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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1255/90

of 7 May 1990

opening and providing for the administration of Community tariff quotas for
certain quality wines and sparkling wines, originating in Austria

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in accordance with the Agreement with Austria regarding reciprocal creation of tariff quotas for certain quality wines, the Community is committed to suspending in full the customs duties applicable to quality wines and sparkling wines, originating in Austria, which conform to the wine and viticulture law of 1985 of the Republic of Austria, presented in containers not exceeding two litres, within the limits of annual tariff quotas of 85 000 and 2 000 hectolitres respectively; whereas this Agreement also provides that the quota period is from 1 July of each year to 30 June of the next year and whereas the duties applicable in Spain and Portugal are equal to those applied by Member States with respect to the Community as constituted at 31 December 1985; whereas it is necessary therefore to open for the period 1 July 1990 to 30 June 1991 the Community tariff quotas in question at the amounts provided for in the Agreement;

Whereas it is in particular necessary to allow all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all

imports of the products concerned into all Member States until the quotas have been used up; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quotas are being used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning, in particular, the administration of quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1990 to 30 June 1991 the customs duties applicable on importation of the following products originating in Austria shall, without prejudice to paragraph 3, be suspended at levels and within the limits of tariff quotas as indicated with respect to each product:

Order No	CN code ⁽¹⁾	Description	Volume of quota (hl)	Quota duty (%)
09.0803	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39 ex 2204 21 49	Quality wines presented in containers of a capacity not exceeding two litres	85 000	0
09.0805	ex 2204 10 19 ex 2204 10 90	Sparkling quality wines, and presented in containers of a capacity not exceeding two litres	2 000	0

⁽¹⁾ See Taric codes in the Annex.

2. Within the limits of the tariff quotas referred to in paragraph 1, the Kingdom of Spain and the Portuguese Republic shall apply the same duties as those they apply to similar products of the Community as constituted at 31 December 1985.

3. Admission under the tariff quotas referred to in paragraph 1 shall be reserved to wines accompanied by a document VI 1 or an extract VI 2, completed in accordance with the provisions of Regulation (EEC) No 3590/85 ⁽¹⁾.

Document VI 1 must include in Box 15 one of the following endorsements, certified by the competent Austrian organization:

'This is to certify that the wines referred to in this document are quality wines ⁽²⁾/quality sparkling wines ⁽³⁾ originating in Austria and in conformity with the 1985 Wine Law of the Republic of Austria.

⁽¹⁾ Delete whichever entry is not applicable.'

Furthermore, the wines in question shall remain subject to observance of the free-at-frontier reference price. In order that these wines benefit from the tariff quotas, Article 54 of Regulation (EEC) No 822/87 ⁽²⁾, as last amended by Regulation (EEC) No 2964/88 ⁽³⁾, must be complied with.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

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

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into

free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

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

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

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community quotas.

2. Each Member State shall ensure that importers of the products concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the products concerned against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 5

At the request of the Commission, Member States shall inform it of imports actually charged against the quotas.

Article 6

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

Article 7

This Regulation shall enter into force on 1 July 1990.

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

Done at Brussels, 7 May 1990.

For the Council

The President

G. COLLINS

⁽¹⁾ OJ No L 343, 20. 12. 1985, p. 20.

⁽²⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽³⁾ OJ No L 269, 29. 9. 1988, p. 5.

*ANNEX***Taric codes**

Order no	CN Code	Taric code
09.0803	ex 2204 21 25	*95
	ex 2204 21 29	*96
	ex 2204 21 35	*95
		*96
	ex 2204 21 39	*95
		*96
	ex 2204 21 49	*29
09.0805	ex 2204 10 19	*91
	ex 2204 10 90	*91

COUNCIL REGULATION (EEC) No 1256/90

of 7 May 1990

opening and providing for the administration of Community tariff quotas for certain agricultural and chemical products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and chemical products is currently unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type currently depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas zero duty Community tariff quotas should therefore be opened within the limits of appropriate volumes for a period up to 30 June 1991 and 31 December 1990 respectively; whereas, in order not to upset the balance of the markets for these products, the volume of certain of these Community tariff quotas should be set at provisional levels which cover immediate requirements; whereas the setting of the quota volumes at this level does not rule out an adjustment during the year;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1990 to 30 June 1991, the customs duties applicable to imports into the Community of the product listed below shall be suspended at the level and within the limits of the Community tariff quota indicated:

Order No	CN codes (a)	Description	Amount of quota (in tonnes)	Quota duty (%)
09.2701	ex 0301 92 00 ex 0302 66 00 ex 0303 76 00	Eels (<i>Anguilla</i> spp.), live, fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within CN code 1604 (1)	5 000	0

(a) Taric codes: 0301 92 00*10, 0302 66 00*10, 0303 76 00*10.

(1) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

2. From the date of entry into force of this Regulation until 31 December 1990, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas show below:

Order No	CN codes (a)	Description	Amount of quota (in tonnes)	Quota duty (%)
09.2745	ex 2909 60 90	t-Butyl-hydroperoxide containing by weight 28 % or more but not more than 32 % of water	500	0
09.2749	ex 2917 39 90	sodium 3,5-bis (methoxycarbonyl) benzenesulphonate	280	0
09.2795	ex 2921 41 00	Aniline	8 500	0

(a) Taric codes : 0209 60 90*10, 2917 39 90*60, 2921 41 00*10.

3. Within the limits of these tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a present covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities

of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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

Article 6

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

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

Done at Brussels, 7 May 1990.

For the Council

The President

G. COLLINS

**COMMISSION REGULATION (EEC) No 1257/90
of 14 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 11 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 15 May 1990.

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

Done at Brussels, 14 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 14 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	132,60 ⁽²⁾ ⁽³⁾
0712 90 19	39,80	132,60 ⁽²⁾ ⁽³⁾
1001 10 10	49,77	193,14 ⁽¹⁾ ⁽³⁾
1001 10 90	49,77	193,14 ⁽¹⁾ ⁽³⁾
1001 90 91	40,78	141,91
1001 90 99	40,78	141,91
1002 00 00	65,46	137,92 ⁽⁴⁾
1003 00 10	56,71	136,52
1003 00 90	56,71	136,52
1004 00 10	48,11	127,66
1004 00 90	48,11	127,66
1005 10 90	39,80	132,60 ⁽²⁾ ⁽³⁾
1005 90 00	39,80	132,60 ⁽²⁾ ⁽³⁾
1007 00 90	56,71	143,83 ⁽⁴⁾
1008 10 00	56,71	42,61
1008 20 00	56,71	112,72 ⁽⁴⁾
1008 30 00	56,71	7,71 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	56,71	7,71
1101 00 00	71,56	213,14
1102 10 00	106,11	207,55
1103 11 10	91,98	314,20
1103 11 90	75,71	228,61

⁽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 1258/90

of 14 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 11 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 15 May 1990.

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

Done at Brussels, 14 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 14 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	9,20	9,20	9,20
1001 90 99	0	9,20	9,20	9,20
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	1,40	1,40	1,40
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	12,88	12,88	12,88

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	16,38	16,38	16,38	16,38
1107 10 19	0	12,24	12,24	12,24	12,24
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 1259/90
of 14 May 1990
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1243/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1243/90 to the prices

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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 May 1990.

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

Done at Brussels, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 121, 12. 5. 1990, p. 12.

ANNEX

to the Commission Regulation of 14 May 1990 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		17,85
0401 10 90		16,64
0401 20 11		24,27
0401 20 19		23,06
0401 20 91		29,20
0401 20 99		27,99
0401 30 11		73,79
0401 30 19		72,58
0401 30 31		140,92
0401 30 39		139,71
0401 30 91		235,40
0401 30 99		234,19
0402 10 11	(*)	128,05
0402 10 19	(*)	120,80
0402 10 91	(*) (*)	1,2080/kg + 23,60
0402 10 99	(*) (*)	1,2080/kg + 16,35
0402 21 11	(*)	179,40
0402 21 17	(*)	172,15
0402 21 19	(*)	172,15
0402 21 91	(*)	218,03
0402 21 99	(*)	210,78
0402 29 11	(*) (*) (*)	1,7215/kg + 23,60
0402 29 15	(*) (*)	1,7215/kg + 23,60
0402 29 19	(*) (*)	1,7215/kg + 16,35
0402 29 91	(*) (*)	2,1078/kg + 23,60
0402 29 99	(*) (*)	2,1078/kg + 16,35
0402 91 11	(*)	28,57
0402 91 19	(*)	28,57
0402 91 31	(*)	35,71
0402 91 39	(*)	35,71
0402 91 51	(*)	140,92
0402 91 59	(*)	139,71
0402 91 91	(*)	235,40
0402 91 99	(*)	234,19
0402 99 11	(*)	49,40
0402 99 19	(*)	49,40
0402 99 31	(*) (*)	1,3729/kg + 19,98
0402 99 39	(*) (*)	1,3729/kg + 18,77
0402 99 91	(*) (*)	2,3177/kg + 19,98
0402 99 99	(*) (*)	2,3177/kg + 18,77

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 11		26,68
0403 10 13		31,61
0403 10 19		76,20
0403 10 31	(¹)	0,2064/kg + 22,39
0403 10 33	(¹)	0,2557/kg + 22,39
0403 10 39	(¹)	0,7016/kg + 22,39
0403 90 11		128,05
0403 90 13		179,40
0403 90 19		218,03
0403 90 31	(¹)	1,2080/kg + 23,60
0403 90 33	(¹)	1,7215/kg + 23,60
0403 90 39	(¹)	2,1078/kg + 23,60
0403 90 51		26,68
0403 90 53		31,61
0403 90 59		76,20
0403 90 61	(¹)	0,2064/kg + 22,39
0403 90 63	(¹)	0,2557/kg + 22,39
0403 90 69	(¹)	0,7016/kg + 22,39
0404 10 11		32,17
0404 10 19	(¹)	0,3217/kg + 16,35
0404 10 91	(²)	0,3217/kg
0404 10 99	(²)	0,3217/kg + 16,35
0404 90 11		128,05
0404 90 13		179,40
0404 90 19		218,03
0404 90 31		128,05
0404 90 33		179,40
0404 90 39		218,03
0404 90 51	(¹)	1,2080/kg + 23,60
0404 90 53	(¹)(²)	1,7215/kg + 23,60
0404 90 59	(¹)	2,1078/kg + 23,60
0404 90 91	(¹)	1,2080/kg + 23,60
0404 90 93	(¹)(²)	1,7215/kg + 23,60
0404 90 99	(¹)	2,1078/kg + 23,60
0405 00 10		242,59
0405 00 90		295,96
0406 10 10	(⁴)	232,03
0406 10 90	(⁴)	285,08
0406 20 10	(³)(⁴)	389,08
0406 20 90	(⁴)	389,08
0406 30 10	(³)(⁴)	183,33
0406 30 31	(³)(⁴)	174,91
0406 30 39	(³)(⁴)	183,33
0406 30 90	(³)(⁴)	280,05
0406 40 00	(³)(⁴)	148,14
0406 90 11	(³)(⁴)	213,56

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	(3) (*)	190,56
0406 90 15	(3) (*)	190,56
0406 90 17	(3) (*)	190,56
0406 90 19	(3) (*)	389,08
0406 90 21	(3) (*)	213,56
0406 90 23	(3) (*)	188,36
0406 90 25	(3) (*)	188,36
0406 90 27	(3) (*)	188,36
0406 90 29	(3) (*)	188,36
0406 90 31	(3) (*)	188,36
0406 90 33	(*)	188,36
0406 90 35	(3) (*)	188,36
0406 90 37	(3) (*)	188,36
0406 90 39	(3) (*)	188,36
0406 90 50	(3) (*)	188,36
0406 90 61	(*)	389,08
0406 90 63	(*)	389,08
0406 90 69	(*)	389,08
0406 90 71	(*)	232,03
0406 90 73	(*)	188,36
0406 90 75	(*)	188,36
0406 90 77	(*)	188,36
0406 90 79	(*)	188,36
0406 90 81	(*)	188,36
0406 90 83	(*)	188,36
0406 90 85	(*)	188,36
0406 90 89	(3) (*)	188,36
0406 90 91	(*)	232,03
0406 90 93	(*)	232,03
0406 90 97	(*)	285,08
0406 90 99	(*)	285,08
1702 10 10		35,96
1702 10 90		35,96
2106 90 51		35,96
2309 10 15		93,02
2309 10 19		120,80
2309 10 39		113,26
2309 10 59		93,61
2309 10 70		120,80
2309 90 35		93,02
2309 90 39		120,80
2309 90 49		113,26
2309 90 59		93,61
2309 90 70		120,80

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- (¹) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

COMMISSION REGULATION (EEC) No 1260/90

of 11 May 1990

amending Regulation (EEC) No 3007/84 laying down detailed rules for the application of the premium for producers of sheepmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

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⁾, and in particular Article 5 (9) thereof,

Regulation (EEC) No 3007/84 is hereby amended as follows:

Whereas Article 5 of Regulation (EEC) No 3013/89 provides for the grant of a premium to sheepmeat producers; whereas the general rules concerned are set out in Council Regulation (EEC) No 872/84⁽²⁾, as last amended by Regulation (EEC) No 1970/87⁽³⁾; whereas the detailed implementing rules for the grant of the premium are laid down in Commission Regulation (EEC) No 3007/84⁽⁴⁾, as last amended by Regulation (EEC) No 3984/89⁽⁵⁾, which specifies in particular the obligations to be fulfilled by recipients of the premium, and the measures applicable if they fail to do so;

1. The following second subparagraph is added to Article 3 (1):

'Applications for a premium shall also give full details of the place where the flock will be located during the period of 100 days referred to in Article 2. Should that place change during that period, the producer shall be required to give prior notification to the competent authority thereof in writing.'

Whereas Article 3 (2) of Regulation (EEC) No 3007/84 specifies the period in which applications for premiums must be lodged; whereas, in order to render the application of the premium more homogeneous it is advisable that the time limit for submitting applications should expire in all Member States on 30 April after the beginning of the marketing year in respect of which they are submitted;

2. The first subparagraph of Article 3 (2) is replaced by the following:

Applications by sheepmeat and/or goatmeat producers for premiums shall be submitted to the authority designated by the Member States with responsibility for the area in which the holding is located, within a fixed period commencing on 1 November before the beginning of the marketing year and ending on 30 April following the beginning of the marketing year in respect of which applications are submitted.

Whereas the requirements of sound administrative management for the arrangements provided for in Article 5 of Regulation (EEC) No 3013/89 as a whole call for more stringent application of the checks provided for and in particular for the determination of a minimum number of holdings to be checked;

3. The first subparagraph of Article 5 (1) is replaced by the following:

'Before the end of the period of 100 days determined in accordance with Article 2, the competent authorities designated by the Member States shall carry out administrative checks, supplemented by systematic or random inspection visits, to verify the number of eligible animals stated in the application for a premium. Such inspections must in any case be carried out in relation to a minimum number of applications to be fixed in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.'

Whereas, in the light of experience gained and taking appropriate account of infringements of lesser importance, the provisions to prevent and penalize irregularities and fraud should be made more stringent; whereas, to that end, in the case of a false declaration made deliberately or as a result of serious negligence, premium applicants should be excluded from entitlement for the marketing year following that in respect of which the false declaration is noted;

4. Article 6 is replaced by the following:

'Article 6

1. If the actual number of eligible animals recorded during a check provided for in Article 5 is less than that in respect of which an application for a premium has been submitted, no premium shall be paid, without prejudice to paragraphs 2, 3 and 4.

2. If the decrease in the number of animals may be attributed to natural circumstances relating to the life of the flock, the premium shall be paid for the actual number of eligible animals on condition that the

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

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽³⁾ OJ No L 184, 3. 7. 1987, p. 23.

⁽⁴⁾ OJ No L 283, 27. 10. 1984, p. 28.

⁽⁵⁾ OJ No L 380, 29. 12. 1989, p. 28.

producer has so informed the competent authority in writing within 10 days following cognizance of the event in question.

3. Where a producer is unable to comply with the undertaking provided for in Article 2 owing to *force majeure*, the premium shall be payable in respect of the animals eligible at the time the event constituting *force majeure* occurs, on condition that the producer has so informed the competent authorities in writing within 10 days following cognizance of the event in question.

4. Where the difference between the actual number of eligible animals and the number declared, where appropriate after paragraphs 2 and 3 have been applied, is 10 % or less, the premium shall be paid in respect of the number of eligible animals, reduced by three times the percentage representing that difference, provided that, in the view of the competent authority, no false declaration made deliberately or as a result of serious negligence is involved.

5. Premiums improperly paid shall be recovered, together with interest to be fixed by the Member State in respect of the period between payment of the premium and its recovery.

6. Where paragraph 1 is applied, if the competent authority establishes that a false declaration made deliberately or as a result of serious negligence is involved, the producer in question shall also be excluded from entitlement under the premium arrangements for the marketing year following that in respect of which the false declaration is established.

5. The second indent of Article 7 is deleted.

6. Article 9 is replaced by the following:

'Article 9

1. The conversion rate to be applied to the amount of the payment on account referred to in the second

subparagraph of Article 5 (6) of Regulation (EEC) No 3013/89 shall be the representative rate in force on the first day of the marketing year in respect of which the premium is granted.

2. The conversion rate to be applied:

- to the amount of the premium and the balance of the premium referred to in the fourth subparagraph of Article 5 (6) of Regulation (EEC) No 3013/89,
- to the amount of the premium and of the above-mentioned balance where payment is carried forward to the following marketing year,
- to the amount of the deduction referred to in Article 3 of Regulation (EEC) No 872/84,

shall be the representative rate in force on the last day of the marketing year in respect of which the premium is granted.'

Article 2

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

It shall apply from the 1991 marketing year. However, the following provisions of Regulation (EEC) No 3007/84, as amended by this Regulation, shall apply to premiums to be paid in respect of the 1990 marketing year, in respect of which applications have not yet been submitted or are still being examined:

- Article 6 (2) and (3), except as regards the obligation of notification within 10 days, and Article 6 (4),
- Article 7,
- Article 9.

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

Done at Brussels, 11 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1261/90
of 14 May 1990
on the supply of refined rape seed oil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 400 tonnes of refined rape seed oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Refined rape seed oil shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation No** ⁽¹⁾: 920/89
2. **Programme**: 1989
3. **Recipient**: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Geneva 19; tel. 734 55 80, telex: 22555 LRCS CH; fax 733 03 95
4. **Representative of the recipient** ⁽²⁾: Croissant-Rouge Marocain, Palais Mokri — Takaddoum, BP 189 Rabat, tel. 508 98/514 95; telex Alhilal 319 40 M RABAT
5. **Place or country of destination**: Morocco
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIIA.1)
8. **Total quantity**: 150 tonnes net
9. **Number of lots**: one
10. **Packaging and marking**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B, I.3.3):
 - metal cans of five litres, with four cans per carton — in 20-foot containers
 - the cans and the cartons must carry the following wording:
'ACTION N° 920/89 / a red crescent with the points facing to the right / HUILE VÉGÉTALE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / CASABLANCA'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Casablanca
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 6. 7 — 3. 8. 1990
18. **Deadline for the supply**: 17. 8. 1990
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 29. 5. 1990, at 12 noon. Tenders shall be valid until 12 midnight on 30. 5. 1990
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 6. 1990, at 12 noon. Tenders shall be considered valid until 12 midnight on 13. 6. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20. 7 — 17. 8. 1990
 - (c) deadline for the supply: 31. 8. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex 22037 AGREC B or 25670 B
25. **Refund payable on request by the successful tenderer**: —

ANNEX II

1. **Operation No⁽¹⁾**: 16/90
2. **Programme**: 1989
3. **Recipient**: Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Geneva 19; tel. 734 55 80, telex: 22555 LRCS CH; fax 733 03 95
4. **Representative of the recipient⁽²⁾**: Croissant-Rouge Tunisien, 19, rue d'Angleterre, Tunis 1000; tel. 240 630/245 572; telex: 14 524 HILAL TN
5. **Place or country of destination**: Tunisia
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods⁽³⁾⁽⁴⁾**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 200 tonnes net
9. **Number of lots**: one
10. **Packaging and marking**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - metal cans of five litres, with four cans per carton — to be delivered on standard pallets
 - the cans and the cartons must carry the following wording:
'ACTION N° 16/90 / A red crescent with the points towards the left / HUILE VÉGÉTALE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / TUNIS'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Tunis-Radès
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 6. 7 — 3. 8. 1990
18. **Deadline for the supply**: 17. 8. 1990
19. **Procedure for determining the costs of supply⁽⁵⁾**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 29. 5. 1990, at 12 noon. Tenders shall be valid until 12 midnight on 30. 5. 1990
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 6. 1990, at 12 noon. Tenders shall be considered valid until 12 midnight on 13. 6. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20. 7 — 17. 8. 1990
 - (c) deadline for the supply: 31. 8. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁶⁾**:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex 22037 AGREC B or 25670 B
25. **Refund payable on request by the successful tenderer**: —

ANNEX III

1. **Operation No (1):** 145/90
2. **Programme:** 1989
3. **Recipient:** Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, Service logistique, BP 372, CH-1211 Geneva 19; tel. 734 55 80, telex: 22555 LRCS CH; fax 733 03 95
4. **Representative of the recipient (2):** Red Crescent Society of the Yemen Arab Republic, Head Office, Building No 10, Street 26 September, Sana'a, Yemen Arab Republic; tel.: 20 31 31/32/33, telex: 3124 HILAL YE
5. **Place or country of destination:** Yemen Arab Republic
6. **Product to be mobilized:** refined rape seed oil
7. **Characteristics and quality of the goods (3) (4):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity:** 50 tonnes net
9. **Number of lots:** one
10. **Packaging and marking:** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B and I.3.3):
 - metal cans of five litres, with four cans per carton — to be delivered on standard pallets wrapped in shrunk plastic / under plastic cover
 - the cans and the cartons must carry the following wording:
'ACTION No 145/90 / a red crescent with the points facing to the right / VEGETABLE OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE LEAGUE OF RED CROSS AND RED CRESCENT SOCIETIES (LICROSS) / FOR FREE DISTRIBUTION / SANA'A'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Hodeida
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 6. 7 — 3. 8. 1990
18. **Deadline for the supply:** 17. 8. 1990
19. **Procedure for determining the costs of supply (5):** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 29. 5. 1990, at 12 noon. Tenders shall be valid until 12 midnight on 30. 5. 1990
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12. 6. 1990, at 12 noon. Tenders shall be considered valid until 12 midnight on 13. 6. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20. 7 — 17. 8. 1990
 - (c) deadline for the supply: 31. 8. 1990
22. **Amount of the tendering security:** ECU 15 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders (6):**

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex 22037 AGREC B or 25670 B
25. **Refund payable on request by the successful tenderer:** —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer: see list published in the *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of these Annexes, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged preferably:
 - either by porter at the office referred to in point 24 of these Annexes,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (⁶) Commission delegate to be contacted by the successful tenderer:
C. Falkowski, telex (0493) 22260 DELEURJO, fax (962-6) 68 87 46
 - (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
 - phytosanitary certificate,
 - certificate of origin,
 - fumigation certificate.
 - (⁸) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
 - phytosanitary certificate,
 - certificate of origin.
-

COMMISSION REGULATION (EEC) No 1262/90
of 14 May 1990
on the supply of various consignments of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1)(c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 7 989 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation No** (1): 104/90
2. **Programme**: 1989
3. **Recipient**: Euronaid, Rhijnegeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: milled rice (product codes 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.10)
8. **Total quantity**: 72 tonnes (173 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (4) (5) (6) (7) (8) (9) (10) (11): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (c))
Marking on the bags in letters at least 5 cm high: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15. 6. — 15. 7. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 29. 5. 1990 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 6. 1990 at 12 noon
 - (b) period for making the goods available at the port of shipment: 1. — 31. 7. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (12): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** (13): refund applicable on 15. 5. 1990, fixed by Commission Regulation (EEC) No 1074/89 (OJ No L 108, 28. 4. 1990, p. 66)

LOT B

1. **Operation No (1):** 107/90
2. **Programme:** 1989
3. **Recipient:** São Tomé e Príncipe
4. **Representative of the recipient (2):** Diogenes Moniz, Ministério da Economica e Finanças, C.P. 36, São Tomé; telex 225 Miplano ST, tel. 229 45
5. **Place or country of destination:** São Tomé and Principe
6. **Product to be mobilized:** common wheat flour
7. **Characteristics and quality of the goods (3):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.6)
8. **Total quantity:** 1 460 tonnes (2 000 tonnes of cereals)
9. **Number of lots:** one
10. **Packaging and marking (4):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2(a))
Marking on the bags in letters at least 5 cm high:
'ACÇÃO Nº 107/90 / FARINHA DE TRIGO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À REPÚBLICA DEMOCRÁTICA DE SÃO TOMÉ E PRÍNCIPE'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** São Tomé
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 20. 6 — 15. 7. 1990
18. **Deadline for the supply:** 15. 8. 1990
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 29. 5. 1990, at 12 noon
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12. 6. 1990, at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5. 7 — 31. 7. 1990
 - (c) deadline for the supply: 31. 8. 1990
22. **Amount of the tendering security:** ECU 5 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders (5):** Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer (6):** refund applicable on 15. 5. 1990, fixed by Commission Regulation (EEC) No 1074/90 (OJ No L 108, 28. 4. 1990, p. 66)

LOT C

1. **Operation Nos** ⁽¹⁾: 57 to 60/90 and 66/90
2. **Programme**: 1989
3. **Recipient**: Euronaid, Rhijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.6)
8. **Total quantity**: 3 944 tonnes (5 405 tonnes of cereals)
9. **Number of lots**: one (in three parts: C 1: 57 to 59/90, C 2: 60/90, C 3: 66/90 ⁽¹⁰⁾)
10. **Packaging and marking** ⁽⁷⁾ ⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾ ⁽¹¹⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2 (a))
Marking on the bags in letters at least 5 cm high:
see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 1 — 31. 7. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 29. 5. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 6. 1990, at 12 noon
 - (b) period for making the goods available at the port of shipment: 15. 7 — 15. 8. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex: AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁸⁾: refund applicable on 15. 5. 1990, fixed by Commission Regulation (EEC) No 1074/90 (OJ No L 108, 28. 4. 1990, p. 66)

LOT D

1. **Operation No** ⁽¹⁾: 961/89
2. **Programme**: 1989
3. **Recipient**: Ligue des sociétés de la Croix-Rouge et du Croissant-Rouge, service logistique, BP 372, CH-1211 Geneva 19; tel. 734 55 80; telex 22555 LRCS CH; telefax: 733 03 95
4. **Representative of the recipient** ⁽²⁾: Croissant-Rouge Algérien, 15 bis, boulevard Mohamed V, Alger; tel. 264 57 57/28; telex Hilal 67356 DZ or 66442 CRA
5. **Place or country of destination**: Algeria
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 216, 14. 8. 1987, p. 3 (under IIA.6)
8. **Total quantity**: 300 tonnes (411 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾ ⁽⁹⁾: see OJ No C 216, 14. 8. 1987, p. 3 (under IIB.2.(c))
To be delivered on standard pallets wrapped in plastic shrink cover
Marking on the bags in letters at least 5 cm high:
'ACTION N° 961/89 / a red crescent with the points facing to the right / FARINE DE FROMENT
TENDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA
LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) /
POUR DISTRIBUTION GRATUITE / ALGER'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Alger
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20. 6 — 15. 7. 1990
18. **Deadline for the supply**: 15. 8. 1990
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 29. 5. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12. 6. 1990, at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5. 7 — 31. 7. 1990
 - (c) deadline for the supply: 31. 8. 1990
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽¹⁰⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex: AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer** ⁽¹¹⁾: refund applicable on 15. 5. 1990, fixed by Commission Regulation (EEC) No 1074/90 (OJ No L 108, 28. 4. 1990, p. 66)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
- Lots A, C and D : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4,
 - Lot B : Conseiller Résident à São Tomé e Príncipe, BP 132, São Tomé ; tel. (239)217 80, telex (0967)224.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- Action Nos 104 and 66/90 : the radioactivity certificate must indicate the caesium-134 and -137 levels, and must be endorsed by the Egyptian Embassy in the country of origin.
- (⁴) In order not to overload the telex, tenders are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of the Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (⁵) The successful tenderer shall give the beneficiaries' representatives a health certificate at the time of delivery.
- (⁶) The successful tenderer shall give the beneficiaries' representatives a certificate of origin at the time of delivery.
- (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁸) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annex.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (¹⁰) Lots A and C3 : the successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- Shipment to take place in 20-foot containers, conditions FCL/LCL. The supplier shall be responsible for the cost of making the containers available to the stack position of the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provision of the second subparagraph of Article 13 (2) of Regulation (EEC) No 2200/87 shall not apply.
- (¹¹) The supplier should send a duplicate of the original invoice to :
- MM De Keyser & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
- (¹²) The successful tenderer shall supply to the beneficiary or its representative a fumigation certificate at the time of delivery.

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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	72		Euronaid	Egypt	Action No 104/90 / Rice / Caritas Germany / 90470 / Gift of the European Economic Community / For free distribution
C	C 1 : 3 670	1 485	Caritas G	Chile	Acción N° 57/90 / Harina de trigo / Chile / Caritas Alemana / 90471 / Talcaruano / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		170	AATM	Chile	Acción N° 58/90 / Harina de trigo / Chile / AATM / 91734 / Coyahique : Vía Valparaiso / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		2 015	Caritas G	Chile	Acción N° 59/90 / Harina de trigo / Chile / Caritas Alemana / 90472 / Valparaiso / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
	C 2 : 54	54	Euronaid	Ethiopia	Action No 60/90 / Wheat flour / Prosalus / 95545 / Shanshamane via Assab / Gift of the European Economic Community / For free distribution
	C 3 : 220	220	Euronaid	Egypt	Action No 66/90 / Wheat flour / CAM / 92044 / Cairo via Alexandria / Gift of the European Economic Community / For free distribution

COMMISSION REGULATION (EEC) No 1263/90

of 14 May 1990

laying down detailed rules for the granting of private storage aid for long-keeping cheeses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3879/89⁽²⁾, and in particular Articles 9 (3) and 28 thereof,

Whereas Regulation (EEC) No 508/71 of the Council⁽³⁾ provides that private storage aid may be granted for certain long-keeping cheeses where there is a serious imbalance of the market which may be eliminated or reduced by seasonal storage;

Whereas the seasonal nature of Emmental and Gruyère cheese production is aggravated by the fact that the seasonal trend in consumption of such cheeses is the opposite of their production; whereas, therefore, provision should be made for recourse to such storage in respect of a quantity corresponding to the difference between summer and winter production;

Whereas the detailed rules for the application of this measure should essentially be the same as those laid down for a similar measure during previous years;

Whereas, in view of experience in controls, the provisions relating thereto should be specified, in particular as regards the documents to be presented and the on-the-spot checks to be conducted; whereas these new requirements on the subject make it necessary to stipulate that the Member States may provide that the costs of controls be fully or in part charged to the contractor;

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

HAS ADOPTED THIS REGULATION:

Article 1

Aid shall be granted in respect of the private storage of 20 150 tonnes of Emmental and Gruyère cheeses manufactured in the Community which satisfy the requirements of Articles 2 and 3 hereof.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 58, 11. 3. 1971, p. 1.

1. The intervention agency may conclude storage contracts only if the following conditions are satisfied:

- (a) the batch of cheeses to which a contract relates must comprise at least five tonnes;
- (b) the cheeses shall be indelibly marked with an indication (which may take the form of a number) of the undertaking in which they were manufactured and of the day and month of manufacture;
- (c) the cheeses must have been manufactured at least 10 days before the date specified in the contract as being the date of commencement of storage;
- (d) the cheeses must have undergone quality tests which establish that their classification after maturing could be expected to be:
 - 'class A' in France,
 - 'Markenkäse' or 'Klasse fein' in Germany,
 - 'first quality' in Denmark,
 - 'special grade' in Ireland;
- (e) the storer shall undertake:

- to keep the cheese during the entire period of storage in premises where the maximum temperature is as indicated under paragraph 2,
- not, during the term of the contract, to alter the composition of the batch covered by the contract without authorization from the intervention agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorize an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorization of the intervention agency, the contract is deemed not to have undergone any alteration;
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

Any costs of controls arising from an alteration shall be met by the storer,

- to keep stock records and to inform the intervention agency each week of the cheeses put into storage during the previous week and of scheduled withdrawals.

2. The maximum temperature in the storage premises shall be +6 °C for Emmental and +10 °C for Gruyère. In the case of Emmental which has already been matured, Member States may permit a maximum temperature of +10 °C.

3. Storage contracts shall be concluded :

- (a) in writing, stating the date when storage covered by the contract begins ; this date may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage are completed ;
- (b) after completion of the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date when storage by the contract begins.

Article 3

1. Aid shall be granted only for such cheeses as are put into storage during the storage period. This period shall begin on 1 May 1990 and end on or before 30 September of the same year.

2. Stored cheese may be withdrawn from storage only during the period for withdrawal. This period shall begin on 1 October 1990 and end on 31 March of the following year.

Article 4

1. The amount of the aid shall be ECU 2,13 per tonne per day. Conversion into national currency shall be carried out using the representative rate applicable on the day of withdrawal from storage.

2. No aid shall be granted in respect of storage under contract for less than 90 days. The maximum aid payable shall not exceed an amount corresponding to 180 days' storage under contract.

By way of derogation from the second indent of Article 2 (1) (e), when the period of 90 days specified in the first subparagraph has elapsed and the period for withdrawal referred to in Article 3 (2) has begun, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to two tonnes.

The date of the start of operations to remove the batch of cheese covered by the contract shall not be included in the period of storage under contract.

Article 5

The periods, dates and time limits referred to in this Regulation shall be determined in accordance with Council Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾.

However, Article 3 (4) of that Regulation shall not apply in respect of the determination of the periods referred to in this Regulation.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

Article 6

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the following particulars of products placed in private storage to be verified :

- (a) ownership at the time of entry into storage ;
- (b) the origin and the date of manufacture of the cheeses ;
- (c) the date of entry into storage ;
- (d) presence in the store ;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store shall keep stock accounts available at the store, covering :

- (a) identification, by contract number, of the products placed in private storage ;
- (b) the dates of entry into and removal from storage ;
- (c) the number of cheeses and their weight by batch ;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract. A special mark shall be affixed to cheeses covered by the contract.

5. On entry into storage, the competent agencies shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract, without prejudice to the application of Article 2 (1) (e).

6. The national authorities responsible for controls shall undertake :

- (a) for each contract, a check on the compliance with all the obligations in Article 3 (2) of Regulation (EEC) No 1091/80 ;
- (b) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check ;
- (c) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating:

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter shall be extended to a larger sample to be determined by the competent agency.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of controls are to be fully or in part charged to the contractor.

Article 7

The Member States shall forward to the Commission on or before the Tuesday of each week particulars as to the following:

- (a) the quantities of cheese for which storage contracts have been concluded during the preceding week;
- (b) any quantities in respect of which the authorization referred to in the second indent of Article 2 (1) (e) has been given.

Article 8

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, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

**COMMISSION REGULATION (EEC) No 1264/90
of 14 May 1990**

**amending Regulation (EEC) No 3179/80 on postal charges to be taken into
consideration when determining the customs value of goods sent by post**

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

Having regard to Council Regulation (EEC) No 1224/80
of 28 May 1980 on the valuation of goods for customs
purposes ⁽¹⁾, as last amended by Regulation (EEC) No
4046/89 ⁽²⁾, and in particular Article 15 thereof,

Whereas Commission Regulation (EEC) No 3179/80 ⁽³⁾
provides that, in view of the special nature of the charges
for international postal services, all such charges levied up
to the place of destination of goods sent by post shall be
included in the customs value of these goods;

Whereas the nature of the charges for certain express
consignments are not the same as those for other interna-
tional postal services in so far as the latter services do not
provide for the conclusion of global contracts with the
customer;

Whereas it is not appropriate to discriminate for customs
valuation purposes between express consignments carried
by the postal services or by other operators offering a
similar service;

Whereas it is therefore appropriate to exclude charges for
certain express postal consignments from the scope of

Regulation (EEC) No 3179/80 and to amend Article 1 of
that Regulation accordingly;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Customs Valuation
Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3179/80 is hereby amended as
follows:

1. the following paragraph is added to Article 1:
‘3. The provisions of paragraphs 1 and 2 shall not
apply to goods carried by the express postal services
mentioned in the Annex.’
2. the Annex to this Regulation is added to the Regula-
tion.

Article 2

This Regulation shall enter into force on 1 July 1990.

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

Done at Brussels, 14 May 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

⁽²⁾ OJ No L 388, 30. 12. 1989, p. 24.

⁽³⁾ OJ No L 335, 12. 12. 1980, p. 62.

ANNEX

ANNEX

EMS-Datapost (in Denmark : EMS-Jetpost).'

COMMISSION REGULATION (EEC) No 1265/90

of 14 May 1990

amending Regulation (EEC) No 429/90 on the granting by invitation to tender of
an aid for concentrated butter intended for direct consumption in the
Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Regulation (EEC) No 804/68 of 27 June
1968 on the common organization of the market in milk
and milk products⁽¹⁾, as last amended by Regulation
(EEC) No 3879/89⁽²⁾, and in particular Article 7a (3)
thereof,

Whereas, pursuant to Commission Regulation (EEC) No
429/90⁽³⁾, an aid is granted for concentrated butter
intended for direct consumption in the Community;
whereas it should be specified that the aid is to be granted
for concentrated butter meeting the specifications in the
Annex to that Regulation; whereas, for reasons of fairness,
this Regulation should be made applicable from the date
of entry into force of Regulation (EEC) No 429/90;

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

Article 1

Article 1 (1) of Regulation (EEC) No 429/90 is hereby
replaced by the following:

'1. An aid shall be granted for concentrated butter
produced in an establishment approved in accordance
with Article 9 and made from either cream or butter
manufactured in the Community, such concentrated
butter meeting the specifications in the Annex hereto,
provided that in the case of butter, the latter has not
been the subject of buying in by intervention agencies
or of private storage aids. The concentrated butter
shall be intended for direct consumption in the
Community.'

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 March 1990.

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

Done at Brussels, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 45, 21. 2. 1990, p. 8.

COMMISSION REGULATION (EEC) No 1266/90

of 14 May 1990

abolishing 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 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 1028/90⁽³⁾, as last amended by Regulation (EEC) No 1171/90⁽⁴⁾, introduces 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 abolished; adjusted; whereas the said conditions require abolition of the corrective amount on imports of aubergines into the Community of Ten from Spain (except the Canary Islands),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1028/90 is hereby repealed.

Article 2

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, 14 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 106, 24. 4. 1990, p. 25.

⁽⁴⁾ OJ No L 118, 9. 5. 1990, p. 23.

COMMISSION REGULATION (EEC) No 1267/90**of 14 May 1990****adjusting the corrective amount on the import of courgettes into the
Community of Ten from Spain except the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

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

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism and Commission Regulation (EEC) No 3815/89 ⁽²⁾ lays down detailed rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 1161/90 ⁽³⁾ introduces a corrective amount on imports of courgettes 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 courgettes 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 1161/90, 'ECU 11,75' is replaced by 'ECU 36,64'.

Article 2

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, 14 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 116, 8. 5. 1990, p. 15.

COMMISSION REGULATION (EEC) No 1268/90

of 14 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 1253/90 ⁽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 15 May 1990.

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

Done at Brussels, 14 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 121, 12. 5. 1990, p. 32.

ANNEX

to the Commission Regulation of 14 May 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	29,97 ⁽¹⁾
1701 11 90	29,97 ⁽¹⁾
1701 12 10	29,97 ⁽¹⁾
1701 12 90	29,97 ⁽¹⁾
1701 91 00	32,47
1701 99 10	32,47
1701 99 90	32,47 ⁽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 1269/90

of 14 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 last amended by Regulation (EEC) No 1177/90 ⁽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 15 May 1990.

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

Done at Brussels, 14 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 118, 9. 5. 1990, p. 32.

ANNEX

to the Commission Regulation of 14 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	0,3247	—
1702 20 90	0,3247	—
1702 30 10	—	42,34
1702 40 10	—	42,34
1702 60 10	—	42,34
1702 60 90	0,3247	—
1702 90 30	—	42,34
1702 90 60	0,3247	—
1702 90 71	0,3247	—
1702 90 90	0,3247	—
2106 90 30	—	42,34
2106 90 59	0,3247	—

COMMISSION REGULATION (EEC) No 1270/90

of 14 May 1990

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1043/90⁽⁷⁾, as last amended by Regulation (EEC) No 1254/90⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 107, 27. 4. 1990, p. 41.

⁽⁸⁾ OJ No L 121, 12. 5. 1990, p. 34.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 over 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 11 May 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1043/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 15 May 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 14 May 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1102 90 90	60,80	146,60	149,62
1103 19 90	60,80	146,60	149,62
1103 29 90	60,80	146,60	149,62
1104 19 99	108,01	258,71	264,75
1104 29 19	93,66	229,97	232,99
1104 29 39	93,66	229,97	232,99
1104 29 99	60,80	146,60	149,62

COMMISSION REGULATION (EEC) No 1271/90**of 14 May 1990****fixing the maximum export refunds on olive oil for the 12th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89**

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

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

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3246/89 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3246/89 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

The maximum export refunds for olive oil for the 12th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 May 1990.

Article 2

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, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 314, 28. 10. 1989, p. 48.

ANNEX

to the Commission Regulation of 14 May 1990 fixing the maximum export refunds on olive oil for the 12th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	104,45
1509 90 00 100	74,01
1509 90 00 900	110,09
1510 00 90 100	17,00
1510 00 90 900	52,66

NB: The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 1272/90
of 14 May 1990

laying down further transitional measures to support the beef market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 90 thereof,

Whereas the period fixed in Article 90 of the Act of Accession was extended to 31 December 1990 by Council Regulation (EEC) No 3849/89⁽¹⁾;

Whereas, in the beef sector, a proportion of production cannot be absorbed on the Spanish market owing to low internal demand for such products and can be disposed of on other markets only with difficulty in view of the time necessary to adjust the trade structures to the opening of the market; whereas this situation has created economic difficulties for producers in Spain through the substantial price deteriorations recorded in the last few months; whereas those difficulties are sufficiently serious to warrant the introduction of transitional measures with a view to improving the situation of the market for beef in Spain;

Whereas, in order to be effective, such transitional measures should involve the buying in at fixed prices of all products in the beef sector in accordance with the conditions laid down in Title I, Section I, and Titles II and III of Commission Regulation (EEC) No 859/89 of 27 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector⁽²⁾;

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 Spanish intervention agency mentioned in Annex V to Regulation (EEC) No 859/89 shall buy in carcasses, half-carcasses, forequarters or hindquarters of adult bovine animals as described in Annex III to that Regulation up to a maximum of 8 000 tonnes during the period 15 May to 15 July 1990.

2. The buying-in price shall be ECU 282 per 100 kilograms of carcase or half-carcase in category A and quality class R3. The prices of the other eligible qualities shall be arrived at using the coefficients set out in Annex IV to that Regulation.

3. The prices for forequarters and hindquarters shall be derived from the carcase price using the coefficients 0,80 and 1,20 respectively for the straight cut and 0,75 and 1,25 respectively for the cut known as 'pistola'.

4. The Spanish intervention agency shall buy in products offered under the conditions laid down in Title I, Section I, and in Titles II and III of Regulation (EEC) No 859/89.

5. The intervention agency shall pay between the 45th and 60th day following that of takeover for products bought in.

Article 2

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, 14 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 374, 22. 12. 1989, p. 7.

⁽²⁾ OJ No L 91, 4. 4. 1989, p. 5.

COMMISSION REGULATION (EEC) No 1273/90

of 14 May 1990

applying a special intervention measure in Spain for maize at the end of the
1989/90 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 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 8 (3) thereof,

Whereas Council Regulation (EEC) No 1582/86 of 23
May 1986 on particular intervention measures for
cereals ⁽³⁾ lays down the general rules applicable to such
measures;

Whereas the intervention period for maize ends on 30
April in Spain; whereas that time limit, in view in parti-
cular of the Agreement with the United States on imports
of maize and grain sorghum into Spain at a reduced levy,
is likely to encourage operators to offer substantial quanti-
ties of maize for intervention at the end of April, although
certain market outlets may still be found after that date;
whereas this situation may be remedied by opening a
possibility for that cereal, production of which is limited
to certain regions of the Community, to be bought in in
May 1990;

Whereas the conditions for buying in cereals are laid
down in Council Regulation (EEC) No 1581/86 of 23
May 1986 laying down general rules for intervention on
the market in cereals ⁽⁴⁾, as amended by Regulation (EEC)
No 195/89 ⁽⁵⁾, Commission Regulation (EEC) No 1569/87
of 11 July 1977 fixing the procedure and conditions for
the taking over of cereals by intervention agencies ⁽⁶⁾, as
last amended by Regulation (EEC) No 1022/90 ⁽⁷⁾, and
Commission Regulation (EEC) No 1570/77 of 11 June

1977 on price increases and reductions applicable to
intervention in cereals ⁽⁸⁾, as last amended by Regulation
(EEC) No 2258/87 ⁽⁹⁾;

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

1. In accordance with Article 2 of Regulation (EEC)
No 1582/86, the Spanish intervention agency shall buy in
quantities of maize offered to it between the date of entry
into force of this Regulation and 31 May 1990.

2. The price to be paid shall be the buying-in price
referred to in Article 7 (3) of Regulation (EEC) No
2727/75, as fixed for the 1989/90 marketing year, plus
seven monthly increases.

3. The quantities offered must be delivered by 30 June
1990 at the latest.

4. Subject to paragraph 2, buying in shall be carried
out in accordance with the provisions of Regulations
(EEC) No 1581/86, (EEC) No 1569/77 and (EEC) No
1570/77.

Article 2

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

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

Done at Brussels, 14 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 139, 24. 5. 1986, p. 38.

⁽⁴⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 25, 28. 1. 1989, p. 22.

⁽⁶⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽⁷⁾ OJ No L 106, 26. 4. 1990, p. 11.

⁽⁸⁾ OJ No L 174, 14. 7. 1977, p. 18.

⁽⁹⁾ OJ No L 208, 30. 7. 1987, p. 11.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 April 1990

fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued under Regulation (EEC) No 649/90

(90/228/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 2659/80 of 17 October 1980 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat products ⁽²⁾, as amended by Regulation (EEC) No 3496/88 ⁽³⁾, and in particular Article 11 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 287/90 of 1 February 1990 setting out some detailed rules for private storage aid for lamb in the period 1 January to 30 April 1990 ⁽⁴⁾ supplements the provisions of Regulation (EEC) No 2659/80 and lays down in particular detailed rules governing invitations to tender;

Whereas Commission Regulation (EEC) No 649/90 ⁽⁵⁾ opens invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas, in accordance with Article 11 (1) (f) of Regulation (EEC) No 2659/80, a maximum amount of aid for private storage should be fixed on the basis of tenders

received or no action must be taken in respect of the invitation to tender;

Whereas the tenders received lead to action being taken in respect of the invitation to tender;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS DECISION:

Article 1

The aid referred to in Article 11 (1) (f) of Regulation (EEC) No 2659/80 for the invitations to tender opened by Regulation (EEC) No 649/90 shall be as follows: 1 500 ECU/tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 276, 20. 10. 1980, p. 12.

⁽³⁾ OJ No L 306, 11. 11. 1988, p. 28.

⁽⁴⁾ OJ No L 31, 2. 2. 1990, p. 11.

⁽⁵⁾ OJ No L 71, 17. 3. 1990, p. 10.

COMMISSION DECISION

of 26 April 1990

amending Decision 88/121/EEC concerning the multiannual guidance programme for the fishing fleet (1987 to 1991) forwarded by France pursuant to Regulation (EEC) No 4028/86

(only the French text is authentic)

(90/229/EEC)

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

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽¹⁾, and in particular Articles 4 and 5 (2) thereof,

Whereas taking into account the outcome of the meetings held with the French authorities on the progress of the multiannual guidance programme as defined by Commission Decision 88/121/EEC⁽²⁾;

Whereas it became apparent in connection with the entry into service of new fishing vessels that a net increase in fishing capacity as expressed in tonnage (GRT) and power (kW) had taken place in 1987 and in the first six months of 1988;

Whereas France has forwarded, within the prescribed time limit and on the basis of a new statistical series, new particulars of the operational fishing fleet, defined as registered vessels, other than those laid up for more than two years, as required by Decision 88/121/EEC;

Whereas the process of fleet adjustment which has now been started and the implementation by France of measures for the verification of fishing fleet capacity will require some time;

Whereas the Commission intends to support France's efforts to restructure its fleet once the necessary administrative or legislative measures produce results indicating that structural change is taking place as planned and lead to the attainment of the objectives laid down by Decision 88/121/EEC by 31 December 1991;

Whereas, in order to administer derogations from the principle that State aid in the fisheries sector is incompat-

ible with the common market, the Commission has adopted guidelines for the examination of national aid in the fisheries sector⁽³⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 88/121/EEC is hereby amended as follows:

1. The second paragraph of Article 3 is replaced by the following:

'The Commission shall, on the basis of its assessment of the information provided on a regular basis as specified in Article 2 or, where this information is not supplied, inform the Member State, where appropriate, at the end of one six-month period, that it has been found that the conditions to which approval of the programme was made subject have not been fulfilled.'

2. The Annex is replaced by the Annex hereto.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 26 April 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 62, 8. 3. 1988, p. 21.

⁽³⁾ OJ No C 313, 8. 12. 1988, p. 21.

ANNEX

ANNEX

MULTIANNUAL GUIDANCE PROGRAMME FOR THE FRENCH FISHING FLEET

(1987 to 1991)

I. GENERAL REMARKS

This programme relates to the whole of the metropolitan French fishing fleet and covers the entire territory of Metropolitan France.

II. OBJECTIVES

1. The aims of the programme are :
 - (a) to reduce the overall level of the operational fishing fleet (defined as registered vessels other than those laid up for more than two years) to 201 604 GRT and 1 055 050 kW, in accordance with II (2) below ;
 - (b) to stabilize the tuna freezer fleet at 27 142 GRT and 69 037 kW, on the understanding that if the fishing capacity of the freezer-seiners is expanded beyond the objectives and limits laid down in the programme for this category, this shall not affect the achievement of the overall objectives of the programme and provided that such expansion does not call for any Community financial assistance towards the utilization of the fishing capacities concerned. Such expansion may not affect the reference data to be taken into consideration by the Community for the purposes of establishing and conducting relations with third countries ;
 - (c) to modernize existing vessels without increasing overall fishing capacity (expressed in tonnage and engine power) in the category to which the vessels concerned belong, with the exception of the vessels specified in IV (2) below.
2. To ensure a reduction in overall capacity, no capacity transfers may be made between the fleets operating in the Mediterranean, those operating in Community waters and those operating in other areas.
3. During the period covered by the programme the operational fishing fleet, with the exception of :
 - working vessels used solely for aquaculture ;
 - vessels used solely for bivalve fishing,
 must remain within the following limits :

Tonnage

	Situation at 1. 1. 1987 (¹)	Objectives at		
		31. 12. 1989	31. 12. 1990	31. 12. 1991
Less than 12m overall	33 530			31 295 (¹)
— between 12 m and 16 m overall	21 825			20 750 (¹)
— between 16 m and 38 m overall	80 905			78 259 (¹)
— More than 38 m	71 300			71 300 (¹)
of which :				
— ocean-going tuna fleet	(30) 27 142			(30) 27 142
— others	44 158			44 158 (¹)
Total A	209 560	208 764	204 786	201 604
Vessels for aquaculture or for catching bivalves				
Total B	15 271			

(¹) Some flexibility may be allowed between one category of fishing vessel and another.

Engine power

(in kW)

	Situation at 1. 1. 1987 (¹)	Objectives at		
		31. 12. 1989	31. 12. 1990	31. 12. 1991
Less than 12 m overall	440 102			378 405 (¹)
— between 12 m and 16 m overall	157 943			143 370 (¹)
— between 16 m and 38 m overall	392 131			364 875 (¹)
— More than 38 m	168 400			168 400 (¹)
of which :				
— ocean-going tuna fleet	(30) 69 037			(30) 69 037
— others	99 363			99 363 (¹)
Total A	1 158 576	1 148 223	1 096 460	1 055 050
Vessels for aquaculture or for catching bivalves				
Total B	117 421			

(¹) Some flexibility may be allowed between one category of fishing vessel and another.

III. PLANNED MEASURES

- 1.1. Whereas the objectives at point II (2), Total (A) required fishing capacity to be reduced by the difference between the situation at 1. 1. 1987 and the target to be achieved by 31 December 1991, account must also be taken of changes in fishing capacity resulting from :
 - projects for new vessel construction which have qualified for Community and national aid in respect of 1987,
 - applications for Community financing of new vessel construction projects currently under consideration by the Commission (¹);
 - vessels joining or leaving the fleet between 1 January 1987 and 30 June 1988, if not covered by the first two subparagraphs;
 which, when added, give the overall fishing capacity to be reduced.
- 1.2. The reductions referred to in point III (1) (1) above must be achieved by the following measures, the implementation of which is conditional on the fishing capacities used remaining within the limits laid down in the programme, although the reduction achieved by each measure may be varied provided that the overall fishing capacity defined in point III (1) (1) is reduced as planned :
 - a reduction in the total fleet by renewal of operational vessels which have been damaged, sunk or otherwise lost, in particular by laying up of operational vessels in direct relation to new constructions, in accordance with the attainment of the objectives set out in point (II) (2);
 - the adoption and implementation of measures to adjust fishing capacity, such as the granting of the final cessation premiums as compensation for any necessary reductions which cannot be achieved by the methods referred to in the first subparagraph;
 - the adoption of administrative measures to forestall any increase in fishing capacity which would be contrary to the programme's objectives;
 - any other measures that will achieve the same results;
2. Adoption and implementation of legislative and/or administrative measures designed to ensure effective control of fishing capacity and fishing activities with a view to achieving the programme's objectives.
3. Improvement of the register of fishing vessels, with a view to effective control of fishing capacity.

(¹) Overall capacity may be adjusted to take account of the withdrawal of applications for financing currently under examination by the Commission.

IV. COMMENTS

1. The overall objective referred to in point II (1) (a) may be revised only on the basis of detailed scientific assessments showing the existence of stocks which are not fully exploited at present.
 2. With regard to fishing vessels operating in coastal waters and measuring less than 12 m between perpendiculars, consideration may be given to a limited increase in tonnage (up to 10 %) and engine power (up to 6 %) in order to improve safety, working conditions and on-board preserving facilities, provided that such increase is justified and that the objectives laid down in point II. 2 for the category to which the vessels belong are attained. Such an increase, when it occurs, must be compatible with the resources which may be fished by the vessels concerned.
 3. At least 10 % of the programme's objectives must be achieved by the end of 1989 and at least 60 % by the end of 1990.
 4. The Commission would point out that all aid granted by France in the fisheries sector, including that for the construction of fishing vessels, must henceforth lie within the scope of this programme.
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