaced by a capital injection of an equal amount.

The payment of all interest by the State constitutes a clear case of State aid as it allows the two companies to obtain the finance needed without bearing any of its associated costs. In this particular case the interest carried by the State for the first six months of the loan period is Lit 4 400 million for Alumina's loan of Lit 70 000 million and Lit 1 900 million for Comsal's loan of Lit 30 000 million.

The conversion of the two loans of Lit 70 000 million and Lit 30 000 million into equity capital constitutes provision of public funds to companies in the form of subscriptions of capital and may involve elements of State aid. In order to verify whether such a provision of public funds is an aid in the case where the undertaking is owned by the public authorities, it would be appropriate, ignoring any social elements or regional or sectoral policy, to consider whether under similar circumstances a private shareholder would proceed with such an injection of capital in the same conditions on the basis of expected profitability.

The financial performance of the two undertakings in question in the recent years was as follows:

Alumina suffered losses of Lit 77 800 million in 1985, Lit 57 500 million in 1986 and Lit 98 300 million in 1987. For the same years the company's total debt amounted to Lit 943 300 million or 155 % of turnover in 1985, Lit 989 300 million or 153 % of turnover in 1986 and Lit 1 189 800 million or 133 % of turnover in 1987.

Comsal suffered losses of Lit 14 200 million in 1985, Lit 10 200 million in 1986 and Lit 9 400 million in 1987. The company's total debt amounted to Lit 53 100 million or 125 % turnover in 1985, Lit 68 200 million or 156 % of turnover in 1986 and Lit 72 800 million or 142 % of turnover in 1987.

In view of the financial performance of the two undertakings in the last three years and particularly of the losses suffered and the large amounts of debt accumulated, it is the Commission's opinion that the provision of additional capital out of public funds to a company in such circumstances is likely to involve elements of State aid, as follows from the reflections set out in the Commission's commu-

nication to the Member States of 17 September 1984⁽¹⁾ concerning the application of Articles 92 and 93 of the EEC Treaty to public holdings in company capital.

Whereas Alumina produces primary aluminium, Comsal is mainly involved in the production of rolled semi-finished aluminium products and to a lesser extent in the production of primary aluminium.

Both primary aluminium (Nimex code 76.01-11) and rolled semi-finished aluminium products (Nimex code 76.02-12) are traded between Member States. In 1985 Italy exported 13 178 tonnes of unwrought aluminium and 2 789 tonnes of rolled semi-finished aluminium products to the nine other Member States, together with Spain and Portugal. In 1986 Italy exported 9 194 tonnes of unwrought aluminium and 3 964 tonnes of rolled semi-finished products to the 11 other Member States and in 1987 Italy's exports to the other Member States were 6 480 tonnes of unwrought aluminium and 4 902 tonnes of rolled semi-finished products. Italy's imports from the other Member States, together with Spain and Portugal, were 214 718 tonnes of unwrought aluminium and 6 998 tonnes of rolled aluminium products in 1985. In 1986 183 655 tonnes of unwrought aluminium and 8 323 tonnes of rolled aluminium products and in 1987 211 595 tonnes of unwrought aluminium and 7 372 tonnes of rolled aluminium products were imported into Italy from the other Member States.

There is competition between producers in both the primary aluminium and the rolled semi-finished aluminium products subsectors. In the case of primary aluminium there are 16 main producers in seven Member States, with an installed capacity of approximately 2 300 000 tonnes. At the end of 1988 Alumina was the largest primary aluminium producer in Italy and, in terms of installed capacity, the third largest in the Community.

In the rolled semi-finished aluminium subsector there are 42 undertakings in the Community, which produced between 2 million and 2 200 000 tonnes of rolled aluminium in 1987. Of these producers, seven are situated in Italy and their production for 1987 amounted to 275 000 tonnes.

Where financial assistance from the State strengthens the position of certain enterprises compared with that of others competing with them in the Community, it must be deemed to affect those other enterprises.

Consequently, the aid which the Italian Government has decided to grant Alumina and Comsal will affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1).

The aid measures under consideration are incompatible with the common market because they were granted in breach not only of the general prohibition to grant an aid without prior notification to and prior authorization of the Commission provided for by Article 93 (3) of the EEC

⁽¹⁾ Bull EC 9, 1984, 3.5.1.

but also of the specific prohibition for the Italian Government to grant any further aid in whatever form to the State-owned aluminium industry until the end of 1988, as stated in the Commission's decision of 17 December 1986. By this decision the Commission authorized only Lit 1 445 000 million of aid to the State-owned aluminium industry in Italy on the basis that until the end of 1988 any further aid, over and above the amount authorized by the Commission, would not be justified and consequently would be incompatible with the common market.

This Commission decision was never challenged by the Italian Government. Consequently, the decision has become definitive and the prohibition on granting aid until 1988 must be fully respected by the Italian Government.

In view of the above considerations the Italian Government should abolish the aid elements included in the interest-free loans granted to Alumina and Comsal. For the same reasons these loans may not be converted into equity capital.

HAS ADOPTED THIS DECISION:

Article 1

The two aids in the form of interest-free loans to be converted into equity capital amounting to Lit 70 000 million and Lit 30 000 million, granted by the Italian

Government to the undertakings Alumina and Comsal, are incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty given that these aids have been granted in breach of the provisions of Article 93 (3) of that Treaty and of the conditions laid down in the Commission's decision of 17 December 1986.

The said aids shall therefore be abolished by the Italian Government and recovered from the recipient undertakings.

The Italian Government may not convert the two loans of Lit 70 000 million and Lit 30 000 million into equity capital.

Article 2

The Italian Government shall inform the Commission within two months of the date of notification of this decision of the measures it has taken to comply therewith.

Article 3

This decision is addressed to the Italian Republic.

Done at Brussels, 24 May 1989.

For the Commission

Leon BRITTAN

Vice-President