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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1299/90**of 18 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 17 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 19 May 1990.

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

Done at Brussels, 18 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 18 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	133,62 ^(?) ^(?)
0712 90 19	39,80	133,62 ^(?) ^(?)
1001 10 10	49,77	193,14 ⁽¹⁾ ^(?)
1001 10 90	49,77	193,14 ⁽¹⁾ ^(?)
1001 90 91	40,78	142,67
1001 90 99	40,78	142,67
1002 00 00	65,46	137,92 ⁽⁹⁾
1003 00 10	56,71	133,49
1003 00 90	56,71	133,49
1004 00 10	48,11	127,66
1004 00 90	48,11	127,66
1005 10 90	39,80	133,62 ^(?) ^(?)
1005 90 00	39,80	133,62 ^(?) ^(?)
1007 00 90	56,71	143,83 ⁽⁹⁾
1008 10 00	56,71	41,64
1008 20 00	56,71	112,72 ⁽⁹⁾
1008 30 00	56,71	7,74 ⁽⁹⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	56,71	7,74
1101 00 00	71,56	214,02
1102 10 00	106,11	207,55
1103 11 10	91,98	314,23
1103 11 90	75,71	229,56

⁽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 1300/90

of 18 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 17 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 19 May 1990.

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

Done at Brussels, 18 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 18 May 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	5	6	7	8
0709 90 60	0	0	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	8,67	8,67	8,67
1001 90 99	0	8,67	8,67	8,67
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	12,14	12,14	12,14

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	5	6	7	8	9
1107 10 11	0	15,43	15,43	15,43	15,43
1107 10 19	0	11,53	11,53	11,53	11,53
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 1301/90**of 18 May 1990****fixing the import levies on rice and broken 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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 791/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 1240/90 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 791/90 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 May 1990.

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

Done at Brussels, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 85, 31. 3. 1990, p. 6.

⁽⁶⁾ OJ No L 121, 12. 5. 1990, p. 5.

ANNEX

to the Commission Regulation of 18 May 1990 fixing the import levies on rice and broken rice

(ECU/tonne)				
CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾) (⁽³⁾)	Third countries (except ACP or OCT) (⁽³⁾)
1006 10 21	—	—	156,25	319,71
1006 10 23	—	233,43	152,02	311,24
1006 10 25	—	233,43	152,02	311,24
1006 10 27	—	233,43	152,02	311,24
1006 10 92	—	—	156,25	319,71
1006 10 94	—	233,43	152,02	311,24
1006 10 96	—	233,43	152,02	311,24
1006 10 98	—	233,43	152,02	311,24
1006 20 11	—	—	196,22	399,64
1006 20 13	—	291,79	190,22	389,05
1006 20 15	—	291,79	190,22	389,05
1006 20 17	—	291,79	190,22	389,05
1006 20 92	—	—	196,22	399,64
1006 20 94	—	291,79	190,22	389,05
1006 20 96	—	291,79	190,22	389,05
1006 20 98	—	291,79	190,22	389,05
1006 30 21	13,05	—	251,59	527,23
1006 30 23	12,97	457,24	292,94	609,65
1006 30 25	12,97	457,24	292,94	609,65
1006 30 27	12,97	457,24	292,94	609,65
1006 30 42	13,05	—	251,59	527,23
1006 30 44	12,97	457,24	292,94	609,65
1006 30 46	12,97	457,24	292,94	609,65
1006 30 48	12,97	457,24	292,94	609,65
1006 30 61	13,90	—	268,29	561,29
1006 30 63	13,90	490,16	314,42	653,55
1006 30 65	13,90	490,16	314,42	653,55
1006 30 67	13,90	490,16	314,42	653,55
1006 30 92	13,90	—	268,29	561,29
1006 30 94	13,90	490,16	314,42	653,55
1006 30 96	13,90	490,16	314,42	653,55
1006 30 98	13,90	490,16	314,42	653,55
1006 40 00	4,91	—	82,89	171,78

(⁽¹⁾) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(⁽³⁾) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 1302/90**of 18 May 1990****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89 ⁽³⁾, as last amended by Regulation (EEC) No 1241/90 ⁽⁴⁾;

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 shown in the Annex hereto,

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 May 1990.

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

Done at Brussels, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽³⁾ OJ No L 255, 1. 9. 1989, p. 11.⁽⁴⁾ OJ No L 121, 12. 5. 1990, p. 7.

ANNEX

to the Commission Regulation of 18 May 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 5	1st period 6	2nd period 7	3rd period 8
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 1303/90
of 18 May 1990

on the issuing of a standing invitation to tender for the resale on the internal market of 300 000 tonnes of maize held by the French intervention agency

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 300 000 tonnes of maize held by the French intervention agency should be issued;

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

The French intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 300 000 tonnes of maize held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 31 May 1990.
2. The final date for the submission of tenders for the last partial invitation to tender shall be 26 July 1990.
3. Tenders must be lodged with the French intervention agency:

Office national interprofessionnel des céréales,
21, avenue Bosquet,
F-75326 Paris Cedex 07
(téléc : OFIBLE A 200490F).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 18 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. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 1304/90**of 18 May 1990****adopting interim protective measures in regard to applications for STM licences
for milk and milk products lodged between 7 and 12 May 1990**

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 85 (1) thereof,

Whereas Commission Regulation (EEC) No 606/86 of 28
February 1986 laying down detailed rules for applying the
supplementary trade mechanism to milk products
imported into Spain from the Community of Ten ⁽¹⁾, as
last amended by Regulation (EEC) No 280/90 ⁽²⁾, fixes the
indicative ceilings for milk sector products for 1990 and
splits these up into monthly ceilings;

Whereas applications for STM licences lodged between 7
and 12 May 1990 for certain types of cheese are for quan-
tities higher than the ceiling allotted for the second
quarter;

Whereas Article 85 (1) of the Act of Accession states that
the Commission may take interim protective measures
necessary by an emergency procedure where the situation
indicated that the indicative ceiling will be attained or

exceeded; in this respect it is necessary to provisionally
suspend for the categories concerned the issue of all new
licences and refuse any requests,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences for milk products
falling within category 3 of CN code ex 0406 as referred
to in Regulation (EEC) No 606/86 lodged between 7 and
12 May 1990 and notified to the Commission are hereby
rejected.

2. The issuing of STM licences for the products
covered by the abovementioned category 3 of CN code
ex 0406 is hereby provisionally suspended.

Article 2

This Regulation shall enter into force on 19 May 1990.

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

Done at Brussels, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 30, 1. 2. 1990, p. 63.

COMMISSION REGULATION (EEC) No 1305/90
of 18 May 1990

**on the definitive application of the guarantee limitation arrangements for
sheepmeat and goatmeat for the 1989 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 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, and in par-
ticular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 3013/89 intro-
duces arrangements for the limitation of the guarantee
applicable for each marketing year; whereas those ar-
rangements provide that the reduction in the guarantee
depends on the number of ewes compared with a
maximum guaranteed level; whereas that reduction, fixed
provisionally on the basis of an estimate of ewe numbers,
must, where appropriate, be subsequently corrected on the
basis of ewe numbers actually recorded for the marketing
year in question;

Whereas Commission Regulation (EEC) No 1310/88⁽²⁾
lays down the detailed rules for the application of those
arrangements;

Whereas Commission Regulation (EEC) No 3817/88⁽³⁾
fixes the reduction coefficient applicable provisionally for
the 1989 marketing year; whereas the definitive recording
of ewe numbers on the basis of statistics obtained

pursuant to Council Directive 82/177/EEC⁽⁴⁾, as last
amended by Regulation (EEC) No 3939/87⁽⁵⁾, together
with the other objective data available leads to the
corrected coefficient laid down in this Regulation being
fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to the second indent of Article 8 (2) of Regula-
tion (EEC) No 3013/89, the provisional coefficient
provided for in Regulation (EEC) No 3817/88 for the
1989 marketing year shall be corrected to read as follows:

- Great Britain: 5 %,
- rest of the Community: 5 %.

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, 18 May 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 122, 12. 5. 1988, p. 69.

⁽³⁾ OJ No L 337, 8. 12. 1988, p. 16.

⁽⁴⁾ OJ No L 81, 27. 3. 1982, p. 35.

⁽⁵⁾ OJ No L 373, 31. 12. 1987, p. 1.

**COMMISSION REGULATION (EEC) No 1306/90
of 18 May 1990**

**determining for the Member States the loss of income and the amount of the
premium payable per ewe and per nanny-goat for the 1989 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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Articles 8 (3) and 35 (1) thereof,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽²⁾, and in particular Article 5 (10) thereof,

Whereas Article 35 (1) of Regulation (EEC) No 3013/89 repeals Regulation (EEC) No 1837/80, with the exception of the measures provided for in Article 5 of the latter Regulation, which remain applicable to the premiums granted in respect of the 1989 marketing year;

Whereas Article 5 (1) of Regulation (EEC) No 1837/80 provides for the grant of a premium to offset any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are listed in Annex III to that Regulation and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat producers is granted⁽³⁾, as amended by Regulation (EEC) No 3519/86⁽⁴⁾; whereas Article 5 (9) of Regulation (EEC) No 1837/80 provides for the possibility of the premium being granted to producers keeping females of the ovine species of certain mountain breeds other than ewes which are eligible for the premium in certain areas; whereas those ewes and areas are defined in the Annex to Council Regulation (EEC) No 872/84 of 31 March 1984 laying down general rules for the granting of premiums to sheepmeat producers⁽⁵⁾, as last amended by Regulation (EEC) No 1970/87⁽⁶⁾;

Whereas, pursuant to Article 5 (2) of Regulation (EEC) No 1837/80, the loss of income represents, per 100 kilograms of carcase weight, any difference there may be between the basic price and the arithmetic mean of the market prices recorded for each region;

Whereas, pursuant to Article 5 (3) of Regulation (EEC) No 1837/80, the amount of the premium payable per ewe and per region is obtained by multiplying the loss of income referred to in paragraph 2 by a coefficient

representing, for each region, the normal average annual production of lamb meat per ewe expressed per 100 kilograms of carcase weight; whereas, however, for region 5, that loss of income must be reduced by the weighted average of the variable premiums actually granted for the 1989 marketing year, such average being obtained in accordance with the provisions of paragraph 6 of that Article; whereas Article 5 (3) also fixes the amount of the premium payable per female of the caprine species at 80 % of the premium per ewe; whereas, pursuant to Article 5 (9), the amount of the premium per female of the ovine species, other than a ewe which is eligible for the premium, is also fixed at 80 % of the premium per ewe;

Whereas, pursuant to Article 8 of Regulation (EEC) No 3013/89 the amount of the premium must be reduced by the impact on the basic price of the coefficient provided for in Article 9a (2); whereas that coefficient was corrected by Commission Regulation (EEC) No 1305/90 of 18 May 1990 on the definitive application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1989 marketing year⁽⁷⁾;

Whereas Commission Regulation (EEC) No 3120/89⁽⁸⁾ authorizes the Member States to pay an advance to producers located in less-favoured agricultural areas; whereas such an advance was paid during the 1989 marketing year to the producers in question;

Whereas the French Government has decided to come to the assistance of farmers whose holdings are located in areas which are not less favoured; whereas, to that end, the French Government has contemplated making an advance to them also, but out of national funds, of an amount corresponding to 50 % of the ewe premium which such farmers may claim at the end of the marketing year;

Whereas the French Government has notified the Commission of that planned national aid in accordance with Article 93 (3) of the Treaty;

Whereas the Council decided by decision of 25 September 1989 to regard the national aid in the form of a payment on account of the premium for ewes, granted by the French Government to French sheepmeat producers whose holdings are located in areas of France which are not less favoured, as being compatible with the common market, up to a rate of 50 % of the estimated premium and until the end of the 1989 marketing year;

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽³⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽⁴⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁵⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽⁶⁾ OJ No L 184, 3. 7. 1987, p. 23.

⁽⁷⁾ See page 11 of this Official Journal.

⁽⁸⁾ OJ No L 300, 18. 10. 1989, p. 15.

Whereas the premium payable per eligible animal is paid only if the amount fixed per ewe is one ecu or more ;

Whereas, in accordance with Article 5 (4) of Regulation (EEC) No 1873/80, the amount of the definitive premium and the balance to be paid in less-favoured agricultural areas should be fixed ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The loss of income recorded for the 1989 marketing year for the regions listed below is as follows :

Region	Difference in ecus per 100 kg
2	100,420
3	84,409
4	122,224
5	135,844
6	108,815
7	59,401

Article 2

1. The amount of the premium payable per ewe and per region for the 1989 marketing year is as follows :

Region	ECU
1	18,578
2	18,578
3	18,992
4	21,389
5	10,338
6	19,043
7	13,001

2. The amount of the premium payable per female of the caprine species and per region in the areas listed in Annex III to Regulation (EEC) No 1837/80 and in Article 1 of Regulation (EEC) No 1065/86 for the 1989 marketing year is as follows :

Region	ECU
1	14,862
2	14,862
7	10,401

3. The amount of the premium payable per female of the ovine species other than an eligible ewe and per

region in the areas specified in the Annex to Regulation (EEC) No 872/84 is as follows :

Region	ECU
5	8,270

Article 3

1. In accordance with Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to sheepmeat producers located in less-favoured agricultural areas, and in the case of France to all sheepmeat producers, for the 1989 marketing year is as follows :

Region	Balance of premium payable per ewe (in ECU)
1 Greece	8,523
Italy	8,525
2	8,525
4	9,940
5	6,227
6	8,898
7 Spain	5,510

2. In accordance with Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to goatmeat producers located in less-favoured agricultural areas included in the areas referred to in paragraph 1 for the 1989 marketing year is as follows :

Region	Balance of premium payable per female of the caprine species (in ECU)
1 Greece	6,818
Italy	6,820
2	6,820
7 Spain	4,408

3. In accordance with Article 5 (4) of Regulation (EEC) No 1837/80, the balance to be paid to producers keeping females of the ovine species other than eligible ewes, located in less-favoured agricultural areas included in the areas referred to in paragraph 1 for the 1989 marketing year is as follows :

Region	Balance of premium payable per female of the ovine species other than eligible ewe (in ECU)
5	4,978

Article 4

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, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1307/90
of 18 May 1990
fixing the amount of the subsidy on oil seeds

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

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1179/90⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,
 Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 588/90⁽⁷⁾, as last amended by Regulation (EEC) No 1231/90⁽⁸⁾;

Whereas, in the absence of the target price for the 1990/91 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza, rape and sunflower seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices and where appropriate, the effects of the applica-

tion of the system of maximum guaranteed quantities of the 1990/91 marketing year are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 588/90 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for colza, rape and sunflower seed will be confirmed or replaced as from 19 May 1990 to take into account the target price, and where appropriate, the effects for the 1990/91 marketing year of the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 19 May 1990.

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

Done at Brussels, 18 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 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 119, 11. 5. 1990, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 59, 8. 3. 1990, p. 39.

⁽⁸⁾ OJ No L 120, 11. 5. 1990, p. 62.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,770	1,770	1,770	1,770
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	27,366	26,987	20,000	20,000	20,000	20,000
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	64,86	63,97	46,82	46,85	46,85	47,05
— Netherlands (Fl)	72,19	71,19	52,76	52,76	52,76	52,97
— BLEU (Bfrs/Lfrs)	1 321,42	1 303,12	965,74	965,74	965,74	965,74
— France (FF)	208,77	205,79	157,04	157,04	157,04	157,04
— Denmark (Dkr)	244,38	241,00	178,60	178,60	178,60	178,60
— Ireland (£ Irl)	23,236	22,905	17,478	17,478	17,478	17,475
— United Kingdom (£)	17,491	17,169	14,296	14,243	14,243	14,094
— Italy (Lit)	45 888	45 224	35 033	35 033	35 033	34 961
— Greece (Dr)	4 779,47	4 668,93	4 011,54	3 962,07	3 962,07	3 804,49
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	270,63	270,63	270,63	270,63
— in another Member State (Pta)	3 922,86	3 867,04	2 915,06	2 906,07	2 906,07	2 877,06
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	5 659,96	5 581,54	4 414,07	4 394,70	4 394,70	4 337,65

(1) Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7 ⁽¹⁾	3rd period 8 ⁽¹⁾	4th period 9 ⁽¹⁾	5th period 10 ⁽¹⁾
1. Gross aids (ECU):						
— Spain	3,670	3,670	4,270	4,270	4,270	4,270
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	29,866	29,487	22,500	22,500	22,500	22,500
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	70,76	69,87	52,68	52,71	52,71	52,90
— Netherlands (Fl)	78,78	77,78	59,35	59,35	59,35	59,56
— BLEU (Bfrs/Lfrs)	1 442,14	1 423,84	1 086,46	1 086,46	1 086,46	1 086,46
— France (FF)	228,01	225,04	176,67	176,67	176,67	176,67
— Denmark (Dkr)	266,71	263,32	200,93	200,93	200,93	200,93
— Ireland (£ Irl)	25,378	25,047	19,663	19,663	19,663	19,660
— United Kingdom (£)	19,251	18,929	16,245	16,192	16,192	16,043
— Italy (Lit)	50 138	49 474	39 413	39 413	39 413	39 340
— Greece (Dr)	5 259,41	5 148,86	4 554,90	4 505,43	4 505,43	4 347,85
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	652,87	652,87	652,87	652,87
— in another Member State (Pta)	4 305,10	4 249,28	3 297,30	3 288,31	3 288,31	3 259,30
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	499,40	499,40	517,26	517,26	517,26	517,26
— in another Member State (Esc)	6 159,36	6 080,95	4 931,32	4 911,95	4 911,95	4 854,91

⁽¹⁾ Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7	3rd period 8 (1)	4th period 9 (1)
1. Gross aids (ECU):					
— Spain	6,890	6,890	6,890	8,620	8,620
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	36,501	36,301	36,101	27,000	27,000
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	86,45	85,98	85,51	63,25	63,25
— Netherlands (Fl)	96,28	95,76	95,23	71,22	71,22
— BLEU (Bfrs/Lfrs)	1 762,52	1 752,86	1 743,21	1 303,75	1 303,75
— France (FF)	278,96	277,39	275,82	212,00	212,00
— Denmark (Dkr)	325,96	324,17	322,38	241,11	241,11
— Ireland (£ Irl)	31,048	30,873	30,698	23,595	23,595
— United Kingdom (£)	23,798	23,628	23,433	19,498	19,498
— Italy (Lit)	61 372	61 022	60 672	47 295	47 295
— Greece (Dr)	6 499,53	6 429,00	6 342,32	5 425,96	5 425,96
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 317,96	1 317,96
— in another Member State (Pta)	4 627,53	4 598,07	4 564,88	3 464,06	3 464,06
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	8 097,05	8 054,74	8 002,53	6 434,37	6 434,37
— in another Member State (Esc)	7 920,07	7 878,69	7 827,62	6 293,74	6 293,74
3. Compensatory aids:					
— in Spain (Pta)	4 598,87	4 569,41	4 536,21	3 435,40	3 435,40
4. Special aid:					
— in Portugal (Esc)	7 920,07	7 878,69	7 827,62	6 293,74	6 293,74

(1) Subject in the case of advance fixing for the 1990/91 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

(2) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0223450.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
DM	2,043900	2,039620	2,035760	2,032160	2,032160	2,022550
Fl	2,297820	2,293850	2,290220	2,286530	2,286530	2,276060
Bfrs/Lfrs	42,279700	42,258299	42,235700	42,215300	42,215300	42,109900
FF	6,887720	6,883140	6,878850	6,875000	6,875000	6,862480
Dkr	7,805460	7,806850	7,808300	7,808490	7,808490	7,802910
£Irl	0,762465	0,762459	0,763060	0,763395	0,763395	0,766418
£	0,741747	0,744617	0,747390	0,750219	0,750219	0,758105
Lit	1 503,31	1 506,14	1 508,22	1 509,76	1 509,76	1 514,30
Dr	201,66200	204,59200	207,70800	210,26500	210,26500	218,41100
Esc	181,41600	182,16900	182,99600	183,95200	183,95200	186,76700
Pta	128,31100	128,76900	129,17000	129,58600	129,58600	130,92700

COMMISSION REGULATION (EEC) No 1308/90

of 18 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 1270/90⁽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:

— 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 17 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 21 May 1990.

⁽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 124, 15. 5. 1990, p. 41.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽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, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 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 30 00	8,22	181,46	184,48
1103 14 00	8,22	181,46	184,48
1103 29 50	8,22	181,46	184,48
1104 19 91	14,88	308,14	314,18
1108 19 10	38,29	260,21	291,04

COMMISSION REGULATION (EEC) No 1309/90
of 18 May 1990
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

for granting special export refunds for certain cuts of beef and veal and certain preserved beef and veal products ;

Having regard to the Treaty establishing the European Economic Community,

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below ;

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

Whereas given the current market situation in the Community and the possibilities of disposal in certain third countries, in particular export refunds on adult male bovine animals of a live weight of at least 300 kilograms and other bovines of a live weight of at least 250 kilograms ; whereas experience gained in recent years has shown that it is advisable to treat live pure-bred breeding animals of a weight of at least 250 kilograms for females and 300 kilograms for males in an identical manner to other bovine animals, while subjecting them to certain special administrative formalities ;

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 18 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas export refunds should be granted for certain destinations on certain fresh or chilled meat listed in Annex I under CN code 0201, on certain frozen meat listed in Annex I under CN code 0202, on certain meat or offal listed in Annex I under CN code 0206 and on certain other prepared or preserved meat or offal listed in Annex I under CN code 1602 50 10 ;

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas, in view of the wide differences in products covered by the CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, the refund should only be granted on cuts in which the weight of bone does not exceed one third ;

Whereas Council Regulation (EEC) No 885/68⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds ;

Whereas refunds should also be granted on fresh or frozen boned or boneless pieces, even where each piece is not individually wrapped, and on minced meat, and the wording of the tariff subheadings for fresh boned or boneless pieces specified ;

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87⁽⁶⁾, Regulation (EEC) No 1964/82⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84⁽⁸⁾, as last amended by Regulation (EEC) No 3988/87⁽⁹⁾, lay down the conditions

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland ; whereas to allow this trade to continue, the refund should be set to cover the difference between

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 376, 31. 12. 1987, p. 31.

prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and smoked dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in Annex I under CN code 1602 50 90 Community participation in international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since Community participation in world trade is not significant;

Whereas, if the refund system is to operate normally, refunds 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 Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾;
- 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 Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EEC) No 88/90 ⁽⁴⁾ establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds for all boned cuts packed individually should be harmonized; whereas therefore the refund on frozen boned cuts should be the same as that

on fresh boned cuts except in the case of certain boned beef held by the intervention agencies that is to be expected under Commission Regulations (EEC) No 243/90 ⁽⁵⁾ and (EEC) No 676/90 ⁽⁶⁾;

Whereas in certain cases experience has shown that it is often difficult to determine quantities of other meat, as compared with that from the bovine species alone contained in prepared or preserved meat covered by CN code 1602 50; whereas products of the bovine species alone should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas control over products other than mixtures of meat or offal should be reinforced by marking the granting of refunds on certain of these products conditional on manufacturer under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁷⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁸⁾;

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

The list of products on which the export refund referred to in Article 18 of Regulation (EEC) No 805/68 is granted and the amount of that refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 May 1990.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 21, 13. 1. 1990, p. 23.

⁽⁵⁾ OJ No L 27, 31. 1. 1990, p. 8.

⁽⁶⁾ OJ No L 75, 21. 3. 1990, p. 8.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

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

Done at Brussels, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (°)
		— Live weight —
0102 10 00 190	01	96,00
0102 10 00 390	01	96,00
0102 90 31 900	02	68,50
	03	55,50
	04	25,50
0102 90 33 900	02	68,50
	03	55,50
	04	25,50
0102 90 35 900	02	86,50
	03	73,00
	04	34,50
0102 90 37 900	02	86,50
	03	73,00
	04	34,50
		— Net weight —
0201 10 10 100	02	73,50
	03	65,00
	04	32,50
0201 10 10 900	02	101,50
	03	88,00
	04	44,00
0201 10 90 110 (1)	02	106,00
	03	85,00
	04	42,50
0201 10 90 190	02	73,50
	03	65,00
	04	32,50
0201 10 90 910 (1)	02	146,50
	03	115,00
	04	57,50
0201 10 90 990	02	101,50
	03	88,00
	04	44,00
0201 20 21 000	02	101,50
	03	88,00
	04	44,00

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (°)
		— Net weight —
0201 20 29 100 (°)	02	146,50
	03	115,00
	04	57,50
0201 20 29 900	02	101,50
	03	88,00
	04	44,00
0201 20 31 000	02	73,50
	03	65,00
	04	32,50
0201 20 39 100 (°)	02	106,00
	03	85,00
	04	42,50
0201 20 39 900	02	73,50
	03	65,00
	04	32,50
0201 20 51 100	02	129,00
	03	110,50
	04	56,00
0201 20 51 900	02	73,50
	03	65,00
	04	32,50
0201 20 59 110 (°)	02	186,50
	03	146,00
	04	73,00
0201 20 59 190	02	129,00
	03	110,50
	04	56,00
0201 20 59 910 (°)	02	106,00
	03	85,00
	04	42,50
0201 20 59 990	02	73,50
	03	65,00
	04	32,50
0201 20 90 700	02	73,50
	03	65,00
	04	32,50
0201 30 00 050 (°)	05	112,00
0201 30 00 100 (°)	02	266,50
	03	208,50
	04	104,50
	06	266,50
0201 30 00 150	02	144,50
	03	125,00
	04	62,50
	06	144,50
	07	90,00
0201 30 00 190 (°)	02	102,50
	03	84,00
	04	42,00
	06	102,50
	07	90,00

(ECU/100 kg)		
Product code	Destination (?)	Amount of refund (?)
		— Net weight —
0202 10 00 100	02	73,50
	03	65,00
	04	32,50
0202 10 00 900	02	101,50
	03	88,00
	04	44,00
0202 20 10 000	02	101,50
	03	88,00
	04	44,00
0202 20 30 000	02	73,50
	03	65,00
	04	32,50
0202 20 50 100	02	129,00
	03	110,50
	04	56,00
0202 20 50 900	02	73,50
	03	65,00
	04	32,50
0202 20 90 100	02	73,50
	03	65,00
	04	32,50
0202 30 90 100 (*)	05	112,00
0202 30 90 400	02	144,50 ⁽¹⁰⁾
	03	125,00 ⁽¹⁰⁾
	04	62,50 ⁽¹⁰⁾
	06	144,50 ⁽¹⁰⁾
	07	90,00 ⁽¹⁰⁾
0202 30 90 500 (*)	02	102,50
	03	84,00
	04	42,00
	06	102,50
	07	90,00
0202 30 90 900	07	90,00
0206 10 95 000	02	102,50
	03	84,00
	04	42,00
	06	102,50
0206 29 91 000	02	102,50
	03	84,00
	04	42,00
	06	102,50
0210 20 90 100	08	102,50
	09	60,50
0210 20 90 300	02	102,50
0210 20 90 500 (*)	02	102,50
1602 50 10 120	02	108,00 (?)
	03	108,00 (?)
	04	108,00 (?)
1602 50 10 140	02	96,00 (?)
	03	96,00 (?)
	04	96,00 (?)

(ECU/100 kg)		
Product code	Destination (7)	Amount of refund (9)
— Net weight —		
1602 50 10 160	02	77,00 (*)
	03	77,00 (*)
	04	77,00 (*)
1602 50 10 180	02	51,00
	03	51,00
	04	51,00
1602 50 10 240	02	36,00
	03	36,00
	04	36,00
1602 50 10 260	02	26,00
	03	26,00
	04	26,00
1602 50 10 280	02	16,00
	03	16,00
	04	16,00
1602 50 90 120	01	116,00 (*)
1602 50 90 170	01	73,00 (*)
1602 50 90 320	01	103,00 (*)
1602 50 90 370	01	65,00 (*)
1602 50 90 520	01	77,00 (*)
1602 50 90 570	01	48,50 (*)
1602 50 90 610	01	36,00
1602 50 90 620	01	16,00
1602 50 90 700	01	36,00
1602 50 90 800	01	26,00
1602 50 90 900	01	16,00

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

(7) The destinations are as follows:

01 Third countries, except the German Democratic Republic.

02 North African, Near and Middle East third countries, West, Central East and South African third countries, except Lebanon, Cyprus, Botswana, Kenya, Madagascar, Swaziland and Zimbabwe.

03 European third countries, the Canary Islands, Ceuta, Melilla, Lebanon, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Vietnam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), except Austria, Sweden, Switzerland and the German Democratic Republic.

04 Austria, Sweden and Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and South African third countries, except Botswana, Kenya, Madagascar, Swaziland and Zimbabwe.

09 Switzerland.

(⁶) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(⁷) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(¹⁰) Excluding boneless pieces exported under Regulations (EEC) No 243/90 and (EEC) No 676/90.

NB: The countries are as defined in Commission Regulation (EEC) No 420/90 (OJ No L 44, 20. 2. 1990, p. 15). The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1310/90**of 18 May 1990****amending Regulation (EEC) No 1589/87 on the sale by tender of butter to intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas under Article 9 of Commission Regulation (EEC) No 1589/87 ⁽³⁾, butter purchased by an intervention agency is paid for during a period commencing on the 90th day following that on which it was taken over; whereas in the case of commercial transactions between private persons payment is made within a shorter period; whereas these periods should now be brought into closer conjunction by reducing the earliest date for payment following intervention purchasing to the 45th day after

the butter has been taken over and shortening the maximum time limit for payment;

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

In Article 9 of Regulation (EEC) No 1589/87 '90th' is replaced by '45th' and '120th' by '65th'

Article 2

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

It shall be applicable for the first time to butter sold following the second invitation to tender of the month of May 1990.

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

Done at Brussels, 18 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 146, 6. 6. 1987, p. 27.

COMMISSION REGULATION (EEC) No 1311/90

of 18 May 1990

introducing a countervailing charge on tomatoes originating in Morocco

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

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 830/90 of 30 March 1990 fixing for the 1990 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I at ECU 136,75 per 100 kilograms net for the month of May 1990;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72, the provisions of Regulation (EEC) No 773/90 of the Commission of 29 March 1990, altering the entry price of tomatoes originating in Morocco and the Canary Islands⁽⁴⁾ being applicable; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the second indent of Article 1 (2) of Regulation (EEC) No 830/90;

Whereas, for tomatoes originating in Morocco the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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 Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation No 1636/87⁽⁸⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 59,71 per 100 kilograms net is applied to tomatoes (CN code 0702 00) originating in Morocco.

Article 2

This Regulation shall enter into force on 22 May 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 86, 31. 3. 1990, p. 22.

⁽⁴⁾ OJ No L 83, 30. 3. 1990, p. 82.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 18 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

Information on the date of entry into force of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe signed at Brussels on 1 February 1984 ⁽¹⁾

The Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe was signed at Brussels on 4 May 1990.

Accordingly, the Agreement, pursuant to Article 2 thereof, came into force on 4 May 1990.

⁽¹⁾ OJ No L 337, 27. 11. 1987, p. 1.

II

(Acts whose publication is not obligatory)

COUNCIL

THIRD COUNCIL DIRECTIVE

of 14 May 1990

on the approximation of the laws of the Member States relating to insurance
against civil liability in respect of the use of motor vehicles

(90/232/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas, by Directive 72/166/EEC ⁽⁴⁾, as last amended by Directive 84/5/EEC ⁽⁵⁾, the Council adopted provisions on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and to the enforcement of the obligation to insure against such liability;

Whereas Article 3 of Directive 72/166/EEC requires each Member State to take all appropriate measures to ensure that civil liability in respect of the use of vehicles normally based in its territory is covered by insurance; whereas the extent of the liability covered and the terms and conditions of the insurance cover should be determined on the basis of those measures;

Whereas Directive 84/5/EEC, as amended by the Act of Accession of Spain and Portugal, reduced considerably the disparities between the level and content of compulsory

civil liability insurance in the Member States; whereas significant disparities still exist, however, in such insurance cover;

Whereas motor vehicle accident victims should be guaranteed comparable treatment irrespective of where in the Community accidents occur;

Whereas there are, in particular, gaps in the compulsory insurance cover of motor vehicle passengers in certain Member States; whereas, to protect this particularly vulnerable category of potential victims, such gaps should be filled;

Whereas any uncertainty concerning the application of the first indent of Article 3 (2) of Directive 72/166/EEC should be removed; whereas all compulsory motor insurance policies must cover the entire territory of the Community;

Whereas in the interests of the party insured, every insurance policy should, moreover, guarantee for a single premium, in each Member State, the cover required by its law or the cover required by the law of the Member State where the vehicle is normally based, when that cover is higher;

Whereas Article 1 (4) of Directive 84/5/EEC requires each Member State to set up or authorize a body to compensate the victims of accidents caused by uninsured or unidentified vehicles; whereas, however, the said provision is without prejudice to the right of the Member States to regard compensation by this body as subsidiary or non-subsidiary;

⁽¹⁾ OJ No C 16, 20. 1. 1989, p. 12.

⁽²⁾ OJ No C 304, 4. 12. 1989, p. 41 and
OJ No C 113, 7. 5. 1990.

⁽³⁾ OJ No C 159, 26. 6. 1989, p. 7.

⁽⁴⁾ OJ No L 103, 2. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 8, 11. 1. 1984, p. 17.

Whereas, however, in the case of an accident caused by an uninsured vehicle, the victim is required in certain Member States to prove that the party liable is unable or refuses to pay compensation before he can claim on the body; whereas this body is better placed than the victim to bring an action against the party liable; whereas, therefore, this body should be prevented from being able to require that the victim, if he is to be compensated, should establish that the party liable is unable or refuses to pay;

Whereas, in the event of a dispute between the body referred to above and a civil liability insurer as to which of them should compensate the victim of an accident, Member States, to avoid any delay in the payment of compensation to the victim, should ensure that one of these parties is designated to be responsible in the first instance for paying compensation pending resolution of the dispute;

Whereas motor vehicle accident victims sometimes have difficulties in finding out the name of the insurance undertaking covering the liability arising out of the use of a motor vehicle involved in an accident; whereas, in the interests of such victims, Member States should take the necessary measures to ensure that such information is made available promptly;

Whereas the previous two Directives on civil liability in respect of motor vehicles should, in view of all these considerations, be supplemented in a uniform manner;

Whereas such an addition, which leads to greater protection for the parties insured and for the victims of accidents, will facilitate still further the crossing of internal Community frontiers and hence the establishment and functioning of the internal market; whereas, therefore, a high level of consumer protection should be taken as a basis;

Whereas, under the terms of Article 8c of the Treaty, account should be taken of the extent of the effort which must be made by certain economies which show differences in development; whereas certain Member States should, therefore, be granted transitional arrangements so that certain provisions of this Directive may be implemented gradually,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Without prejudice to the second subparagraph of Article 2 (1) of Directive 84/5/EEC, the insurance referred to in Article 3 (1) of Directive 72/166/EEC shall cover liability for personal injuries to all passengers, other than the driver, arising out of the use of a vehicle.

For the purposes of this Directive, the meaning of the term 'vehicle' is as defined in Article 1 of Directive 72/166/EEC.

Article 2

Member States shall take the necessary steps to ensure that all compulsory insurance policies against civil liability arising out of the use of vehicles:

- cover, on the basis of a single premium, the entire territory of the Community, and
- guarantee, on the basis of the same single premium, in each Member State, the cover required by its law or the cover required by the law of the Member State where the vehicle is normally based when that cover is higher.

Article 3

The following sentence shall be added to the first subparagraph of Article 1 (4) of Council Directive 84/5/EEC:

'However, Member States may not allow the body to make the payment of compensation conditional on the victim's establishing in any way that the person liable is unable or refuses to pay.'

Article 4

In the event of a dispute between the body referred to in Article 1 (4) of Directive 84/5/EEC and the civil liability insurer as to which must compensate the victim, the Member States shall take the appropriate measures so that one of these parties is designated to be responsible in the first instance for paying compensation to the victim without delay.

If it is ultimately decided that the other party should have paid all or part of the compensation, that other party shall reimburse accordingly the party which has paid.

Article 5

1. Member States shall adopt the necessary measures to ensure that the parties involved in a road traffic accident are able to ascertain promptly the identity of the insurance undertaking covering the liability arising out of the use of any motor vehicle involved in the accident.
2. Not later than 31 December 1995, the Commission shall present to the European Parliament and the Council a report on the implementation of paragraph 1 of this Article.

Where necessary, the Commission shall submit appropriate proposals to the Council.

Article 6

1. Member States shall take the measures necessary to comply with this Directive not later than 31 December 1992. They shall forthwith inform the Commission thereof.

2. By way of exception from paragraph 1 :

— the Hellenic Republic, the Kingdom of Spain and the Portuguese Republic have until 31 December 1995 to comply with Article 1 and 2,

— Ireland shall have until 31 December 1998 to comply with Article 1 as regards pillion passengers of motor-cycles and until 31 December 1995 to comply with Article 1 as regards other vehicles and to comply with Article 2.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 14 May 1990.

For the Council

The President

D. J. O'MALLEY

Information on the date of entry into force of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe, signed at Brussels on 1 February 1984, with effect from 1 June 1987 ⁽¹⁾

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement amending the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off São Tomé and Príncipe was signed at Brussels on 4 May 1990.

Accordingly, the Agreement, pursuant to Article 2 thereof, came into force on 4 May 1990.

⁽¹⁾ OJ No L 300, 23. 10. 1987, p. 31.