

Official Journal

of the European Communities

ISSN 0378-6978

L 198

Volume 33

28 July 1990

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 2174/90 of 23 July 1990 on the application of Decision No 1/90 of the EEC-Malta Association Council amending, on account of the accession of the Kingdom of Spain and the Portuguese Republic to the Community, the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation 1
- Decision No 1/90 of the EEC-Malta Association Council of 16 July 1990 amending, on account of the accession of the Kingdom of Spain and the Portuguese Republic to the Community, the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation 2
- ★ Council Regulation (EEC) No 2175/90 of 23 July 1990 on the application of Decision No 2/90 of the EEC-Malta Association Council again amending Articles 6 and 17 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation 4
- Decision No 2/90 of the EEC-Malta Association Council of 16 July 1990 again amending Articles 6 and 17 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation 5
- ★ Council Regulation (EEC) No 2176/90 of 24 July 1990 amending Regulation (EEC) No 797/85 on improving the efficiency of agricultural structures 6
- ★ Council Regulation (EEC) No 2177/90 of 24 July 1990 amending Regulation (EEC) No 1352/90 fixing rice prices for the 1990/91 marketing year 8
- ★ Council Regulation (EEC) No 2178/90 of 24 July 1990 amending Regulation (EEC) No 3677/89 with regard to the total alcoholic strength by volume of certain quality wines imported from Hungary 9
- ★ Council Regulation (EEC) No 2179/90 of 24 July 1990 amending for the third time Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must 10

Contents (continued)

★ Council Regulation (EEC) No 2180/90 of 24 July 1990 amending for the fourth time Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87	11
Commission Regulation (EEC) No 2181/90 of 27 July 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal	12
Commission Regulation (EEC) No 2182/90 of 27 July 1990 fixing the premiums to be added to the import levies on cereals, flour and malt	14
Commission Regulation (EEC) No 2183/90 of 27 July 1990 fixing the import levies on rice and broken rice	16
Commission Regulation (EEC) No 2184/90 of 27 July 1990 fixing the premiums to be added to the import levies on rice and broken rice	18
Commission Regulation (EEC) No 2185/90 of 27 July 1990 fixing production refunds in the cereals and rice sectors	20
Commission Regulation (EEC) No 2186/90 of 27 July 1990 fixing the export refunds on malt	21
Commission Regulation (EEC) No 2187/90 of 27 July 1990 fixing the corrective amount applicable to the refund on malt	23
Commission Regulation (EEC) No 2188/90 of 27 July 1990 fixing the refunds applicable for August 1990 to cereal and rice sector products supplied as Community and national food aid	25
★ Commission Regulation (EEC) No 2189/90 of 26 July 1990 amending the list annexed to 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	27
★ Commission Regulation (EEC) No 2190/90 of 27 July 1990 on the sale at a price fixed in advance of unprocessed dried grapes to distillation industries	29
★ Commission Regulation (EEC) No 2191/90 of 27 July 1990 on the grant of the accession compensatory amounts for rice for the 1989/90 marketing year	31
★ Commission Regulation (EEC) No 2192/90 of 26 July 1990 concerning the stopping of fishing for 'other species' by vessels flying the flag of France	32
Commission Regulation (EEC) No 2193/90 of 27 July 1990 fixing the export refunds on fruit and vegetables	33
Commission Regulation (EEC) No 2194/90 of 27 July 1990 fixing the import levies on white sugar and raw sugar	38
Commission Regulation (EEC) No 2195/90 of 27 July 1990 fixing the export refunds on products processed from cereals and rice	40
Commission Regulation (EEC) No 2196/90 of 27 July 1990 fixing the export refunds on cereal-based compound feedingstuffs	43

(Continued on inside back cover)

Contents (continued)

Commission Regulation (EEC) No 2197/90 of 27 July 1990 fixing the specific levies on beef and veal from Portugal	51
* Commission Regulation (EEC) No 2198/90 of 27 July 1990 on protective measures applicable to imports of frozen strawberries, frozen raspberries, provisionally preserved strawberries and provisionally preserved raspberries originating in Poland	53
* Commission Regulation (EEC) No 2199/90 of 27 July 1990 on protective measures applicable to imports of frozen raspberries and provisionally preserved raspberries originating in Yugoslavia	55
* Council Regulation (EEC) No 2200/90 of 27 July 1990 imposing a definitive anti-dumping duty on imports of silicon metal originating in the People's Republic of China	57

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 2174/90
of 23 July 1990**

on the application of Decision No 1/90 of the EEC-Malta Association Council amending, on account of the accession of the Kingdom of Spain and the Portuguese Republic to the Community, the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Council Decision 89/208/EEC of 27 February 1989 on the conclusion of the Protocol to the Agreement establishing an Association between the European Economic Community and Malta consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community⁽¹⁾ laid down from 1 April 1989 the arrangements for Spanish and Portuguese trade with Malta;

Whereas, by virtue of Article 25 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation⁽²⁾, the EEC-Malta Association Council has adopted Decision No 1/90 amending the Protocol to take account of the accession of the Kingdom of Spain and the Portuguese Republic to the Community;

Whereas it is necessary to apply this Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/90 of the EEC-Malta Association Council shall be applied in the Community.

The text of the Decision is attached to this Regulation.

Article 2

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

It shall apply with effect from 1 April 1989.

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

Done at Brussels, 23 July 1990.

For the Council
The President
G. CARLI

⁽¹⁾ OJ No L 81, 23. 3. 1989, p. 10.

⁽²⁾ OJ No L 111, 28. 4. 1976, p. 11.

DECISION No 1/90 OF THE EEC-MALTA ASSOCIATION COUNCIL

of 16 July 1990

amending, on account of the accession of the Kingdom of Spain and the Portuguese Republic to the Community, the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an Association between the European Economic Community and Malta, signed in Brussels on 5 December 1970,

Having regard to the Protocol to the said Agreement, signed on 14 December 1988, consequent to the accession of the Kingdom of Spain and Portuguese Republic to the Community, and in particular Article 24 thereof,

Whereas the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, hereinafter referred to as the 'Origin Protocol', needs amending, consequent to the accession of the Kingdom of Spain and the Portuguese Republic to the Community, in respect of both technical amendments and transitional arrangements in order to implement correctly the trade arrangements contained in the Protocols consequent to the said accession;

Whereas the transitional arrangements should ensure the correct implementation of these trade arrangements between the Community as constituted on 31 December 1985 and Spain and Portugal on the one hand and Malta on the other hand,

HAS DECIDED AS FOLLOWS:

Article 1

The Origin Protocol shall be amended as follows:

1. The second subparagraph of Article 19 (2) shall be replaced by the following:

'EUR. 1 certificates issued retrospectively must be endorsed with one of the following phrases:

"DELIVRE A POSTERIORI"
 "UDSTEDT EFTERFOLGENDE"
 "NACHTRÄGLICH AUSGESTELLT"
 "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΠΕΤΕΡΙΩΝ"
 "ISSUED RETROSPECTIVELY"
 "EXPEDIDO A POSTERIORI"
 "RILASCIATO A POSTERIORI"
 "AFGEGEVEN A POSTERIORI"
 "EMITIDO A POSTERIORI".'

2. Article 20 shall be replaced by the following:

Article 20

In the event of the theft, loss or destruction of an EUR 1 certificate, the exporter may apply to the customs authorities which issued it for a duplicate to be made out on the basis of the export documents in their possession. The duplicate issued in this way must be endorsed with one of the following words:

"DUPLICATA"
 "DUPLICAAT"
 "DUPLIKAT"
 "ΑΝΤΙΓΡΑΦΟ"
 "DUPLICADO"
 "DUPLICATO"
 "DUPLICATE"
 "SEGUNDA VIA".'

3. Article 29 shall be replaced by the following:

Article 29

The provisions of the Agreement may be applied to goods which comply with the provisions of Title I and which on 1 April 1989 are either in transit or are in the Community, in the Canary Islands, Ceuta and Melilla or in Malta in temporary storage, in bonded warehouses or in free zones subject to the submission to the customs authorities of the importing State within six months of that date of an EUR 1 certificate made out retrospectively by the competent authorities of the exporting State together with the documents showing that the goods have been transported directly.'

4. The following Articles shall be added:

Article 31

For the application of the provisions of the Additional Protocol concerning products originating in the Canary Islands, Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the particular conditions set out in Articles 32, 33 and 34.

Article 32

The term "Community" used in this Protocol shall not cover the Canary Islands, Ceuta and Melilla. The term "products originating in the Community" shall not cover products originating in the Canary Islands, Ceuta and Melilla.

Article 33

1. The following paragraphs shall apply instead of Article 1 and references to that Article shall apply *mutatis mutandis* to this Article.

2. On condition that they were transported in conformity with Article 5, the following shall be considered as :

(a) products originating in the Canary Islands, Ceuta and Melilla

- (i) products wholly obtained in the Canary Islands, Ceuta and Melilla ;
- (ii) products obtained in the Canary Islands, Ceuta and Melilla in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in Malta or the Community, provided they undergo in the Canary Islands, Ceuta or Melilla, working or processing which exceeds the insufficient working or processing set out in Article 3 (3).

(b) products originating in Malta

- (i) products wholly obtained in Malta ;
- (ii) products obtained in Malta in the manufacture of which products other than those referred to in (i) are used, provided that the said products have undergone sufficient working or processing within the meaning of Article 3 (1). This condition shall not apply, however, to products which, within the meaning of this Protocol, originate in the Canary Islands, Ceuta or Melilla or the Community provided they undergo in Malta working or processing which

exceeds the insufficient working or processing set out in Article 3 (3).

3. The Canary Islands, Ceuta and Melilla shall be considered as a single territory.

4. The exporter or his authorized representative shall enter "Malta" and "Canary Islands, Ceuta and Melilla" in box 2 of certificate EUR 1 and box 1 of form EUR 2. In addition, in the case of products originating in the Canary Islands, Ceuta and Melilla, this shall be indicated in box 4 of certificate EUR 1 and box 8 of form EUR 2.

5. The products in Annex II shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply *mutatis mutandis* to these products.

Article 34

The Spanish customs authorities shall be responsible for the application of this Protocol in the Canary Islands, Ceuta and Melilla.

Article 2

This Decision shall enter into force on 1 April 1989.

Done at Brussels, 16 July 1990.

For the Association Council
The President
G. DE MICHELIS

COUNCIL REGULATION (EEC) No 2175/90

of 23 July 1990

on the application of Decision No 2/90 of the EEC-Malta Association Council again amending Articles 6 and 17 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an association between the European Economic Community and Malta⁽¹⁾, was signed on 5 December 1970 and entered into force on 1 April 1971;

Whereas a Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta⁽²⁾, was signed in Brussels on 4 March 1976 and entered into force on 1 June 1976;

Whereas, under Article 25 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation⁽³⁾, annexed to the

abovementioned Agreement, the Association Council adopted Decision No 2/90 again amending Articles 6 and 17;

Whereas it is necessary to apply this Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 2/90 of the EEC-Malta Association Council shall be applicable in the Community.

The text of the Decision is attached to this Regulation.

Article 2

This Regulation shall enter into force on 1 November 1990.

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

Done at Brussels, 23 July 1990.

For the Council

The President

G. CARLI

⁽¹⁾ OJ No L 61, 14. 3. 1971, p. 2.

⁽²⁾ OJ No L 111, 28. 4. 1976, p. 3.

⁽³⁾ OJ No L 61, 14. 3. 1971, p. 23.

DECISION No 2/90 OF THE EEC-MALTA ASSOCIATION COUNCIL**of 16 July 1990****again amending Articles 6 and 17 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE ASSOCIATION COUNCIL,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement establishing an Association between the European Economic Community and Malta, signed in Brussels on 5 December 1970,

Having regard to the Protocol concerning the definition of the concept of 'originating products' and methods of administrative co-operation, hereinafter referred to as 'the Protocol', and in particular Article 25 thereof,

Whereas the equivalent value of the ecu in certain national currencies on 1 October 1988 was less than the corresponding value on 1 October 1986; whereas the automatic change in the base date laid down in Decision No. 1/82 of the Association Council would, in the case of conversion into the national currencies concerned, have the effect of reducing the limits which permit the presentation of simplified documentary evidence; whereas in order to avoid this effect, it is necessary to increase such limits expressed in ecus,

Article 1

The Protocol is hereby amended as follows:

1. In the second subparagraph of Article 6 (1), '2 590 ECU' shall be replaced by '2 820 ECU'.
2. In Article 17 (2), '180 ECU' shall be replaced by 'ECU 200' and '515 ECU' by 'ECU 565'.

Article 2

This Decision shall enter into force on 1 November 1990.

Done at Brussels, 16 July 1990.

For the Association Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 2176/90

of 24 July 1990

amending Regulation (EEC) No 797/85 on improving the efficiency of agricultural structures

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

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

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

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

Whereas the structures policy must contribute towards helping farmers adapt to the new market reality and towards alleviating the effects which the new market and prices policy may have, in particular, on agricultural income;

Whereas the European Council has requested the Commission to explore all possibilities of stepping up the use of agricultural raw materials for non-food ends;

Whereas possibilities for non-food use are sufficiently advanced, technically and economically, in the case of cereals;

Whereas the realization of such possibilities enables farmers to turn towards new outlets; whereas, in order to encourage them in this direction, cereals must be made available at attractive prices;

Whereas, however, such new uses must not lead to an increase in production of cereals, thereby leading to further surpluses;

Whereas the existing aid scheme to encourage the set-aside of arable land should accordingly be adjusted by providing for specific aid for the use of arable land for non-food ends;

Whereas, in order to ensure that the new policy is effectively applied, certain minimum conditions must be laid down for the granting of the specific aid; whereas provision should be made in particular for producers, as well as groups of producers, to present a contract concluded with a processing enterprise guaranteeing the non-food use of the products in question in order to qualify for the aid;

Whereas, in order to provide an extra incentive to producers who set aside a substantial amount of their arable

land, at least 40 %, and who fulfil the other conditions for receiving the specific aid, an exemption should be provided from the co-responsibility levy provided for in Article 4 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽⁴⁾, as last amended by Regulation (EEC) No 1340/90 ⁽⁵⁾, as well as from the supplementary co-responsibility levy provided for in Article 4b (2) of Regulation (EEC) No 2727/75;

Whereas, in order to avoid overcompensation, products which qualify for a production refund in accordance with Article 11a of Regulation (EEC) No 2727/75 or the aid provided for in Article 11b thereof should not be eligible for the specific aid;

Whereas the ceiling on the specific aid must take account of income from the sale of the cereals in question to the processing enterprises; whereas such ceilings must accordingly be less than those effectively laid down for set-aside;

Whereas Council Regulation (EEC) No 797/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 3808/89 ⁽⁷⁾, should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1a of Regulation (EEC) No 797/85 is hereby amended as follows:

(a) The following paragraph shall be inserted:

'3a. Member States may provide for a specific aid scheme for the use of arable land for non-food purposes, these being the manufacture, within the Community, of products not intended for human or for animal consumption.

The following shall be eligible under the aid scheme:

— recipients under the aid scheme provided for in paragraph 1 on condition that the arable land set aside represents at least 30 % of the arable land of the holding in question,

⁽¹⁾ OJ No C 31, 9. 2. 1990, p. 7.

⁽²⁾ OJ No C 175, 16. 7. 1990.

⁽³⁾ OJ No C 112, 7. 5. 1990, p. 33.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁵⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽⁶⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁷⁾ OJ No L 371, 20. 12. 1989, p. 1.

- arable land on the holding which is the subject of a set-aside undertaking, extending to at most 50 % of the area set aside and on condition that it is sown to cereals, and that the whole cereal production of such areas is intended for non-food purposes.

Producers may not qualify for the specific aid unless they submit a contract concluded with a processing enterprise guaranteeing the non-food use of the products in question within the Community.

Should a group of farmers arrange to supply a single processing enterprise on a contract basis, and on condition that the arable land withdrawn from production represents at least 40 % of the total arable land and jointly fulfils the requirement provided for in the second indent of the second subparagraph, this additional 20 % or more, as compared with the minimum percentage provided for in the first subparagraph of paragraph 3, may be respected by the group as a whole rather than by the individual farms.

Contracts relating to consignments which qualify for the production refund provided for in Article 11a of Regulation (EEC) No 2727/75 or the aid provided for in Article 11b thereof shall not be eligible for the specific aid.

The specific aid shall be paid for the duration of the contract, up to a maximum period of five years from the first supply of products to the processor in accordance with the delivery contract.

One year after the effective implementation of the scheme by the Member States, the Commission will forward a report to the European Parliament and the Council. At this time, if it is deemed necessary, the Commission will make a proposal to modify the regime in order to increase its efficiency, taking into account the response of farmers and processing enterprises, the economic viability and environmental impact of the scheme, possible control problems, in particular, with regard to by-products, and any other relevant aspect. At the same time the Commission, in the light of the results of the demonstration projects, will examine the possibility of extending the regime to products other than cereals.

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

Done at Brussels, 24 July 1990.

- (b) The following subparagraph shall be added to paragraph 4 (a):

'The specific aid provided for in paragraph 3a to be paid per hectare shall be determined in accordance with the criteria laid down in the first subparagraph. The maximum amount shall be fixed at 70 % of the aid provided for in the first subparagraph. For the areas in question, the specific aid shall replace aid for set-aside.'

- (c) The following subparagraph shall be added after the first subparagraph of paragraph 6:

'An individual farmer, as well as a group of farmers, qualifying for the specific aid provided for in paragraph 3a, withdrawing at least 40 % of arable land from production for set-aside purposes, shall benefit from exemption from the co-responsibility levies for the entire volume of cereals supplied to the processing enterprises. This exemption does not preclude the possible exemption referred to in the first subparagraph.'

- (d) In paragraph 7:

- the following words shall be inserted in the introductory words after 'before 30 April 1988':

'... and, in the case of the specific aid provided for in paragraph 3a, before 1 December 1990';

- the following indent shall be added:

'— the special detailed rules on the granting of the specific aid provided for in paragraph 3a, and in particular those on the exclusion of certain uses, the limitations to be imposed with regard to by-products, the determination of the ceiling and the minimum areas which may qualify for the aid, delivery contracts, controls including, where appropriate, checks on the processing undertaking, and penalties to be laid down where obligations are not complied with.'

Article 2

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

For the Council
The President
C. MANNINO

COUNCIL REGULATION (EEC) No 2177/90**of 24 July 1990****amending Regulation (EEC) No 1352/90 fixing rice prices for the 1990/91 marketing year**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,Whereas, pursuant to Articles 68 and 70 (1) of the Act of Accession, Regulation (EEC) No 1352/90⁽²⁾ provides for an intervention price level in Spain which is different from that applying in the Community as constituted on 31 December 1985;

Whereas, in view of the changes which have occurred since accession in the intervention mechanisms, from the 1990/1991 marketing year the intervention price for rice in Spain should be aligned with that applying in the Community as constituted on 31 December 1985,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 1352/90 is hereby replaced by the following:

Article 1

For the 1990/1991 marketing year, rice prices shall be as follows:

- (a) intervention price for paddy rice: ECU 314,19 per tonne;
- (b) target price for husked rice: ECU 546,88 per tonne.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1990.

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

Done at Brussels, 24 July 1990.

*For the Council**The President*

C. MANNINO

⁽¹⁾ OJ No C 175, 16. 7. 1990.⁽²⁾ OJ No L 134, 28. 5. 1990, p. 17.

COUNCIL REGULATION (EEC) No 2178/90**of 24 July 1990****amending Regulation (EEC) No 3677/89 with regard to the total alcoholic strength by volume of certain quality wines imported from Hungary**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 70 (1) (b) of Regulation (EEC) No 822/87 prohibits importation, into the Community, of wine originating in third countries other than liqueur or sparkling wine, for direct human consumption that has a total alcoholic strength by volume of more than 15 %;

Whereas, under Article 70 (2) (a) of Regulation (EEC) No 822/87, the Council, by Regulation (EEC) No 3677/89 on the total alcoholic strength by volume and the total acidity of certain imported quality wines and repealing

Regulation (EEC) No 2931/80 ⁽³⁾, waived this prohibition in the case of certain Hungarian wines; whereas the period of waiver expires on 31 August 1990; whereas, pending the possible conclusion of a wine sector agreement between the Community and Hungary, the period of the said waiver should be extended for a year,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (3) of Regulation (EEC) No 3677/89 '31 August 1990' shall be replaced by '31 August 1991'.

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, 24 July 1990.

*For the Council**The President*

C. MANNINO

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.
⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 360, 9. 12. 1989, p. 1.

COUNCIL REGULATION (EEC) No 2179/90**of 24 July 1990****amending for the third time Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 (2) and Article 2 of Regulation (EEC) No 2390/89 ⁽³⁾, as last amended by Regulation (EEC) No 1772/90 ⁽⁴⁾, set out the import facilities for wine products originating in third countries which offer specific guarantees through the provision of a certificate of origin and conformity and an analysis report; whereas Article 3 (2) of that Regulation limits the said facilities to a trial period

expiring on 31 July 1990; whereas, taking into account the time necessary to examine the implementation of future arrangements, the abovementioned period should be extended for one year,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 (2) of Regulation (EEC) No 2390/89, the date '31 July 1990' shall be replaced by '31 July 1991'.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 24 July 1990.

For the Council

The President

C. MANNINO

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 232, 9. 12. 1989, p. 7.

⁽⁴⁾ OJ No L 163, 29. 6. 1990, p. 3.

**COUNCIL REGULATION (EEC) No 2180/90
of 24 July 1990**

amending for the fourth time Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾, and in particular Article 73 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 70 (1) of Regulation (EEC) No 822/87 provides that imported products covered by that Article must be accompanied by a certificate attesting that they satisfy the provisions on production, release for free circulation and, where appropriate, disposal for direct human consumption in the third country in which they originate;

Whereas Article 73 (1) of the said Regulation stipulates that if the imported products in question have undergone oenological practices not allowed by Community rules or not consonant with the provisions of that Regulation or of those adopted pursuant thereto, they may not, except by

way of a derogation, be offered or disposed of for direct human consumption; whereas the Council waived this principle by Regulation (EEC) No 1873/84 ⁽³⁾, as last amended by Regulation (EEC) No 3888/89 ⁽⁴⁾; whereas the period of this waiver expires on 31 July 1990; whereas, so that consultations can continue between the Community and the third country concerned with a view to an agreement on this matter, the term of validity of the waiver should be extended for one year,

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 1 (1) of Regulation (EEC) No 1873/84, the date '31 July 1990' is hereby replaced by '31 July 1991'.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 24 July 1990.

For the Council

The President

C. MANNINO

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 176, 3. 7. 1984, p. 6.

⁽⁴⁾ OJ No L 378, 27. 12. 1989, p. 15.

COMMISSION REGULATION (EEC) No 2181/90

of 27 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⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1801/90⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 26 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 28 July 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 27 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	139,60 ⁽²⁾ ⁽³⁾
0712 90 19	36,66	139,60 ⁽²⁾ ⁽³⁾
1001 10 10	11,90	169,38 ⁽¹⁾ ⁽³⁾
1001 10 90	11,90	169,38 ⁽¹⁾ ⁽³⁾
1001 90 91	20,22	148,54
1001 90 99	20,22	148,54
1002 00 00	45,72	120,41 ⁽⁶⁾
1003 00 10	36,95	132,85
1003 00 90	36,95	132,85
1004 00 10	28,59	110,75
1004 00 90	28,59	110,75
1005 10 90	36,66	139,60 ⁽²⁾ ⁽³⁾
1005 90 00	36,66	139,60 ⁽²⁾ ⁽³⁾
1007 00 90	53,63	145,07 ⁽⁴⁾
1008 10 00	36,95	40,38
1008 20 00	36,95	96,20 ⁽⁴⁾
1008 30 00	36,95	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	36,95	0,00
1101 00 00	41,31	220,96
1102 10 00	77,01	181,58
1103 11 10	31,45	275,54
1103 11 90	44,61	238,63

⁽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 2182/90

of 27 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⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1802/90⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 26 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 28 July 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	5,68	5,68	6,96
1001 10 90	0	5,68	5,68	6,96
1001 90 91	0	0	0	0
1001 90 99	0	0	0	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	2,07
1004 00 90	0	0	0	2,07
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	24,20
1008 90 90	0	0	0	24,20
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	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 2183/90
of 27 July 1990
fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 11 (2) thereof,

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

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 791/90 ⁽⁵⁾, as last amended by Regulation (EEC) No 2076/90 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 791/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 85, 31. 3. 1990, p. 6.

⁽⁶⁾ OJ No L 190, 21. 7. 1990, p. 8.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the import levies on rice and broken rice

(ECU/tonne)				
CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (⁽¹⁾) (⁽²⁾)	Third countries (except ACP or OCT) (⁽³⁾)
1006 10 21	—	—	158,23	323,66
1006 10 23	—	234,86	152,97	313,14
1006 10 25	—	234,86	152,97	313,14
1006 10 27	—	234,86	152,97	313,14
1006 10 92	—	—	158,23	323,66
1006 10 94	—	234,86	152,97	313,14
1006 10 96	—	234,86	152,97	313,14
1006 10 98	—	234,86	152,97	313,14
1006 20 11	—	—	198,69	404,58
1006 20 13	—	293,57	192,11	391,43
1006 20 15	—	293,57	192,11	391,43
1006 20 17	—	293,57	192,11	391,43
1006 20 92	—	—	198,69	404,58
1006 20 94	—	293,57	192,11	391,43
1006 20 96	—	293,57	192,11	391,43
1006 20 98	—	293,57	192,11	391,43
1006 30 21	13,05	—	245,86	515,58
1006 30 23	12,97	467,20	299,58	622,93
1006 30 25	12,97	467,20	299,58	622,93
1006 30 27	12,97	467,20	299,58	622,93
1006 30 42	13,05	—	245,86	515,58
1006 30 44	12,97	467,20	299,58	622,93
1006 30 46	12,97	467,20	299,58	622,93
1006 30 48	12,97	467,20	299,58	622,93
1006 30 61	13,90	—	262,20	549,10
1006 30 63	13,90	500,84	321,54	667,79
1006 30 65	13,90	500,84	321,54	667,79
1006 30 67	13,90	500,84	321,54	667,79
1006 30 92	13,90	—	262,20	549,10
1006 30 94	13,90	500,84	321,54	667,79
1006 30 96	13,90	500,84	321,54	667,79
1006 30 98	13,90	500,84	321,54	667,79
1006 40 00	4,91	—	93,39	192,78

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

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

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

COMMISSION REGULATION (EEC) No 2184/90

of 27 July 1990

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89 ⁽³⁾, as last amended by Regulation (EEC) No 2077/90 ⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

Article 1

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

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

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 255, 1. 9. 1989, p. 11.

⁽⁴⁾ OJ No L 190, 21. 7. 1990, p. 10.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 8	1st period 9	2nd period 10	3rd period 11
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 2185/90
of 27 July 1990
fixing production refunds in the cereals and rice sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 11a (5) thereof,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sectors⁽³⁾, as last amended by Regulation (EEC) No 2779/89⁽⁴⁾ and in particular Article 6 thereof,

Whereas Article 2 of Commission Regulation (EEC) No 2169/86 of 10 July 1986 laying down detailed rules for the control and payment of production refunds in the cereals and rice sectors⁽⁵⁾, as last amended by Regulation (EEC) No 524/90⁽⁶⁾, provides that the production refund shall be fixed on a quarterly basis using the difference between the purchase price for maize applicable in the first month of the period in question and the cif price used for calculation of the maize import levy, multiplied by a coefficient of 1,6; whereas the same Article provides

for the possibility of altering the calculated refund in the event of significant movements in the prices of maize and wheat;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex to Regulation (EEC) No 2169/86 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refunds payable in the cereals and rice sectors in accordance with Regulation (EEC) No 1009/86 and calculated in accordance with amended Regulation (EEC) No 2169/86 shall be as follows in ECU 138,21 per tonne.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁴⁾ OJ No L 268, 15. 9. 1989, p. 20.

⁽⁵⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁶⁾ OJ No L 53, 1. 3. 1990, p. 83.

COMMISSION REGULATION (EEC) No 2186/90

of 27 July 1990

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas, in view of the present circumstance in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal and the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 1 August 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ 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, 27 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 27 July 1990 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	50,00
1107 10 99 000	80,00
1107 20 00 000	90,00

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

COMMISSION REGULATION (EEC) No 2187/90

of 27 July 1990

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Council Regulation (EEC) No 1340/90⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account

must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the preceding indent, and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.
⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 July 1990 fixing the corrective amount applicable to the refund on malt

Product code	(ECU/tonne)					
	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

Product code	(ECU/tonne)					
	6th period 2	7th period 3	8th period 4	9th period 5	10th period 6	11th period 7
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2188/90

of 27 July 1990

fixing the refunds applicable for August 1990 to cereal and rice sector products
supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular the fourth subparagraph of Article 16(2) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 11(2) thereof,Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;Whereas Article 3 of Council Regulation (EEC) No 2746/75⁽⁶⁾ and Article 6 of Council Regulation (EEC) No 2744/75⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for August 1990 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.
⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.
⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.
⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.
⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the refunds applicable for August 1990 to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 90 000	123,00
1001 90 99 000	79,50
1002 00 00 000	—
1003 00 90 000	80,49
1004 00 90 000	—
1005 90 00 000	80,49
1006 20 92 000	204,67
1006 20 94 000	204,67
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 000	255,84
1006 30 94 100	255,84
1006 30 94 900	255,84
1006 30 96 100	255,84
1006 30 96 900	255,84
1006 40 00 000	—
1007 00 90 000	80,49
1101 00 00 110	93,00
1101 00 00 120	93,00
1101 00 00 130	93,00
1102 20 10 100	140,00
1102 30 00 000	—
1102 90 10 100	93,63
1103 11 10 500	184,00
1103 11 90 100	105,00
1103 13 19 100	180,00
1103 14 00 000	—
1104 12 90 100	166,73
1104 21 50 100	124,83

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

COMMISSION REGULATION (EEC) No 2189/90

of 26 July 1990

amending the list annexed to 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⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

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⁽³⁾, as last amended by Regulation (EEC) No 1978/90⁽⁴⁾, and in particular Article 3 thereof;

Whereas the German and the Netherlands authorities have requested replacement in the list annexed to Regulation (EEC) No 55/87 of two vessels that no longer meet 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 Regulation (EEC) No 55/87; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels 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 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, 26 July 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 179, 12. 7. 1990, p. 11.

ANNEX

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

Vessels to be replaced :

External identification- letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY ZX 13				
NETHERLANDS ZX 115				

Vessels replacing the abovementioned vessels :

External identification- letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY NC 321	Hendrika-Maria	DMED	Cuxhaven	220
NETHERLANDS HD 65	Harmtje Pieter		Den Helder	221

COMMISSION REGULATION (EEC) No 2190/90

of 27 July 1990

on the sale at a price fixed in advance of unprocessed dried grapes to distillation industries

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1202/90⁽²⁾, and in particular Article 8 (8) thereof,

Having regard to Council Regulation (EEC) No 1206/90 of 7 May 1990 laying down general rules for the system of production aid for processed fruit and vegetables⁽³⁾, and in particular Article 6 (2) thereof,

Whereas Article 6 (2) of Commission Regulation (EEC) No 626/85 of 12 March 1985 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies⁽⁴⁾, as last amended by Regulation (EEC) No 862/90⁽⁵⁾, provides that products intended for specific uses shall be sold at prices fixed in advance or determined by an invitation to tender;

Whereas Commission Regulation (EEC) No 913/89 of 10 April 1989 on the sale of unprocessed dried grapes by storage agencies for the manufacture of alcohol⁽⁶⁾ provides that unprocessed dried grapes may be sold at a price fixed in advance to distillation industries;

Whereas the Greek storage agencies are holding roughly 17 266 tonnes of unprocessed dried grapes from the 1985 and 1988 harvests; whereas these products cannot find outlets for direct human consumption; whereas the products should be offered to the distillation industries;

Whereas the selling price should be fixed in such a way that disturbance of the Community market in alcohol and spirituous beverages is avoided;

Whereas the amount of the processing security provided for in Article 2 (2) of Regulation (EEC) No 913/89 should be fixed, taking into consideration the difference between the normal market price for dried grapes and the selling price fixed by this Regulation;

Whereas Commission Regulation (EEC) No 914/89⁽⁷⁾, as amended by Regulation (EEC) No 3790/89⁽⁸⁾, provided for the sale at a price fixed in advance of unprocessed dried grapes from the 1985 and 1986 harvest to distillation industries; whereas the mentioned data have been surpassed by the evolution of the actual situation; whereas for administrative reasons, account should be taken of actually existing stocks and prices, and consequently, this Regulation must be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek storage agencies listed in the Annex shall proceed to the sale of a maximum of 500 tonnes of currants from the 1985 harvest and of 7 000 tonnes of sultanas from the 1988 harvest, in accordance with Regulations (EEC) No 626/85 and (EEC) No 913/89 at a price of:

- ECU 11,3 per 100 kilograms net for currants, and
- ECU 9,3 per 100 kilograms net for sultanas.

2. The processing security referred to in Article 2 (2) of Regulation (EEC) No 913/89 shall be ECU 13,75 per 100 kilograms net for currants and ECU 15,715 per 100 kilograms net for sultanas.

Article 2

1. Purchase applications must be lodged in writing with each Greek storage agency at the headquarters of the YDAGEP, 241 Acharnon Street, Athens.

2. Details of quantities and storage locations may be obtained by interested parties at the addresses given in the Annex.

Article 3

1. The competent authority shall ensure that the quantity referred to in Article 1 (1) is not exceeded.

2. The storage agencies shall notify the competent authority on a daily basis of the applications and quantities deemed acceptable under Article 8 (1) of Regulation (EEC) No 626/85. For this purpose, the said authority shall approve the purchase applications before acceptance.

3. Where purchase applications exceed the quantity referred to in Article 1 (1), the competent authority shall assign the quantity of dried grapes available by drawing lots.

Article 4

Regulation (EEC) No 914/89 is hereby repealed.

Article 5

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

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 66.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.

⁽⁵⁾ OJ No L 90, 5. 4. 1990, p. 12.

⁽⁶⁾ OJ No L 97, 11. 4. 1989, p. 5.

⁽⁷⁾ OJ No L 97, 11. 4. 1989, p. 7.

⁽⁸⁾ OJ No L 367, 16. 12. 1989, p. 46.

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

Done at Brussels, 27 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

List of storage agencies referred to in Article 1 of this Regulation

SULTANAS

1. KSOS, 24 Kanari Street, Athens, Greece.
2. Enosis Georgikon Sineterismon Iracliou Crete, Iraclio Crete, Greece.
3. Enosis Georgikon Sineterismon Messaras, Mires Iracliou Crete, Greece.
4. Enosis Georgikon Sineterismon Monofatsiou, Assimi Iracliou Crete, Greece.
5. Agrotikos Sineterismos Croussonos, Crousson Crète, Greece.

CURRENTS

1. ASO, Mezonos 241, Patras, Greece.
 2. Enosis Georgikon Sineterismon Zakynthou, Zakynthos, Greece.
-

COMMISSION REGULATION (EEC) No 2191/90

of 27 July 1990

on the grant of the accession compensatory amounts for rice for the 1989/90 marketing year

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

Having regard to Council Regulation (EEC) No 468/86 of 25 February 1986 laying down general rules for the system of accession compensatory amounts for rice on account of the accession of Spain⁽¹⁾, and in particular Article (8) 1 thereof,

Whereas Council Regulation (EEC) No 2177/90 of 27 July 1990 amending Regulation (EEC) No 1352/90 fixing rice prices for the 1990/91 marketing year⁽²⁾ aligned the intervention price for Spain as from the 1990/91 marketing year with that for the Community as constituted at 31 December 1985;

Whereas following this alignment of the intervention price and the resultant elimination of the accession compensatory amounts as from the beginning of the 1990/91 marketing year, it is possible that trade may be deflected as a result of speculation; whereas to avoid such

deflection of trade and the distortion of competition to which this may give rise, the grant of accession compensatory amounts should be restricted to 31 July 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

The grant of accession compensatory amounts for rice for the 1989/90 marketing year shall be restricted to 31 July 1990.

Article 2

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

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 28.

⁽²⁾ See page 8 of this Official Journal.

COMMISSION REGULATION (EEC) No 2192/90
of 26 July 1990
concerning the stopping of fishing for 'other species' by vessels flying the flag of
France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4053/89 of 19 December 1989 allocating, for 1990, certain catch quotas between the Member States for vessels fishing in Faroese waters ⁽³⁾, provides for 'other species' quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of 'other species' in Faroese

waters by vessels flying the flag of France or registered in France have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of 'other species' in Faroese waters by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1990.

Fishing for 'other species' in Faroese waters by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 26 July 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 63.

COMMISSION REGULATION (EEC) No 2193/90**of 27 July 1990****fixing the export refunds on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1193/90⁽²⁾, and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, sweet fresh oranges, apples, peaches and nectarines, of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾,
- 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 it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 5 (1) (b) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁷⁾, as last amended by Regulation (EEC) No 354/90⁽⁸⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 19 (1) (c) of Regulation (EEC) No 3665/87 may be applied;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 14. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 38, 10. 2. 1990, p. 34.

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively;

Whereas for Spain the second stage of the transitional period began on 1 January 1990; whereas pursuant to Article 87 of the Act of Accession when the refunds are set for Spanish products account is to be taken for each product of the price difference that is economically justified;

Whereas, in view of the present circumstances in the German Democratic Republic and their foreseeable effects on the market situation, no refund should be fixed from 2 July 1990 for products to be exported to that destination;

Whereas Article 275 provides for a special procedure for the grant of refunds on exports to Portugal from the Community as constituted at 31 December 1985; whereas, pursuant to Article 283, the Portuguese Republic is to be authorized to maintain, during the first stage, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas, under those circumstances,

refunds for such exports should not be provided for in this Regulation;

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

1. The export refunds on fruit and vegetables shall be as set out in column I of the Annex hereto. However, the refunds applicable on products harvested in Spain shall be those given in column II of the Annex.
2. No refund shall be fixed for such products exported with destination the German Democratic Republic.
3. The provisions of Articles 5 (1)(b) and 19 (1)(c) of Regulation (EEC) No 3665/87 shall apply to exports of sweet oranges, lemons, walnuts in shell, shelled hazelnuts and apples as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 July 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 July 1990 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (I)	Amounts of refunds (2)	
		Community as constituted on 31 December 1985 (I)	Spain (II)
0702 00 10 100		4,50 (3)	—
0702 00 10 900	—	—	—
0702 00 90 100		4,50 (3)	—
0702 00 90 900	—	—	—
0802 12 90 000	07	9,67	9,67
0802 21 00 000	07	11,30	11,30
0802 22 00 000	07	21,80	21,80
0802 31 00 000	07	14,00	14,00
0805 10 11 100	01	—	—
	06	—	—
0805 10 11 300	01	—	—
	06	—	—
0805 10 11 900	—	—	—
0805 10 15 100	01	—	—
	06	—	—
0805 10 15 300	01	—	—
	06	—	—
0805 10 15 900	—	—	—
0805 10 19 100	01	—	—
	06	—	—
0805 10 19 300	01	—	—
	06	—	—
0805 10 19 900	—	—	—
0805 10 21 100	01	—	—
	06	—	—
0805 10 21 300	01	—	—
	06	—	—
0805 10 21 900	—	—	—
0805 10 25 100	01	—	—
	06	—	—
0805 10 25 300	01	—	—
	06	—	—
0805 10 25 900	—	—	—
0805 10 29 100	01	—	—
	06	—	—
0805 10 29 300	01	—	—
	06	—	—
0805 10 29 900	—	—	—
0805 10 31 100	01	—	—
	06	—	—
0805 10 31 300	01	—	—
	06	—	—
0805 10 31 900	—	—	—
0805 10 35 100	01	—	—
	06	—	—
0805 10 35 300	01	—	—
	06	—	—
0805 10 35 900	—	—	—

Product code	Destination of refund (I)	(ECU/100 kg net)	
		Amounts of refunds (2)	
		Community as constituted on 31 December 1985 (I)	Spain (II)
0805 10 39 100	01	—	—
	06	—	—
0805 10 39 300	01	—	—
	06	—	—
0805 10 39 900	—	—	—
0805 10 41 100	01	—	—
	06	—	—
0805 10 41 300	01	—	—
	06	—	—
0805 10 41 900	—	—	—
0805 10 45 100	01	—	—
	06	—	—
0805 10 45 300	01	—	—
	06	—	—
0805 10 45 900	—	—	—
0805 10 49 100	01	—	—
	06	—	—
0805 10 49 300	01	—	—
	06	—	—
0805 10 49 900	—	—	—
0805 20 50 100	—	—	—
0805 20 50 900	—	—	—
0805 30 10 100	07	13,50	3,70
0805 30 10 900	—	—	—
0806 10 11 100	07	4,84	4,84
0806 10 11 300	07	4,84	4,84
0806 10 11 900	—	—	—
0806 10 15 100	07	4,84	4,84
0806 10 15 300	07	4,84	4,84
0806 10 15 900	—	—	—
0806 10 19 100	07	4,84	4,84
0806 10 19 300	07	4,84	4,84
0806 10 19 900	—	—	—
0808 10 91 100	—	—	—
0808 10 91 910	02	14,00	5,50
	03	4,50	—
	04	14,00	5,50
0808 10 91 990	—	—	—
0808 10 93 100	—	—	—
0808 10 93 910	02	14,00	5,50
	03	4,50	—
	04	14,00	5,50
0808 10 93 990	—	—	—
0808 10 99 100	—	—	—
0808 10 99 910	02	14,00	5,50
	03	4,50	—
	04	14,00	5,50
0808 10 99 990	—	—	—
0809 30 00 110	05	5,00	3,00
0809 30 00 190	—	—	—
0809 30 00 900	05	5,00	3,00

(¹) The destinations are as follows :

- 01 countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Republic of Djibouti, the countries of the Arabian peninsula including the territories attached thereto (Saudi Arabia, Bahrain, Qatar, Kuwait, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Yemen Arab Republic and People's Democratic Republic of Yemen), Iran, Iraq and Jordan,
- 03 countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland, Greenland and Malta,
- 04 Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 05 all destinations excluding Switzerland, Austria and that part of Community territory located outside the customs territory of the Community,
- 06 Austria, Switzerland, Finland, Sweden, Greenland, Norway, Iceland and Malta,
- 07 All destinations excepting that part of Community territory located outside the customs territory of the Community.

NB : The refunds for the destinations in 01, 03, 05 and 07 do not apply to exports to the German Democratic Republic from 2 July 1990.

(²) These refunds shall not apply to exports to Portugal from the Community as constituted at 31 December 1985 and Spain.

(³) For exports to Sweden in the period 1 July to 30 September 1990, the refund is reduced to ECU 1/100 kg.

COMMISSION REGULATION (EEC) No 2194/90
of 27 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1812/90 ⁽³⁾, as last amended by Regulation (EEC) No 2170/90 ⁽⁴⁾;

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 28 July 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.
⁽³⁾ OJ No L 167, 30. 6. 1990, p. 41.
⁽⁴⁾ OJ No L 197, 27. 7. 1990, p. 52.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,97 ⁽¹⁾
1701 11 90	34,97 ⁽¹⁾
1701 12 10	34,97 ⁽¹⁾
1701 12 90	34,97 ⁽¹⁾
1701 91 00	38,11
1701 99 10	38,11
1701 99 90	38,11 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 2195/90

of 27 July 1990

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 ⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68 ⁽⁹⁾, as amended by Regulation (EEC) No 2764/71 ⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁾, as last amended by Regulation (EEC) No 1636/87⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

Whereas, in view of the present circumstances in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal and the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	140,00	1104 22 30 100	141,72
1102 20 10 300	120,00	1104 22 30 900	—
1102 20 10 900	—	1104 22 50 000	—
1102 20 90 100	120,00	1104 23 10 100	150,00
1102 20 90 900	—	1104 23 10 300	115,00
1102 30 00 000	—	1104 23 10 900	—
1102 90 10 100	93,63	1104 29 11 000	—
1102 90 10 900	63,67	1104 29 15 000	—
1102 90 30 100	150,05	1104 29 19 000	—
1102 90 30 900	—	1104 29 91 000	72,55
1103 12 00 100	150,05	1104 29 95 000	72,55
1103 12 00 900	—	1104 30 10 000	20,78
1103 13 11 100	180,00	1104 30 90 000	25,00
1103 13 11 300	140,00	1107 10 11 000	147,92
1103 13 11 500	120,00	1107 10 91 000	111,10
1103 13 11 900	—	1108 11 00 100	166,20
1103 13 19 100	180,00	1108 11 00 900	—
1103 13 19 300	140,00	1108 12 00 100	160,00
1103 13 19 500	120,00	1108 12 00 900	—
1103 13 19 900	—	1108 13 00 100	160,00
1103 13 90 100	120,00	1108 13 00 900	—
1103 13 90 900	—	1108 14 00 100	—
1103 14 00 000	—	1108 14 00 900	—
1103 19 10 000	72,55	1108 19 10 100	273,42
1103 19 30 100	96,75	1108 19 10 900	—
1103 19 30 900	—	1108 19 90 100	—
1103 21 00 000	84,76	1108 19 90 900	—
1103 29 20 000	63,67	1109 00 00 100	0,00
1103 29 30 000	—	1109 00 00 900	—
1103 29 40 000	102,00	1702 30 51 000	209,00
1104 11 90 100	93,63	1702 30 59 000	160,00
1104 11 90 900	—	1702 30 91 000	209,00
1104 12 90 100	166,73	1702 30 99 000	160,00
1104 12 90 300	133,38	1702 40 90 000	160,00
1104 12 90 900	—	1702 90 50 100	209,00
1104 19 10 000	84,76	1702 90 50 900	160,00
1104 19 50 110	160,00	1702 90 75 000	219,10
1104 19 50 130	130,00	1702 90 79 000	152,00
1104 19 50 150	—	2106 90 55 000	160,00
1104 19 50 190	—	2302 10 10 000	19,64
1104 19 50 900	—	2302 10 90 100	19,64
1104 19 91 000	—	2302 10 90 900	—
1104 21 10 100	93,63	2302 20 10 000	19,64
1104 21 10 900	—	2302 20 90 100	19,64
1104 21 30 100	93,63	2302 20 90 900	—
1104 21 30 900	—	2302 30 10 000	19,64
1104 21 50 100	124,83	2302 30 90 000	19,64
1104 21 50 300	99,87	2302 40 10 000	19,64
1104 21 50 900	—	2302 40 90 000	19,64
1104 22 10 100	133,38	2303 10 11 100	80,00
1104 22 10 900	—	2303 10 11 900	—

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

COMMISSION REGULATION (EEC) No 2196/90

of 27 July 1990

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EEC) No 944/87⁽⁵⁾, provides

that, when export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as last amended by Regulation (EEC) No 3049/89⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 292, 11. 10. 1989, p. 10.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

Whereas, in view of the present circumstances in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal and the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 1 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	5,50
	09	—
2309 10 11 190	01	3,78
	09	—
2309 10 11 210	01	11,00
	09	—
2309 10 11 290	01	7,57
	09	—
2309 10 11 310	01	22,00
	09	—
2309 10 11 390	01	15,14
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	5,50
	09	—
2309 10 13 190	01	3,78
	09	—
2309 10 13 210	01	11,00
	09	—
2309 10 13 290	01	7,57
	09	—
2309 10 13 310	01	22,00
	09	—
2309 10 13 390	01	15,14
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	5,50
	09	—
2309 10 31 190	01	3,78
	09	—
2309 10 31 210	01	11,00
	09	—
2309 10 31 290	01	7,57
	09	—
2309 10 31 310	01	22,00
	09	—
2309 10 31 390	01	15,14
	09	—
2309 10 31 410	01	33,00
	09	—
2309 10 31 490	01	22,70
	09	—
2309 10 31 510	01	44,00
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 31 590	01	30,27
	09	—
2309 10 31 610	01	55,00
	09	—
2309 10 31 690	01	37,84
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	5,50
	09	—
2309 10 33 190	01	3,78
	09	—
2309 10 33 210	01	11,00
	09	—
2309 10 33 290	01	7,57
	09	—
2309 10 33 310	01	22,00
	09	—
2309 10 33 390	01	15,14
	09	—
2309 10 33 410	01	33,00
	09	—
2309 10 33 490	01	22,70
	09	—
2309 10 33 510	01	44,00
	09	—
2309 10 33 590	01	30,27
	09	—
2309 10 33 610	01	55,00
	09	—
2309 10 33 690	01	37,84
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	5,50
	09	—
2309 10 51 190	01	3,78
	09	—
2309 10 51 210	01	11,00
	09	—
2309 10 51 290	01	7,57
	09	—
2309 10 51 310	01	22,00
	09	—
2309 10 51 390	01	15,14
	09	—
2309 10 51 410	01	33,00
	09	—
2309 10 51 490	01	22,70
	09	—
2309 10 51 510	01	44,00
	09	—
2309 10 51 590	01	30,27
	09	—
2309 10 51 610	01	55,00
	09	—

(ECU/tonne)		
Product code	Destination (°)	Amount of refund
2309 10 51 690	01	37,84
	09	—
2309 10 51 710	01	66,00
	09	—
2309 10 51 790	01	45,41
	09	—
2309 10 51 810	01	72,00
	09	—
2309 10 51 890	01	49,54
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	5,50
	09	—
2309 10 53 190	01	3,78
	09	—
2309 10 53 210	01	11,00
	09	—
2309 10 53 290	01	7,57
	09	—
2309 10 53 310	01	22,00
	09	—
2309 10 53 390	01	15,14
	09	—
2309 10 53 410	01	33,00
	09	—
2309 10 53 490	01	22,70
	09	—
2309 10 53 510	01	44,00
	09	—
2309 10 53 590	01	30,27
	09	—
2309 10 53 610	01	55,00
	09	—
2309 10 53 690	01	37,84
	09	—
2309 10 53 710	01	66,00
	09	—
2309 10 53 790	01	45,41
	09	—
2309 10 53 810	01	72,00
	09	—
2309 10 53 890	01	49,54
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	5,50
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 90 31 190	01	3,78
	09	—
2309 90 31 210	01	11,00
	09	—
2309 90 31 290	01	7,57
	09	—
2309 90 31 310	01	22,00
	09	—
2309 90 31 390	01	15,14
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	5,50
	09	—
2309 90 33 190	01	3,78
	09	—
2309 90 33 210	01	11,00
	09	—
2309 90 33 290	01	7,57
	09	—
2309 90 33 310	01	22,00
	09	—
2309 90 33 390	01	15,14
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	5,50
	09	—
2309 90 41 190	01	3,78
	09	—
2309 90 41 210	01	11,00
	09	—
2309 90 41 290	01	7,57
	09	—
2309 90 41 310	01	22,00
	09	—
2309 90 41 390	01	15,14
	09	—
2309 90 41 410	01	33,00
	09	—
2309 90 41 490	01	22,70
	09	—
2309 90 41 510	01	44,00
	09	—
2309 90 41 590	01	30,27
	09	—
2309 90 41 610	01	55,00
	09	—
2309 90 41 690	01	37,84
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	5,50
	09	—
2309 90 43 190	01	3,78
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 90 43 210	01	11,00
	09	—
2309 90 43 290	01	7,57
	09	—
2309 90 43 310	01	22,00
	09	—
2309 90 43 390	01	15,14
	09	—
2309 90 43 410	01	33,00
	09	—
2309 90 43 490	01	22,70
	09	—
2309 90 43 510	01	44,00
	09	—
2309 90 43 590	01	30,27
	09	—
2309 90 43 610	01	55,00
	09	—
2309 90 43 690	01	37,84
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	5,50
	09	—
2309 90 51 190	01	3,78
	09	—
2309 90 51 210	01	11,00
	09	—
2309 90 51 290	01	7,57
	09	—
2309 90 51 310	01	22,00
	09	—
2309 90 51 390	01	15,14
	09	—
2309 90 51 410	01	33,00
	09	—
2309 90 51 490	01	22,70
	09	—
2309 90 51 510	01	44,00
	09	—
2309 90 51 590	01	30,27
	09	—
2309 90 51 610	01	55,00
	09	—
2309 90 51 690	01	37,84
	09	—
2309 90 51 710	01	66,00
	09	—
2309 90 51 790	01	45,41
	09	—
2309 90 51 810	01	72,00
	09	—

(ECU/tonne)

Product code	Destination (1)	Amount of refund
2309 90 51 890	01	49,54
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	5,50
	09	—
2309 90 53 190	01	3,78
	09	—
2309 90 53 210	01	11,00
	09	—
2309 90 53 290	01	7,57
	09	—
2309 90 53 310	01	22,00
	09	—
2309 90 53 390	01	15,14
	09	—
2309 90 53 410	01	33,00
	09	—
2309 90 53 490	01	22,70
	09	—
2309 90 53 510	01	44,00
	09	—
2309 90 53 590	01	30,27
	09	—
2309 90 53 610	01	55,00
	09	—
2309 90 53 690	01	37,84
	09	—
2309 90 53 710	01	66,00
	09	—
2309 90 53 790	01	45,41
	09	—
2309 90 53 810	01	72,00
	09	—
2309 90 53 890	01	49,54
	09	—
2309 90 53 900	—	—

(1) The destinations are as follows:

- 01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77,
- 09 Other destinations.

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

COMMISSION REGULATION (EEC) No 2197/90
of 27 July 1990
fixing the specific levies on beef and veal from Portugal

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

Having regard to the Act of Accession of Spain and Portugal and in particular Article 272 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 ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas the prices fixed by the Council are to be reduced Commission Regulation (EEC) No 1252/90 of 11 May 1990 establishing the prices and amounts fixed in ecus by the Council in the beef and veal sector and reduced as a result of the monetary realignment of 5 January 1990 ⁽³⁾;

Whereas Commission Regulation (EEC) No 588/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 1728/90 ⁽⁵⁾, lays down detailed implementing rules and fixes the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 August 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 121, 12. 5. 1990, p. 30.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 45.

⁽⁵⁾ OJ No L 160, 26. 6. 1990, p. 35.

ANNEX

to the Commission Regulation of 27 July 1990 fixing the specific levies on imports of beef and veal from Portugal

(ECU/100 kg)	
CN code	Amount of the special levies
0102 90 10	16,29
0102 90 31	16,29
0102 90 33	16,29
0102 90 35	16,29
0102 90 37	16,29
0201 10 10	30,73
0201 10 90	30,73
0201 20 21	30,73
0201 20 29	30,73
0201 20 31	24,58
0201 20 39	24,58
0201 20 51	36,88
0201 20 59	36,88
0201 20 90	46,10
0201 30 00	52,86
0202 10 00	27,66
0202 20 10	27,66
0202 20 30	22,13
0202 20 50	34,42
0202 20 90	41,49
0202 30 10	34,42
0202 30 50	34,42
0202 30 90	47,63
0206 10 95	52,86
0206 29 91	47,63
0210 20 10	46,10
0210 20 90	52,86
0210 90 41	52,86
0210 90 90	52,86
1602 50 10	52,86
1602 90 61	52,86

COMMISSION REGULATION (EEC) No 2198/90

of 27 July 1990

on protective measures applicable to imports of frozen strawberries, frozen raspberries, provisionally preserved strawberries and provisionally preserved raspberries originating in Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) no 1202/90⁽²⁾, and in particular Article 18 (2) thereof,

Whereas the marketing of frozen strawberries, frozen raspberries, provisionally preserved strawberries and provisionally preserved raspberries is characterized by competition from third countries at prices significantly below the prices at which Community products can be marketed; whereas there is a failure to comply with the price levels agreed with the main supplier third countries for the 1989/86 marketing year; whereas imports in 1989 and the first six months of 1990 were significantly higher than the average for the last three years;

Whereas in these circumstances the Community market is exposed to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty; whereas it is therefore necessary to apply protective measures;

Whereas the aim of the protective measures should be to exclude the marketing of imported products at abnormally low prices;

Whereas, taking account of the criteria set out in Council Regulation (EEC) No 521/77 of 14 March 1977 laying down detailed rules for applying protective measures in the market in products processed from fruit and vegetables⁽³⁾, this objective can be achieved by introducing minimum import prices to be respected on import into the Community and by applying countervailing charges on products which do not respect those prices;

Whereas the level of the minimum prices should be set taking account of the prices previously agreed with the country in question and the quality and presentation of the products concerned;

Whereas the minimum import prices may be undercut due to events which are not a consequence of prices applied by third countries, e.g. fluctuation of exchange rates; whereas that fact should be taken into consideration when countervailing charges are fixed;

Whereas countervailing charges should not be levied in respect of products coming from third countries which

are prepared and in a position to guarantee the prices of products exported by them and that any deflections of trade will be avoided;

Whereas account should be taken of the special situation of products which have already left the exporting country at the time this Regulation is published,

HAS ADOPTED THIS REGULATION:

Article 1

1. On import into the Community of frozen strawberries, frozen raspberries, provisionally preserved strawberries and provisionally preserved raspberries originating in Poland, the minimum import price shall be as set out below:

(ECU/100 kg net)

CN code	Description of goods	Minimum import price
0811 10 90	Frozen strawberries without added sugar	88
0811 20 31	Frozen raspberries without added sugar	95
0812 20 00	Provincially preserved strawberries	52,5
0812 90 60	Provincially preserved raspberries	58

2. Where the import price is less than the minimum price set out above, a countervailing charge equivalent to the difference between those two prices shall be levied.

Article 2

1. The minimum import price shall be respected when the import price expressed in the currency of the importing Member State is not less than the minimum import price applicable on the day on which the entry for release for free circulation is accepted.

2. The following factors shall constitute the import price:

(a) the fob price in the country of origin;

(b) transport and insurance costs to the point of entry into the customs territory of the Community.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 111, 11. 5. 1990, p. 66.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 28.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment including the cost of placing the consignment on board a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the fob price to the seller shall be effected not later than three months after the day on which the entry for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the importing Member State, the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the importing Member State.

Article 3

1. The customs authorities shall, in respect of each consignment, at the time of completion of the customs import formalities for free circulation, compare the import price with the minimum import price.

2. The import price shall be declared on the entry for release for free circulation and the entry shall be accompanied by all the documents required to verify the price.

3. The competent authorities shall:

- (a) if the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated;
or
- (b) if the authorities are not satisfied that the price declared in the entry reflects the actual import price;
or
- (c) if payment has not been effected within the time limit provided for in Article 2 (4);

take the necessary measures to determine the import price, in particular by reference to the importer's resale price.

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

Done at Brussels, 27 July 1990.

Article 4

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contracts and correspondence concerning the purchase and sale of the products shall be kept available for examination by the customs authorities for a period of three years.

Article 5

1. This Regulation shall not apply to products for which it has been proved that they have left the supplier country before the day of publication of this Regulation.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the conditions set out in paragraph 1 have been complied with.

However, the competent authorities may regard the products as having left the supplier country before the day of publication of this Regulation when one of the following documents is submitted:

- in the case of transport by sea or waterway, the bill of landing showing that loading took place before that day,
- in case of transport by rail, the consignment note accepted by the railways of the expediting country before that day,
- in case of transport by road, the TIR carnet presented to the first customs office before that day,
- in case of transport by air, the air consignment note showing that the airline received the products before that day.

3. The provisions of paragraphs 1 and 2 shall apply only in so far as the entry for free circulation has been accepted by the customs authorities before 1 November 1990.

Article 6

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

It shall apply until 31 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2199/90

of 27 July 1990

on protective measures applicable to imports of frozen raspberries and provisionally preserved raspberries originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) no 1202/90⁽²⁾, and in particular Article 18 (2) thereof,

Whereas the marketing of frozen raspberries and provisionally preserved strawberries is characterized by competition from third countries at prices significantly below the prices at which Community products can be marketed; whereas there is a failure to comply with the price levels agreed with the main supplier third countries for the 1989/86 marketing year; whereas imports in 1989 and the first six months of 1990 were significantly higher than the average for the last three years;

Whereas in these circumstances the Community market is exposed to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty; whereas it is therefore necessary to apply protective measures;

Whereas the aim of the protective measures should be to exclude the marketing of imported products at abnormally low prices;

Whereas, taking account of the criteria set out in Council Regulation (EEC) No 521/77 of 14 March 1977 laying down detailed rules for applying protective measures in the market in products processed from fruit and vegetables⁽³⁾, this objective can be achieved by introducing minimum import prices to be respected on import into the Community and by applying countervailing charges on products which do not respect these prices;

Whereas the level of the minimum prices should be set taking account of the prices previously agreed with the country in question and the quality and presentation of the products concerned;

Whereas the minimum import prices may be undercut due to events which are not a consequence of prices applied by third countries, e.g. fluctuation of exchange

rates; whereas that fact should be taken into consideration when countervailing charges are fixed;

Whereas countervailing charges should not be levied in respect of products coming from third countries which are prepared and in a position to guarantee the prices of products exported by them and that any deflections of trade will be avoided;

Whereas account should be taken of the special situation of products which have already left the exporting country at the time this Regulation is published,

HAS ADOPTED THIS REGULATION:

Article 1

1. On import into the Community of frozen raspberries and provisionally preserved raspberries originating in Yugoslavia, the minimum import price shall be as set out below:

(ECU/100 kg net)		
CN code	Description of goods	Minimum import price
0811 20 31	Frozen raspberries without added sugar	120
0812 90 60	Provincially preserved raspberries	58

2. Where the import price is less than the minimum price set out above, a countervailing charge equivalent to the difference between those two prices shall be levied.

Article 2

1. The minimum import price shall be respected when the import price expressed in the currency of the importing Member State is not less than the minimum import price applicable on the day on which the entry for release for free circulation is accepted.

2. The following factors shall constitute the import price:

- (a) the fob price in the country of origin;
- (b) transport and insurance costs to the point of entry into the customs territory of the Community.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 111, 11. 5. 1990, p. 66.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 28.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment including the cost of placing the consignment on board a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the fob price to the seller shall be effected not later than three months after the day on which the entry for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the importing Member State, the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the importing Member State.

Article 3

1. The customs authorities shall, in respect of each consignment, at the time of completion of the customs import formalities for free circulation, compare the import price with the minimum import price.

2. The import price shall be declared on the entry for release for free circulation and the entry shall be accompanied by all the documents required to verify the price.

3. The competent authorities shall:

- (a) if the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated;
or
- (b) if the authorities are not satisfied that the price declared in the entry reflects the actual import price;
or
- (c) if payment has not been effected within the time limit provided for in Article 2 (4);

take the necessary measures to determine the import price, in particular by reference to the importer's resale price.

Article 4

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contracts and correspondence concerning the purchase and sale of the products shall be kept available for examination by the customs authorities for a period of three years.

Article 5

1. This Regulation shall not apply to products for which it has been proved that they have left the supplier country before the day of publication of this Regulation.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the conditions set out in paragraph 1 have been complied with.

However, the competent authorities may regard the products as having left the supplier country before the day of publication of this Regulation when one of the following documents is submitted:

- in the case of transport by sea or waterway, the bill of landing showing that loading took place before that day,
- in case of transport by rail, the consignment note accepted by the railways of the expediting country before that day,
- in case of transport by road, the TIR carnet presented to the first customs office before that day,
- in case of transport by air, the air consignment note showing that the airline received the products before that day.

3. The provisions of paragraphs 1 and 2 shall apply only in so far as the entry for free circulation has been accepted by the customs authorities before 1 November 1990.

Article 6

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

It shall apply until 31 December 1990.

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

Done at Brussels, 27 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COUNCIL REGULATION (EEC) No 2200/90

of 27 July 1990

imposing a definitive anti-dumping duty on imports of silicon metal originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas :

A. Provisional Measures

- (1) The Commission, by Regulation (EEC) No 720/90⁽²⁾ imposed a provisional anti-dumping duty on imports into the Community of silicon metal falling within CN code 2804 69 00 and originating in the People's Republic of China.

B. Subsequent Procedure

- (2) Following the imposition of the provisional anti-dumping duty, the representatives of the complainants, as well as representatives of the British and German user industry and one of the British importers, requested, and were granted, an opportunity to be heard by the Commission. They also made written submissions making known their views on the provisional findings.

C. Dumping

- (3) For the purpose of definitive findings, normal value was established on the basis of the same method as that used for the provisional determination of dumping. This method has been criticized by one of the importers as not being justified, given the fact that the production conditions in the Community and the People's Republic of China are not comparable. However, in the case of imports from non-market economy countries, Article 2 (5) of Regulation (EEC) No 2423/88 provides that normal value shall be determined in an appropriate and not unreasonable manner, whenever possible, on the basis of prices or costs of manufacturers in a

market economy third country. For this purpose the Commission contacted producers in four different countries, as described in the 10th recital of Regulation (EEC) No 720/90.

- (4) The Council confirms that, in the absence of satisfactory cooperation from these companies, there is no other possibility but to establish normal value on the basis of the price payable in the Community for the like product, duly adjusted to include a reasonable profit margin in accordance with Article 2 (5) (c) of Regulation (EEC) No 2423/88. However adjustments have been made when comparing normal value and export price as set out under recitals (5) and (6) below.

D. Export Price

- (5) Since the Commission had no other findings, the export prices have been definitively established in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88 on the basis of the information available, i.e. the import prices published by Eurostat.
- (6) The Commission found that this information was very similar to the information supplied by the exporters which had given partial replies to the Commission's questionnaire.
- (7) The Council confirms the Commission's findings and conclusions set out in the 11th and 12th recitals of Commission Regulation (EEC) No 720/90.

E. Comparison

- (8) One of the importers and a major part of the user industry alleged that the Commission, in comparing normal value, had not sufficiently taken into account the differences affecting the comparability of prices and, in particular, differences in the physical characteristics of the products and in the costs of transport from China to the Community.
- (9) However, the Commission, in comparing normal value with export prices, had adjusted the export price by the costs incurred by the importer as a result of checks on differences in volume and quality. Allowance was also made for differences in packaging and for the transport costs from China to the Community, as referred to in the thirteenth recital of Regulation (EEC) No 720/90.

The Council confirms the Commission's conclusions.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 80, 27. 3. 1990, p. 9.

F. Dumping margins

- (10) The Commission found the existence of dumping, the weighted average dumping margin expressed as a percentage of the total cif value of imports of the product concerned for the investigation period being 38,73 %.

The Council confirms the findings in the 16th recital of Regulation (EEC) No 720/90.

G. Injury

- (11) The Commission concluded, in its provisional findings, that the Community producers of silicon metal had suffered material injury. It based these findings principally on the Chinese exporters' rapid increase in the volume of exports and in market share, the price undercutting practised by these exporters in the Community market and the fact that the Community industry, by offering silicon metal at prices competitive with the dumped imports, had to sell their material at prices equal to, or below, cost of production.
- (12) The Community producers submitted evidence to the Commission showing that, since the beginning of 1989, the export prices of the Chinese producers/exporters had further decreased by approximately 10 %. However, it is considered inappropriate in the present case, in conformity with standard practice, to take account of facts which have occurred after the investigation period.
- (13) The user industry and one of the importers maintained that the data presented in Regulation (EEC) No 720/90 showed only the existence of a normal, competitive situation and that the negative evolution of the Community industry was simply due to a lack of cost efficiency. However, these allegations were not supported by any evidence. The Council confirms the findings of the Commission as set out in recitals (18) to (27) of Regulation (EEC) No 720/90.

H. Causation of injury

- (14) In recitals (28) and (31) of Regulation (EEC) No 720/90 the Commission found that the growth in imports from China coincided with the loss of market share by the Community producers and a loss of profitability.
- (15) One of the importers challenged the causal link between the imports of the Chinese material and the injury suffered by the Community industry by alleging that cheap imports from other third coun-

tries had taken place during the period of investigation.

- (16) This argument has already been raised during the preliminary investigation. The Commission has dealt with this question in the 30th recital of Regulation (EEC) No 720/90 and stresses once more that prices for imports from other non-member countries were remarkably higher than the prices for the Chinese material during the period of investigation.

- (17) The Council confirms the Commission's findings and conclusions in recitals (28) to (31) of Regulation (EEC) No 720/90 that the imports under consideration taken in isolation have caused material injury.

I. Community interest

- (18) Part of the user industry of the imported product claimed that the Commission had not sufficiently taken into account the interests of the user industry to have the possibility of buying low-priced material from outside the EEC. The industry representatives further claimed that were a definitive duty to be imposed, the final product of their major clients, the automobile industry, would experience a substantial price increase.
- (19) However, the possible impact of the definitive duty on the costs of the finished products, in which silicon metal is included, was acknowledged by the user industry to be below one per cent. The Commission therefore considers, as already stated in the 33rd and 34th recitals of Regulation (EEC) No 720/90, that the Community's interest that fair competition be re-established on the Community market and the Community producers' interest in the continuation of their own production and in fair prices outweighed the interests of the user industry to take advantage of the unfair practices.
- (20) In addition it was alleged that, after the imposition of a definitive duty, imports from other third countries would take over the market share of the Chinese material rather than removing the injury suffered by the Community industry.
- (21) As regards the possible replacement of Chinese imports by imports from other third countries, the Commission considers that imports at fair prices from other third countries are not against the interest of the Community and therefore cannot be an argument against measures to be taken against imports of dumped products.
- (22) The Council confirms these conclusions.

J. Duty

- (23) Provisional measures took the form of an *ad valorem* anti-dumping duty, the amount of which was calculated at a level which would increase the prices of the imported product to a theoretical selling price allowing the Community industry to realize a profit margin of 6,5 %, which was considered to be a minimum profit margin in order to guarantee a producer a reasonable return on investment.
- (24) In order to remedy the continuous price decrease of the Chinese imports, the Commission considers it more appropriate to impose a definitive anti-dumping duty in the form of a specific duty rather than an *ad valorem* duty. In taking account of the considerations given in the 36th and 37th recitals of Regulation (EEC) No 720/90, it is considered that the amount of the definitive duty should be calculated on the basis of the provisional duty of 18,7 % on the weighted average cif price of the Chinese material during the investigation period and amounts to ECU 198 per tonne.

The Council confirms this conclusion.

K. Collection of provisional duties

- (25) In view of the dumping margins established and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts collected by way of provisional anti-

dumping duties should be definitively collected to the extent of the amount of the duty definitively imposed.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of silicon metal falling within CN code 2804 69 00 originating in the People's Republic of China.
2. The duty shall be ECU 198 per tonne of the imported product.
3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts collected or secured by way of provisional anti-dumping duty under Regulation (EEC) No 720/90 shall be collected at the rates of duty definitively imposed where the definitive rate of duty is lower than the provisional antidumping and at the rates of provisional duty in all other cases. Secured amounts which are not covered by the rates of duty definitively imposed shall be released.

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, 27 July 1990.

For the Council

The President

E. RUBBI