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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC) No 1973/90****of 25 June 1990****seasonally adjusting the basic price and the guide level for the 1991 marketing year in the sheepmeat sector**

THE COUNCIL 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<sup>(1)</sup>, and in particular the last subparagraphs of Article 3 (2) and Article 24 (2) thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EEC) No 1322/90<sup>(2)</sup>, the Council fixed the basic price applicable for the 1991 marketing year; whereas, in view of experience gained during the 1990 marketing year, the seasonally adjusted weekly amounts applicable to the basic price should now be fixed;

Whereas Article 24 of Regulation (EEC) No 3013/89 stipulates that during that marketing year the United Kingdom may grant in Great Britain a premium for the slaughter of sheep provided that prices recorded on the representative markets in that region are below a guide level corresponding to 85 % of the basic price; whereas

the guide level is to be seasonally adjusted in the same way as the basic price; whereas provision should also be made for the seasonal adjustment of the guide level for the 1991 marketing year,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1991 marketing year, the basic price in the sheepmeat sector referred to in Article 1 of Regulation (EEC) No 1322/90 and the guide level referred to in Article 24 of Regulation (EEC) No 3013/89 shall be seasonally adjusted in accordance with the table in the Annex hereto.

*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 from the beginning of the 1991 marketing year.

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

Done at Luxembourg, 25 June 1990.

*For the Council*

*The President*

M. O'KENNEDY

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 132, 23. 5. 1990, p. 16.

## ANNEX

## 1991 MARKETING YEAR

(in ECU/100 kg carcase weight)

| Week beginning    | Week No | Basic price | Guice level |
|-------------------|---------|-------------|-------------|
| 7 January 1991    | 1       | 441,74      | 375,48      |
| 14 January 1991   | 2       | 450,24      | 382,70      |
| 21 January 1991   | 3       | 460,37      | 391,31      |
| 28 January 1991   | 4       | 467,12      | 397,05      |
| 4 February 1991   | 5       | 475,63      | 404,29      |
| 11 February 1991  | 6       | 482,27      | 409,93      |
| 18 February 1991  | 7       | 486,00      | 413,10      |
| 25 February 1991  | 8       | 488,68      | 415,38      |
| 4 March 1991      | 9       | 491,59      | 417,85      |
| 11 March 1991     | 10      | 494,04      | 419,93      |
| 18 March 1991     | 11      | 495,55      | 421,22      |
| 25 March 1991     | 12      | 495,55      | 421,22      |
| 1 April 1991      | 13      | 494,62      | 420,43      |
| 8 April 1991      | 14      | 493,99      | 419,89      |
| 15 April 1991     | 15      | 493,47      | 419,45      |
| 22 April 1991     | 16      | 491,20      | 417,52      |
| 29 April 1991     | 17      | 487,80      | 414,63      |
| 6 May 1991        | 18      | 483,82      | 411,25      |
| 13 May 1991       | 19      | 479,79      | 407,82      |
| 20 May 1991       | 20      | 473,28      | 402,29      |
| 27 May 1991       | 21      | 466,78      | 396,76      |
| 3 June 1991       | 22      | 454,24      | 386,10      |
| 10 June 1991      | 23      | 442,60      | 376,21      |
| 17 June 1991      | 24      | 431,18      | 366,50      |
| 24 June 1991      | 25      | 419,65      | 356,70      |
| 1 July 1991       | 26      | 408,12      | 346,90      |
| 8 July 1991       | 27      | 398,33      | 338,58      |
| 15 July 1991      | 28      | 388,87      | 330,54      |
| 22 July 1991      | 29      | 384,98      | 327,23      |
| 29 July 1991      | 30      | 383,09      | 325,63      |
| 5 August 1991     | 31      | 382,38      | 325,02      |
| 12 August 1991    | 32      | 382,38      | 325,02      |
| 19 August 1991    | 33      | 382,38      | 325,02      |
| 26 August 1991    | 34      | 382,38      | 325,02      |
| 2 September 1991  | 35      | 382,38      | 325,02      |
| 9 September 1991  | 36      | 382,38      | 325,02      |
| 16 September 1991 | 37      | 382,38      | 325,02      |
| 23 September 1991 | 38      | 382,38      | 325,02      |
| 30 September 1991 | 39      | 382,90      | 325,47      |
| 7 October 1991    | 40      | 382,91      | 325,47      |
| 14 October 1991   | 41      | 383,21      | 325,73      |
| 21 October 1991   | 42      | 383,70      | 326,14      |
| 28 October 1991   | 43      | 385,68      | 327,83      |
| 4 November 1991   | 44      | 388,65      | 330,35      |
| 11 November 1991  | 45      | 391,67      | 332,92      |
| 18 November 1991  | 46      | 397,31      | 337,71      |
| 25 November 1991  | 47      | 402,95      | 342,51      |
| 2 December 1991   | 48      | 408,60      | 347,31      |
| 9 December 1991   | 49      | 415,09      | 352,83      |
| 16 December 1991  | 50      | 423,61      | 360,07      |
| 23 December 1991  | 51      | 432,12      | 367,30      |
| 30 December 1991  | 52      | 438,64      | 372,85      |

## COMMISSION REGULATION (EEC) No 1974/90

of 11 July 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 1801/90 <sup>(5)</sup> 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 10 July 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 1801/90 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 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 167, 30. 6. 1990, p. 8.

## ANNEX

to the Commission Regulation of 11 July 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 | 36,66    | 132,83 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 36,66    | 132,83 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 11,90    | 161,23 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 11,90    | 161,23 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 20,22    | 142,40                               |
| 1001 90 99 | 20,22    | 142,40                               |
| 1002 00 00 | 45,72    | 119,26 <sup>(4)</sup>                |
| 1003 00 10 | 36,95    | 114,68                               |
| 1003 00 90 | 36,95    | 114,68                               |
| 1004 00 10 | 28,59    | 106,60                               |
| 1004 00 90 | 28,59    | 106,60                               |
| 1005 10 90 | 36,66    | 132,83 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 36,66    | 132,83 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 53,63    | 144,00 <sup>(4)</sup>                |
| 1008 10 00 | 36,95    | 41,68                                |
| 1008 20 00 | 36,95    | 95,03 <sup>(4)</sup>                 |
| 1008 30 00 | 36,95    | 0,00 <sup>(5)</sup>                  |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 36,95    | 0,00                                 |
| 1101 00 00 | 41,31    | 212,36                               |
| 1102 10 00 | 77,01    | 180,30                               |
| 1103 11 10 | 31,45    | 263,31                               |
| 1103 11 90 | 44,61    | 229,35                               |

(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 1975/90

of 11 July 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 1802/90 <sup>(5)</sup> 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 10 July 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 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 167, 30. 6. 1990, p. 11.

## ANNEX

to the Commission Regulation of 11 July 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 |
|------------|---------|------------|------------|------------|
|            | 7       | 8          | 9          | 10         |
| 0709 90 60 | 0       | 0          | 0          | 0          |
| 0712 90 19 | 0       | 0          | 0          | 0          |
| 1001 10 10 | 0       | 0          | 0          | 7,71       |
| 1001 10 90 | 0       | 0          | 0          | 7,71       |
| 1001 90 91 | 0       | 0          | 0,70       | 0          |
| 1001 90 99 | 0       | 0          | 0,70       | 0          |
| 1002 00 00 | 0       | 0          | 0          | 0          |
| 1003 00 10 | 0       | 0          | 0          | 0          |
| 1003 00 90 | 0       | 0          | 0          | 0          |
| 1004 00 10 | 0       | 0          | 0          | 0          |
| 1004 00 90 | 0       | 0          | 0          | 0          |
| 1005 10 90 | 0       | 0          | 0          | 0          |
| 1005 90 00 | 0       | 0          | 0          | 0          |
| 1007 00 90 | 0       | 0          | 0          | 0          |
| 1008 10 00 | 0       | 0          | 0          | 0          |
| 1008 20 00 | 0       | 0          | 0          | 0          |
| 1008 30 00 | 0       | 0          | 0          | 0          |
| 1008 90 90 | 0       | 0          | 0          | 0          |
| 1101 00 00 | 0       | 0,98       | 0,98       | 0          |

## B. Malt

| CN code    | Current | 1st period | 2nd period | 3rd period | 4th period |
|------------|---------|------------|------------|------------|------------|
|            | 7       | 8          | 9          | 10         | 11         |
| 1107 10 11 | 0       | 1,25       | 1,25       | 0          | 0          |
| 1107 10 19 | 0       | 0,93       | 0,93       | 0          | 0          |
| 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 1976/90

of 11 July 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 18 June 1990, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 18 June 1990, the variable slaughter premium for

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 18 June 1990, the level of the premium is fixed at ECU 71,993 per 100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 18 June 1990, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

*Article 3*

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

It shall apply with effect from 18 June 1990.

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 154, 9. 6. 1984, p. 27.

<sup>(3)</sup> OJ No L 114, 27. 4. 1989, p. 13.

<sup>(4)</sup> OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 11 July 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

| CN code             | Amounts                                                                                       |                                                                                      |
|---------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                     | A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89 | B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 <sup>(1)</sup> |
|                     | Live weight                                                                                   | Live weight                                                                          |
| 0104 10 90          | 33,837                                                                                        | 0                                                                                    |
| 0104 20 90          |                                                                                               | 0                                                                                    |
|                     | Net weight                                                                                    | Net weight                                                                           |
| 0204 10 00          | 71,993                                                                                        | 0                                                                                    |
| 0204 21 00          | 71,993                                                                                        | 0                                                                                    |
| 0204 50 11          |                                                                                               | 0                                                                                    |
| 0204 22 10          | 50,395                                                                                        |                                                                                      |
| 0204 22 30          | 79,192                                                                                        |                                                                                      |
| 0204 22 50          | 93,591                                                                                        |                                                                                      |
| 0204 22 90          | 93,591                                                                                        |                                                                                      |
| 0204 23 00          | 131,027                                                                                       |                                                                                      |
| 0204 30 00          | 53,995                                                                                        |                                                                                      |
| 0204 41 00          | 53,995                                                                                        |                                                                                      |
| 0204 42 10          | 37,797                                                                                        |                                                                                      |
| 0204 42 30          | 59,395                                                                                        |                                                                                      |
| 0204 42 50          | 70,194                                                                                        |                                                                                      |
| 0204 42 90          | 70,194                                                                                        |                                                                                      |
| 0204 43 00          | 98,271                                                                                        |                                                                                      |
| 0204 50 13          |                                                                                               | 0                                                                                    |
| 0204 50 15          |                                                                                               | 0                                                                                    |
| 0204 50 19          |                                                                                               | 0                                                                                    |
| 0204 50 31          |                                                                                               | 0                                                                                    |
| 0204 50 39          |                                                                                               | 0                                                                                    |
| 0204 50 51          |                                                                                               | 0                                                                                    |
| 0204 50 53          |                                                                                               | 0                                                                                    |
| 0204 50 55          |                                                                                               | 0                                                                                    |
| 0204 50 59          |                                                                                               | 0                                                                                    |
| 0204 50 71          |                                                                                               | 0                                                                                    |
| 0204 50 79          |                                                                                               | 0                                                                                    |
| 0210 90 11          | 93,591                                                                                        |                                                                                      |
| 0210 90 19          | 131,027                                                                                       |                                                                                      |
| 1602 90 71 :        |                                                                                               |                                                                                      |
| — unboned (bone-in) | 93,591                                                                                        |                                                                                      |
| — boned or boneless | 131,027                                                                                       |                                                                                      |

<sup>(1)</sup> Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

**COMMISSION REGULATION (EEC) No 1977/90**  
**of 11 July 1990**  
**fixing the import levy on molasses**

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 market in sugar <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1854/90 <sup>(3)</sup>, as amended by Regulation (EEC) No 1897/90 <sup>(4)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1854/90 to

the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,22 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 168, 30. 6. 1990, p. 45.

<sup>(4)</sup> OJ No L 172, 5. 7. 1990, p. 23.

## COMMISSION REGULATION (EEC) No 1978/90

of 6 July 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

Having regard to Commission Regulation (EEC) No  
55/87 of 30 December 1986 establishing the list of vessels  
exceeding eight metres length overall permitted to use  
beam trawls within certain areas of the Community <sup>(3)</sup>, as  
last amended by Regulation (EEC) No 1722/90 <sup>(4)</sup>, and in  
particular Article 3 thereof;

Whereas the Danish authorities have requested replace-  
ment in the list annexed to Regulation (EEC) No 55/87 of  
one vessel that no longer meets the requirements laid  
down in Article 1 (2) of that Regulation; whereas the  
national authorities have provided all the information in

support of the request required under Article 3 of Regula-  
tion (EEC) No 55/87; whereas scrutiny of this informa-  
tion shows that the requirements of the Regulation are  
met; whereas the vessel in question should be replaced in  
the list,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on the day follo-  
wing its publication in the *Official Journal of the Euro-  
pean Communities*.

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

Done at Brussels, 6 July 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 288, 11. 10. 1986, p. 1.

<sup>(2)</sup> OJ No L 389, 30. 12. 1989, p. 75.

<sup>(3)</sup> OJ No L 8, 10. 1. 1987, p. 1.

<sup>(4)</sup> OJ No L 160, 26. 6. 1990, p. 18.

*ANNEX*

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

Vessel to be replaced :

| External identification<br>letters + numbers | Name of vessel | Radio call<br>sign | Port of<br>registry | Engine power<br>(kW) |
|----------------------------------------------|----------------|--------------------|---------------------|----------------------|
| DENMARK<br>T 9                               | Sakki          | OUOL               | Thisted             | 169                  |

Vessel replacing the abovementioned vessel :

| External identification<br>letters + numbers | Name of vessel    | Radio call<br>sign | Port of<br>registry | Engine power<br>(kW) |
|----------------------------------------------|-------------------|--------------------|---------------------|----------------------|
| DENMARK<br>E 223                             | Maibritt Thygesen | OU3102             | Esbjerg             | 128                  |

## COMMISSION REGULATION (EEC) No 1979/90

of 10 July 1990

establishing the aid amounts fixed in ecus by the Council in the seed sector and reduced as a result of the monetary realignment of 5 January 1990

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture <sup>(1)</sup>, as last amended by Regulation (EEC) No 1889/87 <sup>(2)</sup>, and in particular Article 6 (3) thereof,

Whereas Commission Regulation (EEC) No 784/90 of 29 March 1990 fixing the reducing coefficient for the agricultural prices in the 1990/91 marketing year as a result of the monetary realignment of 5 January 1990 and amending the prices and amounts fixed in ecus for that marketing year <sup>(3)</sup> establishes the list of aid amounts in the seed sector to which the coefficient 1,001712 is applied from 1 August 1990 under the arrangements for the automatic dismantlement of negative monetary gaps; whereas Article 3 of Regulation (EEC) No 784/90 provides that the resulting reduction should be specified in particular for the aid amounts fixed in ecus by the Council for the 1990/91 marketing year and the value of those reduced amounts should be fixed;

Whereas for the 1990/91 and 1991/92 marketing years, the aid amounts were fixed by Council Regulation (EEC) No 1240/89 <sup>(4)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The aid amounts fixed in ecus by the Council for the 1990/91 and 1991/92 marketing years in the seed sector and reduced pursuant to Article 2 of Regulation (EEC) No 784/90 shall be as set out in the Annex hereto.

*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 from 1 August 1990.

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

Done at Brussels, 10 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 1.

<sup>(3)</sup> OJ No L 83, 30. 3. 1990, p. 102.

<sup>(4)</sup> OJ No L 128, 11. 5. 1989, p. 36.

## ANNEX I

1990/91 and 1991/92 marketing years

Aid applicable in the Community of Ten

(ECU/100 kg)

| CN code       | Description                                                   | Amount of aid (') |         |
|---------------|---------------------------------------------------------------|-------------------|---------|
|               |                                                               | 1990/91           | 1991/92 |
|               | <b>1. CERES</b>                                               |                   |         |
| 1001 90 10    | <i>Triticum spelta</i> L.                                     | 12,1              | 12,1    |
| 1006 10 10    | <i>Oryza sativa</i> L.                                        |                   |         |
|               | — japonica type varieties                                     | 12,9              | 12,9    |
|               | — indica type varieties                                       | 15                | 15      |
|               | <b>2. OLEAGINEAE</b>                                          |                   |         |
| ex 1204 00 10 | <i>Linum usitatissimum</i> L. (textile flax)                  | 23,8              | 23,8    |
| ex 1204 00 10 | <i>Linum usitatissimum</i> L. (linseed)                       | 18,8              | 18,8    |
| ex 1207 99 10 | <i>Cannabis sativa</i> L. (monoica)                           | 17,2              | 17,2    |
|               | <b>3. GRAMINEAE</b>                                           |                   |         |
| ex 1209 29 40 | <i>Agrostis canina</i> L.                                     | 63,7              | 63,7    |
| ex 1209 29 40 | <i>Agrostis gigantea</i> Roth.                                | 63,7              | 63,7    |
| ex 1209 29 40 | <i>Agrostis stolonifera</i> L.                                | 63,7              | 63,7    |
| ex 1209 29 40 | <i>Agrostis tenuis</i> Sibth.                                 | 63,7              | 63,7    |
| ex 1209 29 70 | <i>Arrhenatherum elatius</i> (L.) Beauv. ex. J. and C. Presl. | 56,3              | 56,3    |
| 1209 29 30    | <i>Dactylis glomerata</i> L.                                  | 45,2              | 45,2    |
| ex 1209 23 90 | <i>Festuca arundinacea</i> Schreb.                            | 49,4              | 49,4    |
| 1209 23 30    | <i>Festuca ovina</i> L.                                       | 35,9              | 35,9    |
| ex 1209 23 10 | <i>Festuca pratensis</i> Huds.                                | 35,9              | 35,9    |
| ex 1209 23 10 | <i>Festuca rubra</i> L.                                       | 30,9              | 30,9    |
| 1209 25 10    | <i>Lolium multiflorum</i> Lam.                                | 17,7              | 17,7    |
| 1209 25 90    | <i>Lolium perenne</i> L.                                      |                   |         |
|               | — of high persistence, late or medium late                    | 29,3              | 29,3    |
|               | — new varieties and others                                    | 21,8              | 21,8    |
|               | — of low persistence, medium late, medium early or early      | 16,1              | 16,1    |
| 1209 29 60    | <i>Lolium × hybridum</i> Hausskn.                             | 17,7              | 17,7    |
| ex 1209 26 00 | <i>Phleum Bertolonii</i> (DC)                                 | 42,8              | 42,8    |
| ex 1209 26 00 | <i>Phleum pratense</i> L.                                     | 70,1              | 70,1    |
| ex 1209 29 70 | <i>Poa nemoralis</i> L.                                       | 32,6              | 32,6    |
| 1209 24 00    | <i>Poa pratensis</i> L.                                       | 32,3              | 32,3    |
| ex 1209 29 20 | <i>Poa trivialis</i> L.                                       | 32,6              | 32,6    |
|               | <b>4. LEGUMINOSAE</b>                                         |                   |         |
| ex 1209 29 90 | <i>Hedysarum coronarium</i> L.                                | 30,6              | 30,6    |
| 1209 29 50    | <i>Medicago lupulina</i> L.                                   | 26,7              | 26,7    |
| ex 1209 21 00 | <i>Medicago sativa</i> L. (ecotypes)                          | 17,8              | 17,8    |
| ex 1209 21 00 | <i>Medicago sativa</i> L. (varieties)                         | 29,3              | 29,3    |
| ex 1209 29 20 | <i>Onobrichis viciifolia</i> Scop.                            | 16,8              | 16,8    |
| 0713 10 19    | <i>Pisum sativum</i> L. (partim) (field pea)                  | 0                 | 0       |
| ex 1209 22 90 | <i>Trifolium alexandrinum</i> L.                              | 38,4              | 38,4    |
| ex 1209 22 90 | <i>Trifolium hybridum</i> L.                                  | 38,5              | 38,5    |
| ex 1209 22 90 | <i>Trifolium incarnatum</i> L.                                | 38,4              | 38,4    |
| 1209 22 10    | <i>Trifolium pratense</i> L.                                  | 42,4              | 42,4    |
| ex 1209 22 30 | <i>Trifolium repens</i> L.                                    | 59,4              | 59,4    |
| ex 1209 22 30 | <i>Trifolium repens</i> L. var. giganteum                     | 59,4              | 59,4    |
| ex 1209 22 90 | <i>Trifolium resupinatum</i> L.                               | 38,4              | 38,4    |
| ex 0713 50 10 | <i>Vicia faba</i> L. (partim) (horse bean)                    | 0                 | 0       |
| 1209 29 11    | <i>Vicia sativa</i> L.                                        | 25,7              | 25,7    |
| ex 1209 29 19 | <i>Vicia villosa</i> Roth.                                    | 19,1              | 19,1    |

(') After applying the coefficient 1,001712.

## ANNEX II

1990/91 and 1991/92 marketing years

Aid applicable in Spain

| CN code       | Description                                                   | (ECU/100 kg) |         |
|---------------|---------------------------------------------------------------|--------------|---------|
|               |                                                               | 1990/91      | 1991/92 |
|               | <b>1. CERES</b>                                               |              |         |
| 1001 90 10    | <i>Triticum spelta</i> L.                                     | 8,6          | 10,4    |
| 1006 10 10    | <i>Oryza sativa</i> L.                                        |              |         |
|               | — japonica type varieties                                     | 12,9         | 12,9    |
|               | — indica type varieties                                       | 15           | 15      |
|               | <b>2. OLEAGINEAE</b>                                          |              |         |
| ex 1204 00 10 | <i>Linum usitatissimum</i> L. (textile flax)                  | 16,7         | 20,3    |
| ex 1204 00 10 | <i>Linum usitatissimum</i> L. (linseed)                       | 13,3         | 16,1    |
| ex 1207 99 10 | <i>Cannabis sativa</i> L. (monoica)                           | 12,1         | 14,7    |
|               | <b>3. GRAMINEAE</b>                                           |              |         |
| ex 1209 29 40 | <i>Agrostis canina</i> L.                                     | 45,2         | 54,5    |
| ex 1209 29 40 | <i>Agrostis gigantea</i> Roth.                                | 45,2         | 54,5    |
| ex 1209 29 40 | <i>Agrostis stolonifera</i> L.                                | 45,2         | 54,5    |
| ex 1209 29 40 | <i>Agrostis tenuis</i> Sibth.                                 | 45,2         | 54,5    |
| ex 1209 29 70 | <i>Arrhenatherum elatius</i> (L.) Beauv. ex. J. and C. Presl. | 56,3         | 56,3    |
| 1209 29 30    | <i>Dactylis glomerata</i> L.                                  | 45,2         | 45,2    |
| ex 1209 23 90 | <i>Festuca arundinacea</i> Schreb.                            | 34,7         | 42,1    |
| 1209 23 30    | <i>Festuca ovina</i> L.                                       | 25,3         | 30,6    |
| ex 1209 23 10 | <i>Festuca pratensis</i> Huds.                                | 35,9         | 35,9    |
| ex 1209 23 10 | <i>Festuca rubra</i> L.                                       | 21,8         | 26,4    |
| 1209 25 10    | <i>Lolium multiflorum</i> Lam.                                | 17,7         | 17,7    |
| 1209 25 90    | <i>Lolium perenne</i> L.                                      |              |         |
|               | — of high persistence, late or medium late                    | 29,4         | 29,4    |
|               | — new varieties and other                                     | 21,8         | 21,8    |
|               | — of low persistence, medium late, medium early or early      | 16,1         | 16,1    |
| 1209 29 60    | <i>Lolium x hybridum</i> Hausskn.                             | 17,7         | 17,7    |
| ex 1209 26 00 | <i>Pbleum Bertolonii</i> (DC)                                 | 30,3         | 36,6    |
| ex 1209 26 00 | <i>Pbleum pratense</i> L.                                     | 70,1         | 70,1    |
| ex 1209 29 70 | <i>Poa nemoralis</i> L.                                       | 23           | 27,9    |
| 1209 24 00    | <i>Poa pratensis</i> L.                                       | 32,3         | 32,3    |
| ex 1209 29 20 | <i>Poa trivialis</i> L.                                       | 23           | 27,9    |
|               | <b>4. LEGUMINOSAE</b>                                         |              |         |
| ex 1209 29 90 | <i>Hedysarum coronarium</i> L.                                | 30,6         | 30,6    |
| 1209 29 50    | <i>Medicago lupulina</i> L.                                   | 18,8         | 22,8    |
| ex 1209 21 00 | <i>Medicago sativa</i> L. (ecotypes)                          | 17,8         | 17,8    |
| ex 1209 21 00 | <i>Medicago sativa</i> L. (varieties)                         | 29,4         | 29,4    |
| ex 1209 29 90 | <i>Onobrichis viciifolia</i> Scop.                            | 16,8         | 16,8    |
| 0713 10 19    | <i>Pisum sativum</i> L. (partim) (field pea)                  | 0            | 0       |
| ex 1209 22 90 | <i>Trifolium alexandrinum</i> L.                              | 38,4         | 38,4    |
| ex 1209 22 90 | <i>Trifolium hybridum</i> L.                                  | 27,1         | 32,8    |
| ex 1209 22 90 | <i>Trifolium incarnatum</i> L.                                | 27,1         | 32,7    |
| 1209 22 10    | <i>Trifolium pratense</i> L.                                  | 42,4         | 42,4    |
| ex 1209 22 30 | <i>Trifolium repens</i> L.                                    | 59,4         | 59,4    |
| ex 1209 22 30 | <i>Trifolium repens</i> L. var. <i>giganteum</i>              | 59,4         | 59,4    |
| ex 1209 22 90 | <i>Trifolium resupinatum</i> L.                               | 27,1         | 32,7    |
| ex 0713 50 10 | <i>Vicia faba</i> L. (partim) (horse bean)                    | 0            | 0       |
| 1209 29 11    | <i>Vicia sativa</i> L.                                        | 25,7         | 25,7    |
| ex 1209 29 19 | <i>Vicia villosa</i> Roth.                                    | 19,1         | 19,1    |

(1) After applying the coefficient 1,001712.

## ANNEX III

1990/91 and 1991/92 marketing years

Aid applicable in Portugal

(ECU/100 kg)

| CN code       | Description                                                   | Amount of aid (1) |         |
|---------------|---------------------------------------------------------------|-------------------|---------|
|               |                                                               | 1990/91           | 1991/92 |
|               | <b>1. CERES</b>                                               |                   |         |
| 1001 90 10    | <i>Triticum spelta</i> L.                                     | 8,6               | 10,4    |
| 1006 10 10    | <i>Oryza sativa</i> L.                                        |                   |         |
|               | — japonica type varieties                                     | 10,3              | 11,6    |
|               | — indica type varieties                                       | 11,0              | 13,0    |
|               | <b>2. OLEAGINEAE</b>                                          |                   |         |
| ex 1204 00 10 | <i>Linum usitatissimum</i> L. (textile flax)                  | 16,7              | 20,3    |
| ex 1204 00 10 | <i>Linum usitatissimum</i> L. (linseed)                       | 13,3              | 16,1    |
| ex 1207 99 10 | <i>Cannabis sativa</i> L. (monoica)                           | 12,1              | 14,7    |
|               | <b>3. GRAMINEAE</b>                                           |                   |         |
| ex 1209 29 40 | <i>Agrostis canina</i> L.                                     | 45,2              | 54,5    |
| ex 1209 29 40 | <i>Agrostis gigantea</i> Roth.                                | 45,2              | 54,5    |
| ex 1209 29 40 | <i>Agrostis stolonifera</i> L.                                | 45,2              | 54,5    |
| ex 1209 29 40 | <i>Agrostis tenuis</i> Sibth.                                 | 45,2              | 54,5    |
| ex 1209 29 70 | <i>Arrhenatherum elatius</i> (L.) Beauv. ex. J. and C. Presl. | 39,6              | 48,0    |
| 1209 29 30    | <i>Dactylis glomerata</i> L.                                  | 32,0              | 38,6    |
| ex 1209 23 90 | <i>Festuca arundinacea</i> Schreb.                            | 34,7              | 42,1    |
| 1209 23 30    | <i>Festuca ovina</i> L.                                       | 25,3              | 30,6    |
| ex 1209 23 10 | <i>Festuca pratensis</i> Huds.                                | 25,3              | 30,6    |
| ex 1209 23 10 | <i>Festuca rubra</i> L.                                       | 21,8              | 26,4    |
| 1209 25 10    | <i>Lolium multiflorum</i> Lam.                                | 12,4              | 15,1    |
| 1209 25 90    | <i>Lolium perenne</i> L.                                      |                   |         |
|               | — of high persistence, late or medium late                    | 20,7              | 25,1    |
|               | — new varieties and others                                    | 15,5              | 18,7    |
|               | — of low persistence, medium late, medium early or early      | 11,4              | 13,8    |
| 1209 29 60    | <i>Lolium x hybridum</i> Hausskn.                             | 12,4              | 15,1    |
| ex 1209 26 00 | <i>Phleum Bertolonii</i> (DC)                                 | 30,3              | 36,7    |
| ex 1209 26 00 | <i>Phleum pratense</i> L.                                     | 49,7              | 59,9    |
| ex 1209 29 70 | <i>Poa nemoralis</i> L.                                       | 23                | 27,9    |
| 1209 24 00    | <i>Poa pratensis</i> L.                                       | 22,9              | 27,7    |
| ex 1209 29 20 | <i>Poa trivialis</i> L.                                       | 23                | 27,9    |
|               | <b>4. LEGUMINOSAE</b>                                         |                   |         |
| ex 1209 29 90 | <i>Hedysarum coronarium</i> L.                                | 21,6              | 26,2    |
| 1209 29 50    | <i>Medicago lupulina</i> L.                                   | 18,8              | 22,8    |
| ex 1209 21 00 | <i>Medicago sativa</i> L. (ecotypes)                          | 12,5              | 15,2    |
| ex 1209 21 00 | <i>Medicago sativa</i> L. (varieties)                         | 20,7              | 25,1    |
| ex 1209 29 90 | <i>Onobrichis viciifolia</i> Scop.                            | 11,9              | 14,4    |
| 0713 10 19    | <i>Pisum sativum</i> L. (partim) (field pea)                  | 0                 | 0       |
| ex 1209 22 90 | <i>Trifolium alexandrinum</i> L.                              | 27,1              | 32,7    |
| ex 1209 22 90 | <i>Trifolium hybridum</i> L.                                  | 27,1              | 32,8    |
| ex 1209 22 90 | <i>Trifolium incarnatum</i> L.                                | 27,1              | 32,7    |
| 1209 22 10    | <i>Trifolium pratense</i> L.                                  | 29,8              | 36,1    |
| ex 1209 22 30 | <i>Trifolium repens</i> L.                                    | 41,7              | 50,6    |
| ex 1209 22 30 | <i>Trifolium repens</i> L. var. <i>giganteum</i>              | 41,7              | 50,6    |
| ex 1209 22 90 | <i>Trifolium resupinatum</i> L.                               | 27,1              | 32,7    |
| ex 0713 50 10 | <i>Vicia faba</i> L. (partim) (horse bean)                    | 0                 | 0       |
| 1209 29 11    | <i>Vicia sativa</i> L.                                        | 18,3              | 22      |
| ex 1209 29 19 | <i>Vicia villosa</i> Roth.                                    | 13,4              | 16,3    |

(1) After applying the coefficient 1,001712.

## COMMISSION REGULATION (EEC) No 1980/90

of 11 July 1990

reintroducing the levying of the customs duties applicable to footwear falling under CN codes 6401 and 6402 originating in Malaysia, to which the preferential arrangements of Council Regulation (EEC) No 3896/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3896/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas, in pursuance of Articles 1 and 6 of Regulation (EEC) No 3896/89, suspension of customs duties is accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I; Whereas Article 7 of that Regulation provides that the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be reintroduced as soon as the individual ceilings in question are reached at Community level;

Whereas, in the case of footwear falling under CN codes 6401 and 6402, originating in Malaysia, the individual ceiling amounts to ECU 1 100 000; whereas that ceiling was reached on 17 May 1990, by charges of imports into the Community of the products in question originating in Malaysia, whereas it is appropriate to reintroduce the levying of customs duties for the products in question with regard to Malaysia,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 15 July 1990, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3896/89, shall be reintroduced on imports into the Community of the following products, originating in Malaysia:

| Order No | CN code | Description                                                                                                                                                                                                        |
|----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.0660  | 6401    | Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes |
|          | 6402    | Other footwear with outer soles and uppers of rubber or plastics                                                                                                                                                   |

*Article 2*

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

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

Done at Brussels, 11. July 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 383, 30. 12. 1989, p. 1.

## COMMISSION REGULATION (EEC) No 1981/90

of 11 July 1990

reintroducing the levying of the customs duties applicable to footwear falling under CN codes 6401 and 6402 originating in the Philippines to which the preferential arrangements of Council Regulation (EEC) No 3896/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3896/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas, in pursuance of Articles 1 and 6 of Regulation (EEC) No 3896/89, suspension of customs duties is accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I; Whereas Article 7 of that Regulation provides that the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be reintroduced as soon as the individual ceilings in question are reached at Community level;

Whereas, in the case of footwear falling under CN codes 6401 and 6402, originating in the Philippines, the individual ceiling amounts to ECU 1 100 000; whereas that ceiling was reached on 19 April 1990, by charges of imports into the Community of the products in question originating in the Philippines; whereas it is appropriate to reintroduce the levying of customs duties for the products in question with regard to the Philippines,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 15 July 1990, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3896/89, shall be reintroduced on imports into the Community of the following products, originating in the Philippines:

| Order No | CN code | Description                                                                                                                                                                                                        |
|----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10.0660  | 6401    | Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes |
|          | 6402    | Other footwear with outer soles and uppers of rubber or plastics                                                                                                                                                   |

*Article 2*

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

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

Done at Brussels, 11 July 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 383, 30. 12. 1989, p. 1.

## COMMISSION REGULATION (EEC) No 1982/90

of 11 July 1990

reintroducing the levying of the customs duties applicable to tableware falling under CN code 6912 00 50 originating in Brazil to which the preferential arrangements of Council Regulation (EEC) No 3896/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3896/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of certain industrial products originating in developing countries<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas, in pursuance of Articles 1 and 6 of Regulation (EEC) No 3896/89, suspension of customs duties is accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I; Whereas Article 7 of that Regulation provides that the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be reintroduced as soon as the individual ceilings in question are reached at Community level;

Whereas, in the case of tableware falling under CN code 6912 00 50 originating in Brazil, the individual ceiling amounts to ECU 1 050 000; whereas that ceiling was reached on 8 June 1990, by charges of imports into the Community of the products in question originating in Brazil, whereas it is appropriate to reintroduce the levying of customs duties for the products in question with regard to Brazil,

HAS ADOPTED THIS REGULATION:

*Article 1*

As from 15 July 1990, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3896/89, shall be reintroduced on imports into the Community of the following products, originating in Brazil:

| Order No | CN code    | Description                                                                                                  |
|----------|------------|--------------------------------------------------------------------------------------------------------------|
| 10.0740  | 6912 00 50 | Ceramic tableware, kitchenware, other household articles and toilet articles, of earthenware of fine pottery |

*Article 2*

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

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

Done at Brussels, 11 July 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 383, 30. 12. 1989, p. 1.

## COMMISSION REGULATION (EEC) No 1983/90

of 11 July 1990

opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb

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<sup>(1)</sup>, and in particular Article 7 (5) thereof,Whereas Commission Regulation (EEC) No 2659/80 of 17 October 1980 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat products<sup>(2)</sup>, as amended by Regulation (EEC) No 3496/88<sup>(3)</sup>, provides in particular for detailed rules on the invitation to tender;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<sup>(4)</sup>, as last amended by Regulation (EEC) No 1787/90<sup>(5)</sup>, provides in particular the list of products eligible and the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation

zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled;

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*

Separate invitations to tender are opened in Denmark, France, Great Britain, Northern Ireland, Germany, the Netherlands, Spain and Portugal for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 287/90 tenders may be made to the intervention agencies of the Member States concerned.

*Article 2*

Tenders must be submitted not later than 2 p.m. on 30 July 1990 to the relevant intervention agency.

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

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.<sup>(2)</sup> OJ No L 276, 20. 10. 1980, p. 12.<sup>(3)</sup> OJ No L 306, 11. 11. 1988, p. 28.<sup>(4)</sup> OJ No L 31, 2. 2. 1990, p. 11.<sup>(5)</sup> OJ No L 163, 29. 6. 1990, p. 55.

**COMMISSION REGULATION (EEC) No 1984/90****of 11 July 1990****amending for the ninth time Regulation (EEC) No 646/86 fixing the export  
refunds on wine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 1325/90 <sup>(2)</sup>, and in particular Article 56 (4) thereof,Whereas Commission Regulation (EEC) No 646/86 <sup>(3)</sup>, as last amended by Regulation (EEC) No 677/89 <sup>(4)</sup>, fixes the export refunds on wine;

Whereas the present circumstances in the German Democratic Republic and their effects on the market situation make it advisable not to fix any refund on products exported to that destination;

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

*Article 1*

In the Annex to Regulation (EEC) No 646/86, '— the German Democratic Republic,' is hereby inserted between '—Morocco,' and '—Switzerland,' in the list in footnote (1) under 03.

*Article 2*

This Regulation shall enter into force on 1 September 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.<sup>(2)</sup> OJ No L 132, 23. 5. 1990, p. 19.<sup>(3)</sup> OJ No L 60, 1. 3. 1986, p. 46.<sup>(4)</sup> OJ No L 73, 17. 3. 1989, p. 20.

## COMMISSION REGULATION (EEC) No 1985/90

of 11 July 1990

re-establishing the preferential customs duty on imports of multiflorous (spray)  
carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

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

Whereas Article 2 (3) of Regulation (EEC) No 4088/87  
stipulates that the preferential customs duty shall be  
reintroduced for a given product of a given origin if the  
prices of the imported product (full rate customs duty not  
deducted) are, for at least 70 % of the quantities for which  
prices are available on representative Community import  
markets, not less than 85 % of the Community producer  
price for a period, calculated from the actual date of  
suspension of the actual preferential customs duty,

- of two successive market days, after suspension under  
Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension  
under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 1387/90<sup>(4)</sup>  
fixed Community producer prices for carnations and roses  
for application of the arrangements for importation from  
the countries in question;

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

Whereas to permit the import arrangements to function  
in the normal manner prices on importation should be  
calculated using:

- for currencies maintained against each other within a  
maximum spread at any given moment for spot rate  
transactions of 2,25 % a conversion rate based on  
their central rate multiplied by the correcting factor  
provided for in the last subparagraph of Article 3 (1)  
of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, as last  
amended by Regulation (EEC) No 1636/87<sup>(8)</sup>,
- for other currencies a conversion rate based on the  
arithmetic mean of the spot market rate of the  
currency, recorded for a given period, against the  
Community currencies indicated in the preceding  
indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for  
multiflorous (spray) carnations originating in Israel by  
Regulation (EEC) No 2396/89 was suspended by  
Commission Regulation (EEC) No 1075/90<sup>(9)</sup>;

Whereas on the basis of price recordings made as  
specified in Regulations (EEC) No 4088/87 and (EEC) No  
700/88 it must be concluded that the requirement for  
reintroduction of the preferential customs duty laid down  
in the last indent of Article 2 (3) of Regulation (EEC) No  
4088/87 is met for multiflorous (spray) carnations  
originating in Israel; whereas the preferential customs  
duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of multiflorous (spray) carnations (CN codes  
ex 0603 10 13 and ex 0603 10 53) originating in Israel the  
preferential customs duty set by Regulation (EEC) No  
2396/89 is reintroduced.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 227, 4. 8. 1989, p. 9.

<sup>(4)</sup> OJ No L 133, 24. 5. 1990, p. 37.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(9)</sup> OJ No L 108, 28. 4. 1990, p. 68.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1986/90

of 11 July 1990

reintroducing the preferential customs duty on imports of large-flowered roses  
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas, Article 2 (3) of that Regulation stipulates that in the absence of available price quotations, the preferential customs duty shall be reintroduced if there are no prices for six successive working days from the date the measure was applied.

Whereas Commission Regulation (EEC) No 1387/90<sup>(4)</sup> fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

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

Whereas to permit the import arrangements to function in the normal manner, prices on importation should be calculated using:

- for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(8)</sup>,
- for other currencies a conversion rate based on the arithmetic mean of the spot market rate of the currency, recorded for a given period, against the Community currencies indicated in the preceding indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for large-flowered roses originating in Israel by Regulation (EEC) No 2396/89 was suspended by Commission Regulation (EEC) No 3370/89<sup>(9)</sup>;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last paragraph of Article 2 (3) relative to the absence of available price quotations for six successive working days is met for large-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by Regulation (EEC) No 2396/89 is reintroduced.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 227, 4. 8. 1989, p. 9.

<sup>(4)</sup> OJ No L 133, 24. 5. 1990, p. 37.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(9)</sup> OJ No L 325, 10. 11. 1989, p. 14.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1987/90

of 11 July 1990

reintroducing the preferential customs duty on imports of small-flowered roses  
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

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

Whereas Article 2 (3) of Regulation (EEC) No 4088/87  
stipulates that the preferential customs duty shall be  
reintroduced for a given product of a given origin if the  
prices of the imported product (full rate customs duty not  
deducted) are, for at least 70 % of the quantities for which  
prices are available on representative Community import  
markets, not less than 85 % of the Community producer  
price for a period, calculated from the actual date of  
suspension of the actual preferential customs duty;

- of two successive market days, after suspension under  
Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension  
under Article 2 (2) (b) of that Regulation;

Whereas, Article 2 (3) of that Regulation stipulates that in  
the absence of available price quotations, the preferential  
customs duty shall be reintroduced if there are no prices  
for six successive working days from the date the measure  
was applied.

Whereas Commission Regulation (EEC) No 1387/90<sup>(4)</sup>  
fixed Community producer prices for carnations and roses  
for application of the arrangements for importation from  
the countries in question;

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

Whereas to permit the import arrangements to function  
in the normal manner, prices on importation should be  
calculated using:

- for currencies maintained against each other within a  
maximum spread at any given moment for spot rate  
transactions of 2,25 % a conversion rate based on  
their central rate multiplied by the correcting factor  
provided for in the last subparagraph of Article 3 (1)  
of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, as last  
amended by Regulation (EEC) No 1636/87<sup>(8)</sup>,
- for other currencies a conversion rate based on the  
arithmetic mean of the spot market rate of the  
currency, recorded for a given period, against the  
Community currencies indicated in the preceding  
indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for small-  
flowered roses originating in Israel by Regulation (EEC)  
No 2396/89 was suspended by Commission Regulation  
(EEC) No 543/90<sup>(9)</sup>;

Whereas on the basis of price recordings made as  
specified in Regulations (EEC) No 4088/87 and (EEC) No  
700/88 it must be concluded that the requirement for  
reintroduction of the preferential customs duty laid down  
in the first paragraph of Article 2 (3) relative to the  
absence of available price quotations for six successive  
working days is met for small-flowered roses originating  
in Israel; whereas the preferential customs duty should be  
reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of small-flowered roses (CN codes ex  
0603 10 11 and ex 0603 10 51) originating in Israel the  
preferential customs duty set by Regulation (EEC) No  
2396/89 is reintroduced.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 227, 4. 8. 1989, p. 9.

<sup>(4)</sup> OJ No L 133, 24. 5. 1990, p. 37.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(9)</sup> OJ No L 56, 3. 3. 1990, p. 7.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1988/90

of 11 July 1990

fixing the maximum export refund for white sugar for the 11th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89<sup>(2)</sup>, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup> requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 983/90, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 11th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 11th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 35,953 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 100, 20. 4. 1990, p. 9.

**COMMISSION REGULATION (EEC) No 1989/90**  
**of 11 July 1990**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular the second subparagraph of Article 19 <sup>(4)</sup> thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1890/90 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1890/90 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1890/90 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 172, 5. 7. 1990, p. 6.

## ANNEX

to the Commission Regulation of 11 July 1990 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

| Product code   | Amount of refund     |                                                                                       |
|----------------|----------------------|---------------------------------------------------------------------------------------|
|                | per 100 kg           | per percentage point of sucrose content and per 100 kg net of the product in question |
| 1701 11 90 100 | 29,24 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 910 | 29,36 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 950 | <sup>(2)</sup>       |                                                                                       |
| 1701 12 90 100 | 29,24 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 910 | 29,36 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 950 | <sup>(2)</sup>       |                                                                                       |
| 1701 91 00 000 |                      | 0,3179                                                                                |
| 1701 99 10 100 | 31,79                |                                                                                       |
| 1701 99 10 910 | 33,26                |                                                                                       |
| 1701 99 10 950 | 33,26                |                                                                                       |
| 1701 99 90 100 |                      | 0,3179                                                                                |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

## COMMISSION REGULATION (EEC) No 1990/90

of 11 July 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1812/90 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1971/90 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1812/90 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 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.<sup>(3)</sup> OJ No L 167, 30. 6. 1990, p. 41.<sup>(4)</sup> OJ No L 178, 11. 7. 1990, p. 17.

*ANNEX*

to the Commission Regulation of 11 July 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 33,87 <sup>(1)</sup> |
| 1701 11 90 | 33,87 <sup>(1)</sup> |
| 1701 12 10 | 33,87 <sup>(1)</sup> |
| 1701 12 90 | 33,87 <sup>(1)</sup> |
| 1701 91 00 | 37,02                |
| 1701 99 10 | 37,02                |
| 1701 99 90 | 37,02 <sup>(2)</sup> |

<sup>(1)</sup> 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).

<sup>(2)</sup> 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 1991/90

of 11 July 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(6)</sup>, 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 1733/90<sup>(7)</sup>, as last amended by Regulation (EEC) No 1961/90<sup>(8)</sup>;

Whereas Council Regulation (EEC) No 1906/87<sup>(9)</sup> amended Council Regulation (EEC) No 2744/75<sup>(10)</sup> 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 10 July 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<sup>(11)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(12)</sup>, 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 1733/90 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

<sup>(11)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(12)</sup> OJ No L 202, 26. 7. 1978, p. 8.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(7)</sup> OJ No L 161, 27. 6. 1990, p. 5.

<sup>(8)</sup> OJ No L 176, 10. 7. 1990, p. 35.

<sup>(9)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(10)</sup> OJ No L 281, 1. 11. 1975, p. 65.

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

Done at Brussels, 11 July 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

**ANNEX**

**to the Commission Regulation of 11 July 1990 altering the import levies on products processed from cereals and rice**

(ECU/tonne)

| CN code    | Import levies |            |                                            |
|------------|---------------|------------|--------------------------------------------|
|            | Portugal      | ACP or OCT | Third countries<br>(other than ACP or OCT) |
| 2302 10 10 | 19,35         | 54,48      | 60,48                                      |
| 2302 10 90 | 34,61         | 116,75     | 122,75                                     |
| 2302 20 10 | 19,35         | 54,48      | 60,48                                      |
| 2302 20 90 | 34,61         | 116,75     | 122,75                                     |
| 2302 30 10 | 19,35         | 54,48      | 60,48                                      |
| 2302 30 90 | 34,61         | 116,75     | 122,75                                     |
| 2302 40 10 | 19,35         | 54,48      | 60,48                                      |
| 2302 40 90 | 34,61         | 116,75     | 122,75                                     |

**COMMISSION REGULATION (EEC) No 1992/90**  
**of 11 July 1990**  
**amending Regulation (EEC) No 1788/90 introducing a countervailing charge on**  
**fresh lemons originating in Argentina**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1193/90 <sup>(2)</sup>, and in particular the first subparagraph of Article 27 <sup>(2)</sup> thereof,

Whereas Commission Regulation (EEC) No 1788/90 <sup>(3)</sup>, as amended by Regulation (EEC) No 1920/90 <sup>(4)</sup>, introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is

amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of amended Regulation (EEC) No 1788/90 '14,02' ECU is hereby replaced by '17,14' ECU.

*Article 2*

This Regulation shall enter into force on 12 July 1990.

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

Done at Brussels, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 199, 11. 5. 1990, p. 43.

<sup>(3)</sup> OJ No L 163, 29. 6. 1990, p. 56.

<sup>(4)</sup> OJ No L 173, 6. 7. 1990, p. 37.

## COMMISSION REGULATION (EEC) No 1993/90

of 11 July 1990

introducing a countervailing charge on cherries originating in Iran

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1193/90<sup>(2)</sup>, and in particular the first 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 724/90 of 26 March 1990 fixing for the 1990 marketing year the reference prices for cherries<sup>(3)</sup> fixed the reference price for products of class I at ECU 115,49 per 100 kilograms net for the month of July 1990; whereas this price was adjusted by Commission Regulation (EEC) No 1484/90<sup>(4)</sup>;

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; 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 Regulation (EEC) No 2118/74 of the Commission<sup>(5)</sup>, as last amended

by Regulation (EEC) No 3811/85<sup>(6)</sup>, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for cherries originating in Iran 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 cherries;

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<sup>(7)</sup>, as amended by Regulation (EEC) No 1636/87<sup>(8)</sup>,
- 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of ECU 21,26 per 100 kilograms net is applied to cherries (CN code ex 0809 20) originating in Iran.

*Article 2*

This Regulation shall enter into force on 13 July 1990.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.  
<sup>(2)</sup> OJ No L 119, 11. 5. 1990, p. 43.  
<sup>(3)</sup> OJ No L 80, 27. 3. 1990, p. 23.  
<sup>(4)</sup> OJ No L 140, 1. 6. 1990, p. 90.  
<sup>(5)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 1.  
<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(8)</sup> 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, 11 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 17 May 1989

concerning a fund to encourage the marketing of pigmeat, beef and veal, sheepmeat, goatmeat and horsemeat

(Only the Dutch and French texts are authentic)

(90/362/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) and Article 12 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat<sup>(1)</sup>, as last amended by Regulation (EEC) No 1249/89<sup>(2)</sup>, and in particular Article 21 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(3)</sup>, as last amended by Regulation (EEC) No 571/89<sup>(4)</sup>, and in particular Article 24 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1115/88<sup>(6)</sup>, and in particular Article 23 thereof,

Having regard to Council Regulation (EEC) No 827/68 on the common organization of the market in certain products listed in Annex II to the Treaty<sup>(7)</sup>, as last amended by Regulation (EEC) No 3911/87<sup>(8)</sup>, and in particular Article 5 thereof, and Regulation No 26 applying certain rules of competition to production of and trade in agricultural products<sup>(9)</sup>, and in particular Article 4 thereof,

Having given notice to the parties concerned to submit their comments<sup>(10)</sup>, in accordance with Article 93 (2) of the EEC Treaty,

Whereas in view of the following:

## I

At the end of 1986 the Commission decided to scrutinize all set-purpose charges levied in the Member States in agriculture and fishing and the allocation of those charges, in particular as aid. A standard form letter was accordingly sent to each Member State in 1987 in order to obtain the information required. By letter of 19 November 1987 the Belgian authorities responded to that request. By telex on 18 April 1988 the Commission asked the Belgian authorities to provide additional information; by letter of 17 May 1988 the said authorities responded to that request.

The measures in question were introduced by the Law of 11 April 1983 and the implementing Royal Decree of 31 January 1985, as amended by the Royal Decree of 23 April 1986. These provide for the setting up of a system whereby the promotion of outlets for the products concerned is financed by means of compulsory contributions. According to the information provided by the Belgian authorities the aid is granted for advertising, displays at fairs and exhibitions, market studies, attendance at international conferences, etc.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 129, 11. 5. 1989, p. 12.

<sup>(3)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(4)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(5)</sup> OJ No L 183, 16. 7. 1980, p. 1.

<sup>(6)</sup> OJ No L 110, 29. 4. 1988, p. 36.

<sup>(7)</sup> OJ No L 151, 30. 6. 1968, p. 16.

<sup>(8)</sup> OJ No L 370, 30. 12. 1987, p. 36.

<sup>(9)</sup> OJ No 30, 20. 4. 1962, p. 993/62.

<sup>(10)</sup> OJ No C 31, 7. 2. 1989, p. 4.

The said compulsory contributions levied, in respect of both imports and exports, by the ONDAH (Office national des débouchés agricoles et horticoles) on the internal market. They are levied on a quantitative or *ad valorem* basis, according to the circumstances. Royal Decrees specify the contributions payable.

The Belgian authorities also pointed out that the revenue from the scheme is supplemented by a State subsidy, namely a part of the contribution paid by the central government to the ONDAH to promote outlets for agricultural products.

## II

By letter of 15 July 1987 the Commission notified the Belgian Government that it had decided to initiate in respect of the aid the procedure provided for in Article 93 (2) of the EEC Treaty, on the grounds that they were partly financed by charges which in their effect were equivalent to customs duties.

In accordance with that procedure the Commission gave notice to the Belgian Government to submit its comments.

The Commission also gave notice to the other Member States and interested parties other than Member States to submit their comments.

## III

By letter of 17 October 1988 the Belgian authorities informed the Commission that:

- on the specific aspect of charges, the contributions had been made payable in respect of imports with a view to ensuring fairness but that, for technical reasons, they had not been levied on imports or exports of beef and veal or pigmeat,
- they wished to challenge the description of the charges in question as having an effect equivalent to customs duties, and
- on the specific aspect of aid, all publicity campaigns conducted by the ONDAH complied with the negative and positive criteria set out in the guidelines in respect of national aid and publicity.

By telex of 24 February 1989, however, the Belgian authorities notified the Commission of a draft Royal Decree discontinuing the charges which had led to a procedure being initiated as described in II above. They accordingly asked the Commission to postpone a decision for six weeks pending the adoption of the draft Royal Decree. When that time limit expired the said Decree had not been adopted.

## IV

The Belgian authorities have not fulfilled their obligations pursuant to Article 93 (3) of the Treaty, firstly by failing to submit a draft of the measures to the Commission.

The aids, which are financed by compulsory contributions and the State's contribution, are likely to affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1) of the Treaty by encouraging the sectors concerned.

The aid is, however, in keeping with the framework for national aid for the advertising of agricultural products and certain products not listed in Annex II to the EEC Treaty, excluding fishery products<sup>(1)</sup>. It is likely to facilitate the development of the sectors concerned without adversely affecting trading conditions to an extent contrary to the common interest and, accordingly, could conceivably be granted exemption pursuant to Article 92 (3) (c) of the Treaty. However, this must be ruled out since some of the aid could be financed by charges which run counter to the obligations set out in Article 12 *et seq.* of the Treaty.

According to a precedent of the Court of Justice the financing of a State aid by a compulsory set-purpose charge is an essential component of that aid and the assessment of the latter in the light of Community law should take into account both the aid itself and its financing.

In that respect the following should be borne in mind:

- in the pigmeat sector:
  - the charge of 0,04 % *ad valorem* on exports of pigs, as specified in the first subparagraph of Article 4 (5) of the Royal Decree of 23 April 1986 should be regarded as a charge having an effect equivalent to customs duty, in that the basic taxable amount concerned is not comparable with the Bfrs 5 charge per pig slaughtered,
  - the Bfrs 20 charge per exported pig weighing less than 50 kg and intended for rearing and fattening, and the Bfrs 100 charge per exported pig weighing more than 50 kg, as specified in the second and third subparagraphs of Article 4 (5) of the Royal Decree of 23 April 1986, should be regarded as charges having an effect equivalent to customs duty since they apply specifically to exports,
- in the beef and veal sector:
  - the charge of 0,04 % *ad valorem* on imported meat (beef and veal) provided for in Article 5 (5) of the Royal Decree of 23 April 1986 should be regarded as a charge having an effect equivalent to customs duty in that the basic taxable amount concerned is not comparable with the contribution of Bfrs 30 per slaughtered adult bovine animal or Bfrs 15 per slaughtered calf,

<sup>(1)</sup> OJ No C 302, 12. 11. 1987, p. 4.

- the charge of 0,04 % *ad valorem* on each exported live adult bovine animal or each exported live calf, with the exception of breeding animals, as provided for in Article 5 (7) of the Royal Decree of 23 April 1986 should be regarded as a charge having an effect equivalent to customs duty on exports, since the basic taxable amount concerned is not comparable with the contribution of Bfrs 30 per slaughtered adult bovine animal or Bfrs 15 per slaughtered calf,
- the charge of Bfrs 250 per exported bovine animal for breeding and the charge of Bfrs 1 per exported dose of semen should be regarded as charges having an effect equivalent to customs duty, since they apply specifically to exported products.

Since, on the basis of the information available, the aid financed by the contributions which are referred to above and which run counter to Article 12 of the EEC Treaty cannot be distinguished from that financed by other contributions and the State grant, all aid financed by the ONDAH by virtue of Article 1 of the Law of 11 April 1983 in the pigmeat, sheepmeat, goatmeat and horsemeat sectors, except in the case of horses intended for slaughter or the production of horsemeat, cannot be regarded as compatible with the common market must therefore be discontinued,

HAS ADOPTED THIS DECISION:

*Article 1*

The Belgian Government shall grant no further aid to the pigmeat, beef and veal, sheepmeat, goatmeat and horse-

meat sectors (not including horses intended for slaughter or horsemeat production) under the scheme introduced by the Law of 11 April 1983 and the Royal Decree of 23 January 1986, unless it first amends the said scheme so that it no longer infringes Article 12 of the EEC Treaty.

*Article 2*

The Belgian Government shall inform the Commission, within two months from notification of this Decision, of the measures taken to ensure compliance with this Decision.

*Article 3*

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 17 May 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## COMMISSION DECISION

of 26 June 1990

relating to a proceeding pursuant to Article 86 of the EEC Treaty  
(IV/32.846 — Metaleurop SA)

(Only the French and German texts are authentic)

(90/363/EEC)

## THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty<sup>(1)</sup>, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 2 thereof,

Having regard to the application for negative clearance or, failing that, exemption submitted on 29 August 1988 by Société Minière et Métallurgique de Peñarroya SA, France, and Preussag Aktiengesellschaft, Germany, concerning a transaction decided by the two companies with a view to merging their 'non-ferrous metals' activities,

Having regard to the summary of the notification<sup>(2)</sup> published pursuant to Article 19 (3) of Regulation No 17,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

## I. THE FACTS

## A. The undertakings

The undertakings concerned are :

- (a) Société Minière et Métallurgique de Peñarroya SA, (hereinafter referred to as 'Peñarroya', a French company operating principally in France and Spain. Its worldwide turnover in 1987 was about ECU 567 million, of which ECU 545 million in the common market.
- (b) Preussag Aktiengesellschaft (hereinafter referred to as 'Preussag'), a German company having European and worldwide operations. Its worldwide turnover in 1987 was ECU 5 100 million, of which ECU 4 500 million in the common market.

## B. The subject of the transaction

- (1) On 22 April 1988, Preussag and Peñarroya, decided on the one hand to merge of their 'non-ferrous metals' activities with a view to strengthening the industrial position of their undertakings, and on the other to create a new entity, known as Metaleurop SA.

(a) *Merger of the metals activities*

- (2) Preussag AG first set up a holding company, Metaleurop GmbH, for all its metals subsidiaries, such as the electrolytic zinc smelter, lead smelter, secondary lead processing and activities in the galvanizing and special metals sectors.

- (3) On 27 June 1988, Peñarroya proceeded with a first capital increase of FF 441 million by the issue of 6 300 000 shares fully subscribed by Preussag. The funds received enabled Peñarroya to acquire shares in the abovementioned holding company, Metaleurop GmbH.

(b) *The new entity Metaleurop SA*

- (4) The other principal shareholder in the new entity is the French holding company Imetal.

Imetal had for a long time had a large holding in Peñarroya which it reduced at the end of March 1988 to 15,9 % through a public purchase offer. A second increase of FF 170 million in Peñarroya's capital was presented to the ordinary and extraordinary general meetings held on 7 November 1988. The purpose was to bring Imetal's holding up to approximately 20 % of Peñarroya by the issue of subscription rights and the capitalization of sums owed by Peñarroya to Imetal.

As a result of these operations, the main shareholders in Peñarroya, now known as Metaleurop SA, are Preussag and Imetal with 45 % and 20 % respectively of the capital. The remaining 35 % is held by the public.

- (5) The commercial side of Metaleurop's operations is separate from the parent companies, as are its management bodies.

<sup>(1)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

<sup>(2)</sup> OJ No C 100, 21. 4. 1989, p. 2.

It has a Supervisory Board composed of nine members, i.e. two members from Preussag, two from Imetal and five independent members, and a Board of Directors with two members from Preussag and two from Imetal/Peñarroya.

#### B. The markets affected by the transaction

- (6) The merger between Preussag and Peñarroya concerns the zinc and lead markets, both being economic sectors with particular features.

##### (a) The zinc and lead markets

- (7) Zinc production in 1987 in the Community was 1 966 000 tonnes, whereas consumption totalled only 1 720 000 tonnes. In spite of the over-production large quantities were imported into the Community and exports were high.

As regards lead, production and consumption in the Community were roughly in balance, each totalling some 1 600 000 tonnes. Despite this, imports were high.

- (8) Preussag and Peñarroya each held important positions on the two markets in question.
- (9) In the zinc market, Preussag and Peñarroya held approximately 11 % and 12 % respectively of the market.

Preussag, however, closed down most of its recycled zinc processing plant at Harlingerode, keeping two furnaces in operation for one year for tests, thus reducing its market share to about 8 %.

Metaleurop holds 20 % of the market. It competes with other European producers on the Community market, e.g. Union Minière (approximately 25 %), Budelco (about 11 %), Asturiana del Zinc (about 11 %), Nuova Samin (about 7 %), AMS (about 6 %), and also with producers outside the Community.

- (10) As regards lead, Preussag and Peñarroya held approximately 11 % and 18 % respectively of the market.

As a result of the merger, the new company Metaleurop SA has become the leading manufacturer in Europe, and holds some 29 % of the market, although here too it competes with other Community manufacturers such as Britannia Refined Metals (about 10 %), Nuova Samin (about 9 %), Metallgesellschaft (about 7 %) and some 20 smaller secondary lead producers (about 8 %) and producers outside the Community.

Thus, although Metaleurop holds a large share of the market, there will be sufficient competition in

the market for lead owing to the presence of a large number of other producers and the fact that consumers are able to obtain supplies outside the Community because of the low rate of customs duties on this product.

##### (b) Price formation

- (11) Lead and zinc prices are formed on the basis of the prices quoted by the London Metal Exchange (LME), which operates as an exchange and also has warehouses where products can be delivered or collected.

- (12) On the lead market, selling prices are based exclusively on prices quoted by the LME. LME prices also appear to have a defined influence on zinc prices. In its Decision 84/405/EEC<sup>(1)</sup>, the Commission had prohibited both the joint fixing of a 'zinc producer price' applied from July 1964 to October 1977 and joint action by the six European producers to influence the price of zinc on the London Metal Exchange.

The Decision noted, however, that in 1977 the producer price which, according to the undertakings, had been introduced to prevent violent fluctuations and speculative increases in the LME prices, was no longer being applied in Europe.

The *Metal Bulletin* had also regularly published, up to December 1988, a 'European Producer Price' based on selling price quotations obtained from various smelters and mines supplying zinc or zinc concentrates processed in Europe.

The Bulletin has, however, ceased publishing this information<sup>(2)</sup>.

- (13) No comments were received by the Commission following publication of its notice pursuant to Article 19 (3) of Council Regulation No 17 inviting interested parties to submit their observations concerning the operation in question.

## II. LEGAL ASSESSMENT

### Article 86

- (14) Article 86 prohibits as incompatible with the common market any abuse by an undertaking of a dominant position within the common market or a substantial part thereof in so far as it may affect trade between Member States.

<sup>(1)</sup> OJ No L 220, 17. 8. 1984, p. 27.

<sup>(2)</sup> *Metal Bulletin*, 30. 12. 1988, No 7347, p. 7.

- (15) Preussag had acquired a holding in Peñarroya by subscribing only to an increase in the capital of that company. The transaction was achieved by transferring to Peñarroya al Preussag's metals activities previously grouped together in a holding company.

Following a second capital increase reserved for Imetal, which is the other major shareholder in Peñarroya, the latter changed its name to Metaleurop SA.

- (16) Metaleurop has thus taken the place of Peñarroya and comprises all the metals activities formerly owned by Preussag and Peñarroya.
- (17) Prior to the concentration of their metals activities, the undertakings in question held relatively large shares of both the Community zinc and lead markets. Peñarroya's market share in zinc was approximately 12 % and Preussag's in the region of 8 %.

In the market for lead, Peñarroya held approximately 18 %, whilst Preussag's was approximately 11 %.

As a result, neither party held a dominant position in the market for the products forming the subject of the merger in question, thus excluding the application of the case law of the Court of Justice in *Continental Can* <sup>(1)</sup> in this case.

- (18) Despite the size of the merger between Peñarroya and Preussag which gives the new economic entity, Metaleurop, approximately 20 % of the zinc market and some 30 % of the lead market, it seems unlikely to prevent the maintenance of effective competition on the Community market, chiefly because of the presence of other major producers

and the continued flow of a large number of imports into the Community from non-member countries.

Similarly, the characteristics of price formation in the lead and zinc sectors and the essentially speculative nature of transactions within the LME make it highly unlikely that Metaleurop will have a decisive influence on the formation of prices.

- (19) There are therefore no grounds for concern that the operation in question will have the effect of impeding effective competition contrary to the provisions of Article 86. Consequently, a negative clearance may be issued in accordance with Article 2 of Regulation No 17,

HAS ADOPTED THIS DECISION:

*Article 1*

On the basis of the facts in its possession, the Commission has no grounds for action pursuant to Article 86 of the EEC Treaty in respect of the transaction decided on 22 April 1988 between Preussag and Peñarroya.

*Article 2*

This Decision is addressed to Preussag Aktiengesellschaft, Leibnitzufer 9, 3 000 Hannover 1, Federal Republic of Germany and Metaleurop SA, 118 Péripole, 44 rue Roger Salengro, 94126 Fontenay-sous-Bois, Cedex, France.

Done at Brussels, 26 June 1990.

*For the Commission*

Leon BRITTAN

*Vice-President*

<sup>(1)</sup> Judgment of the Court of 21 February 1973, Case No 6-72, 1973, ECR, p. 215.

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 1918/90 of 5 July 1990 fixing the amount of aid for peas, field beans and sweet lupins**

*(Official Journal of the European Communities No L 173 of 6 July 1990)*

On page 33, Annex V, against Federal Republic of Germany, column headed '3rd period':

for: '25,61',

read: '25,81'.

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