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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2861/90 of 4 October 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2862/90 of 4 October 1990 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2863/90 of 4 October 1990 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products	5
* Commission Regulation (EEC) No 2864/90 of 4 October 1990 fixing for the period 1989/90 a coefficient applicable to cereals exported in the form of Spanish whisky and fixing a coefficient for the period 1990/91	8
* Commission Regulation (EEC) No 2865/90 of 4 October 1990 fixing for the period 1990/91 certain coefficients applicable to cereals exported in the form of certain spirituous beverages	10
* Commission Regulation (EEC) No 2866/90 of 4 October 1990 fixing for the period 1990/91 certain coefficients applicable to cereals exported in the form of certain spirituous beverages	12
Commission Regulation (EEC) No 2867/90 of 4 October 1990 fixing the import levies on white sugar and raw sugar	14
Commission Regulation (EEC) No 2868/90 of 4 October 1990 altering the export refunds on white sugar and raw sugar exported in its unaltered state	16
Commission Regulation (EEC) No 2869/90 of 4 October 1990 fixing the maximum export refund for white sugar for the 23rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90	18

Contents (continued)

* Commission Regulation (EEC) No 2870/90 of 3 October 1990 amending Regulations (EEC) No 1105/68 and (EEC) No 1634/85 as regards the amount of aid granted for skimmed milk and skimmed-milk powder for use as feed	19
* Commission Regulation (EEC) No 2871/90 of 3 October 1990 amending Regulation (EEC) No 1725/79 as regards certain provisions on the granting of aid for skimmed-milk powder for use as animal feed	20
Commission Regulation (EEC) No 2872/90 of 4 October 1990 fixing the amount of the subsidy on oil seeds	21
Commission Regulation (EEC) No 2873/90 of 4 October 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	25
Commission Regulation (EEC) No 2874/90 of 4 October 1990 fixing the corrective amount applicable to the refund on cereals	29
Commission Regulation (EEC) No 2875/90 of 4 October 1990 fixing the export refunds on malt	32
* Commission Regulation (EEC) No 2876/90 of 4 October 1990 extending Regulation (EEC) No 2985/89 introducing retrospective Community surveillance of imports of certain textile products originating in Tunisia or Morocco	34

II *Acts whose publication is not obligatory*

Commission

90/492/EEC:

* Commission Directive of 5 September 1990 adapting to technical progress for the second time Council Directive 88/379/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations	35
---	----

90/493/EEC:

* Commission Decision of 24 September 1990 fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued under Regulation (EEC) No 2334/90	39
---	----

90/494/EEC:

* Commission Decision of 26 September 1990 authorizing France provisionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of <i>Picea A.</i> originating in the United States of America	40
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Corrigenda

* Corrigendum to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ No L 183 of 29.6.1989)	42
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2861/90

of 4 October 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 2205/90⁽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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 3 October 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 5 October 1990.

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

Done at Brussels, 4 October 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 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 4 October 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	27,72	138,87 ⁽²⁾ ⁽³⁾
0712 90 19	27,72	138,87 ⁽²⁾ ⁽³⁾
1001 10 10	22,57	192,98 ⁽¹⁾ ⁽²⁾
1001 10 90	22,57	192,98 ⁽¹⁾ ⁽²⁾
1001 90 91	28,29	161,23
1001 90 99	28,29	161,23
1002 00 00	53,04	147,28 ⁽⁴⁾
1003 00 10	44,41	150,27
1003 00 90	44,41	150,27
1004 00 10	36,05	135,26
1004 00 90	36,05	135,26
1005 10 90	27,72	138,87 ⁽²⁾ ⁽³⁾
1005 90 00	27,72	138,87 ⁽²⁾ ⁽³⁾
1007 00 90	44,41	143,96 ⁽⁴⁾
1008 10 00	44,41	52,69
1008 20 00	44,41	111,04 ⁽⁴⁾
1008 30 00	44,41	48,86 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	44,41	48,86
1101 00 00	53,12	239,23
1102 10 00	87,77	220,60
1103 11 10	48,18	312,31
1103 11 90	56,82	257,82

(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 2862/90

of 4 October 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 2205/90⁽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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 3 October 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 5 October 1990.

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

Done at Brussels, 4 October 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 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 4 October 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 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0,53	0,53	0
0712 90 19	0	0,53	0,53	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
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	0
1004 00 90	0	0	0	0
1005 10 90	0	0,53	0,53	0
1005 90 00	0	0,53	0,53	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 2863/90
of 4 October 1990

**fixing the minimum levies on the importation of olive oil and levies on the
importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 1 and 2 October 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 5 October 1990.

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 4 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 2864/90

of 4 October 1990

fixing for the period 1989/90 a coefficient applicable to cereals exported in the form of Spanish whisky and fixing a coefficient for the period 1990/91

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 Article 16 (6) thereof,Having regard to Council Regulation (EEC) No 1188/81 of 28 April 1981 laying down general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages and the criteria for fixing the amount of such refunds and amending Regulation (EEC) No 3035/80 concerning certain products not covered by Annex II to the Treaty ⁽³⁾, as last amended by Regulation (EEC) No 3708/89 ⁽⁴⁾, and in particular Article 12 thereof,Whereas Article 2 of Regulation (EEC) No 1188/81 provides that refunds may be granted for cereals fulfilling the conditions laid down in Article 9 (2) of the Treaty and used in the production of the spirituous beverages falling within CN codes 2208 30 91 and 2208 30 99 and complying with Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽⁵⁾;

Whereas, in the light of the data provided by Spain concerning the periods 1 January to 31 December 1988 and 1 January to 31 December 1989, the coefficients

should be fixed for the periods 15 December 1989 to 30 June 1990 and 1 July 1990 to 30 June 1991;

Whereas the data provided by Spain are not sufficiently comprehensive to allow a totally clear trend to be identified; whereas, consequently, no account will be taken of the pattern of exports or of the quantity of the goods marketed in determining the coefficient;

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

For the period 15 December 1989 to 30 June 1990 and for the period 1 July 1990 to 30 June 1991, the coefficients referred to in Article 3 of Regulation (EEC) No 1188/81, applicable to cereals used in Spain for the manufacture of Spanish whisky, shall be as shown in Annexes I and II.

*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, 4 October 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 121, 5. 5. 1981, p. 3.⁽⁴⁾ OJ No L 363, 13. 12. 1989, p. 2.⁽⁵⁾ OJ No L 160, 12. 6. 1989, p. 1.

*ANNEX I***Coefficient applicable in Spain**

Period of application	Coefficient applicable to cereals used for the manufacture of Spanish whisky
15 December 1989 — 30 June 1990	0,0152

*ANNEX II***Coefficient applicable in Spain**

Period of application	Coefficient applicable to cereals used for the manufacture of Spanish whisky
1 July 1990 — 30 June 1991	0,0128

COMMISSION REGULATION (EEC) No 2865/90
of 4 October 1990

**fixing for the period 1990/91 certain coefficients applicable to cereals exported in
the form of certain spirituous beverages**

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 Article 16 (6) thereof,

Having regard to Council Regulation (EEC) No 1188/81 of 28 April 1981 laying down general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages and the criteria for fixing the amount of such refunds and amending Regulation (EEC) No 3035/80 concerning certain products not covered by Annex II to the Treaty ⁽³⁾, and in particular Article 12 thereof,

Whereas Article 3 (1) of Regulation (EEC) No 1188/81 states that the quantity of cereals on which the refund shall be granted shall be that placed under control, weighted by a coefficient fixed annually for each Member State concerned, expressing the ratio between the total quantity exported and the total quantity marketed of the spirituous beverage in question; whereas, the relevant information having been received from the United Kingdom for the period 1 January to 31 December 1989, the coefficients for the period 1 July 1990 to 30 June 1991 should now be fixed;

Whereas the second indent of Article 3 (2) of Regulation (EEC) No 1188/81 provides for adjustment of the coeffi-

cient where foreseeable export trends in one of the Member States concerned show a tendency to change significantly; whereas this assessment may be made by taking account of a sufficiently long reference period to eliminate short, insignificant fluctuations; whereas a period of six years prior to the year in question complies with this criterion; whereas, moreover, an annual difference of less than 1 % between the respective trends in exports and total quantities sold cannot show a tendency towards significant change;

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

For the period 1 July 1990 to 30 June 1991, the coefficient referred to in Article 3 of Regulation (EEC) No 1188/81 and applicable to cereals used in the United Kingdom for the manufacture of Scotch whisky shall be as shown in the Annex.

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 July 1990.

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

Done at Brussels, 4 October 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 121, 5. 5. 1981, p. 3.

*ANNEX***Coefficients applicable in the United Kingdom**

Period of application	Coefficient applicable	
	to barley processed into malt used in the manufacture of malt whisky	to cereals used in the manufacture of grain whisky
1 July 1990 to 30 June 1991	0,472	0,473

COMMISSION REGULATION (EEC) No 2866/90

of 4 October 1990

fixing for the period 1990/91 certain coefficients applicable to cereals exported in the form of certain spirituous beverages

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 Article 16 (6) thereof,

Having regard to Council Regulation (EEC) No 1188/81 of 28 April 1981 laying down general rules for granting refunds adjusted in the case of cereals exported in the form of certain spirituous beverages and the criteria for fixing the amount of such refunds and amending Regulation (EEC) No 3035/80 concerning certain products not covered by Annex II to the Treaty ⁽³⁾, and in particular Article 12 thereof,

Whereas Article 3 (1) of Regulation (EEC) No 1188/81 states that the quantity of cereals on which the refund shall be granted shall be that placed under control weighted by a coefficient, fixed annually for each Member State concerned, expressing the ratio for the spirituous beverage in question between the total quantity exported and the total quantity marketed; whereas, further to information provided by Ireland concerning the period 1 January to 31 December 1989, the coefficients for the period 1 July 1990 to 30 June 1991 should now be fixed;

Whereas the second indent of Article 3 (2) of Regulation (EEC) No 1188/81 provides for adjustment of the coefficient where foreseeable trends for exports of spirituous beverages show a tendency to change significantly in one of the Member States concerned; whereas such an assess-

ment may be made by taking account of a reference period of sufficient length to eliminate insignificant short-term fluctuations; whereas a period of six years prior to the year in question seems to comply with this criterion; whereas, moreover, an annual difference of less than 1 % between the respective trends in exports and total quantities sold cannot show a tendency towards significant change;

Whereas the coefficients should be adapted accordingly, to take account of a tendency for Irish exports to increase;

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

For the period 1 July 1990 to 30 June 1991, the coefficients referred to in Article 3 of Regulation (EEC) No 1188/81 and applicable to cereals used in Ireland for the manufacture of Irish whiskey shall be as shown in the Annex.

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 July 1990.

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

Done at Brussels, 4 October 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 121, 5. 5. 1981, p. 3.

*ANNEX***Coefficients applicable in Ireland**

Period of application	Coefficient applicable	
	to barley used for the manufacture of Irish whiskey, category B (1)	to cereals used for the manufacture of Irish whiskey, category A
1 July 1990 to 30 June 1991	0,196	0,392

(1) Including barley processed into malt.

COMMISSION REGULATION (EEC) No 2867/90

of 4 October 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 2547/90 ⁽³⁾, as last amended by Regulation (EEC) No 2846/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2547/90 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 5 October 1990.

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

Done at Brussels, 4 October 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 237, 1. 9. 1990, p. 102.⁽⁴⁾ OJ No L 270, 2. 10. 1990, p. 19.

ANNEX

to the Commission Regulation of 4 October 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,09 ⁽¹⁾
1701 11 90	38,09 ⁽¹⁾
1701 12 10	38,09 ⁽¹⁾
1701 12 90	38,09 ⁽¹⁾
1701 91 00	44,04
1701 99 10	44,04
1701 99 90	44,04 ⁽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 2868/90

of 4 October 1990

altering the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular second subparagraph of Article 19 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus calculated for

sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2756/90, as amended, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 October 1990.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 4 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 October 1990 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	(ECU) Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,80 ⁽¹⁾	
1701 11 90 910	34,01 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,80 ⁽¹⁾	
1701 12 90 910	34,01 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3674
1701 99 10 100	36,74	
1701 99 10 910	37,60	
1701 99 10 950	37,60	
1701 99 90 100		0,3674

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

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

COMMISSION REGULATION (EEC) No 2869/90

of 4 October 1990

fixing the maximum export refund for white sugar for the 23rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90

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

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 23rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 23rd partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 40,249 per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 October 1990.

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

Done at Brussels, 4 October 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 100, 20. 4. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2870/90

of 3 October 1990

amending Regulations (EEC) No 1105/68 and (EEC) No 1634/85 as regards the amount of aid granted for skimmed milk and skimmed-milk powder for use as feed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3879/89⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Article 2a of Regulation (EEC) No 986/68 of the Council of 15 July 1968 laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as feed⁽³⁾, as last amended by Regulation (EEC) No 1115/89⁽⁴⁾, determines the factors required to fix that aid;

Whereas in view of recent developments on the market in skimmed milk and skimmed-milk powder and the purchases into public intervention resulting, the aid should be increased; whereas Article 1a (3) of Commission Regulation (EEC) No 1105/68 of 27 July 1968 on detailed rules for granting aid for skimmed milk for use as feed⁽⁵⁾, as last amended by Regulation (EEC) No 1552/90⁽⁶⁾, and Article 1 of Commission Regulation (EEC) No 1634/85 of 17 June 1985 fixing the amount of the aid for skimmed milk and skimmed-milk powder for

use as feed⁽⁷⁾, as amended by Regulation (EEC) No 1552/90, should accordingly be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1a (3) of Regulation (EEC) No 1105/68, 'ECU 48,62' is hereby replaced by 'ECU 56,82'.

Article 2

In Article 1 of Regulation (EEC) No 1634/85, 'ECU 4,86' is hereby replaced by 'ECU 5,68' and 'ECU 59,90' is replaced by 'ECU 70'.

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, 3 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 4.

⁽⁴⁾ OJ No L 118, 29. 4. 1989, p. 7.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 24.

⁽⁶⁾ OJ No L 146, 9. 6. 1990, p. 14.

⁽⁷⁾ OJ No L 158, 18. 6. 1985, p. 7.

COMMISSION REGULATION (EEC) No 2871/90

of 3 October 1990

amending Regulation (EEC) No 1725/79 as regards certain provisions on the granting of aid for skimmed-milk powder for use as animal feed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3879/89⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Commission Regulation (EEC) No 1725/79 of 26 July 1979 on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves⁽³⁾, as last amended by Regulation (EEC) No 2426/90⁽⁴⁾, provided until 30 September 1988 for an obligation to incorporate a minimum percentage of skimmed-milk powder in compound feedingstuffs eligible for the aid granted under that Regulation; whereas that obligation was discontinued from 1 October 1988 on account of the lower quantities of skimmed-milk powder available; whereas the recent trend on the market points to greater quantities available, which led to buying in, whereas that obligation should accordingly be reintroduced in order to increase the use of skimmed-milk powder in compound feedingstuffs;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (1) of Regulation (EEC) No 1725/79 is hereby amended as follows:

1. The first indent of point (a) of the first subparagraph is replaced by the following:

— not less than 50 kilograms and not more than 70 kilograms of skimmed-milk powder meeting the conditions laid down in Article 1 (2), and'.

2. The following subparagraph is added:

'Where it is established that the manufactured product does not contain the minimum quantity of 50 kilograms of skimmed-milk powder set out in point (a) of the first subparagraph, aid minus 15 % shall be granted for the skimmed-milk powder actually incorporated provided that the skimmed-milk powder content is equal to at least 45 % by weight of finished product.'

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 to quantities of skimmed-milk powder incorporated from 1 November 1990.

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

Done at Brussels, 3 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 199, 7. 8. 1979, p. 1.

⁽⁴⁾ OJ No L 228, 22. 8. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2872/90
of 4 October 1990
fixing the amount of the subsidy on oil seeds

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

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2496/90 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 2828/90 ⁽⁷⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2828/90 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁸⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽⁹⁾ is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹⁰⁾, for sunflower seed harvested and processed in Portugal is as set out in Annex III.

Article 2

This Regulation shall enter into force on 5 October 1990.

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

Done at Brussels, 4 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 236, 31. 8. 1990, p. 8.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1988, p. 11.

⁽⁷⁾ OJ No L 268, 29. 9. 1990, p. 76.

⁽⁸⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹⁰⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	0,000	26,856	26,616	26,895
— Other Member States	20,135	19,770	19,848	19,886	19,646	19,925
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	47,14	46,28	46,47	46,56	45,99	46,77
— Netherlands (Fl)	53,11	52,15	52,36	52,46	51,82	52,71
— BLEU (Bfrs/Lfrs)	972,26	954,63	958,40	960,23	948,65	963,76
— France (FF)	158,10	155,23	155,84	156,14	154,26	156,45
— Denmark (Dkr)	179,81	176,55	177,24	177,58	175,44	177,93
— Ireland (£ Irl)	17,596	17,277	17,345	17,378	17,169	17,412
— United Kingdom (£)	15,406	15,108	15,138	15,127	14,927	15,050
— Italy (Lit)	35 270	34 631	34 767	34 834	34 413	34 902
— Greece (Dr)	4 187,57	4 084,26	4 066,38	4 050,04	3 988,43	3 965,16
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	5 503,83	5 452,21	5 467,82
— in another Member State (Esc)	5 574,56	5 497,34	5 510,46	5 503,83	5 452,21	5 467,82

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,196	0,000	0,235
— Portugal	1,030	1,030	1,030	29,356	29,116	29,395
— Other Member States	22,635	22,270	22,348	22,386	22,146	22,425
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	52,99	52,14	52,32	52,41	51,85	52,62
— Netherlands (Fl)	59,71	58,74	58,95	59,05	58,42	59,30
— BLEU (Bfrs/Lfrs)	1 092,98	1 075,35	1 079,12	1 080,95	1 069,36	1 084,48
— France (FF)	177,73	174,86	175,47	175,77	173,89	176,08
— Denmark (Dkr)	202,13	198,87	199,57	199,91	197,77	200,26
— Ireland (£ Irl)	19,781	19,462	19,530	19,563	19,353	19,597
— United Kingdom (£)	17,355	17,057	17,087	17,076	16,876	16,999
— Italy (Lit)	39 649	39 010	39 146	39 213	38 792	39 281
— Greece (Dr)	4 730,93	4 627,61	4 609,74	4 593,40	4 531,79	4 508,52
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	99,92	65,24	83,02
— in another Member State (Pta)	146,94	94,17	101,38	99,92	65,24	83,02
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	213,11	213,11	213,11	6 021,08	5 969,47	5 985,07
— in another Member State (Esc)	6 091,81	6 014,60	6 027,72	6 021,08	5 969,47	5 985,07

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
1. Gross aids (ECU):					
— Spain	8,600	8,600	8,600	28,497	28,749
— Portugal	0,000	0,000	0,000	37,522	37,776
— Other Member States	26,107	26,003	25,899	25,282	25,536
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	61,12	60,88	60,63	59,19	59,78
— Netherlands (Fl)	68,87	68,59	68,32	66,69	67,36
— BLEU (Bfrs/Lfrs)	1 260,63	1 255,61	1 250,58	1 220,79	1 233,06
— France (FF)	204,99	204,17	203,35	198,51	200,50
— Denmark (Dkr)	233,14	232,21	231,28	225,77	228,04
— Ireland (£ Irl)	22,815	22,724	22,633	22,094	22,316
— United Kingdom (£)	20,039	19,949	19,829	19,286	19,484
— Italy (Lit)	45 731	45 549	45 367	44 286	44 731
— Greece (Dr)	5 470,58	5 426,24	5 362,77	5 188,76	5 243,30
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 314,91	1 314,91	1 314,91	4 422,21	4 460,93
— in another Member State (Pta)	4 624,56	4 610,62	4 591,92	4 494,39	4 533,37
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	7 706,37	7 758,78
— in Spain (Esc)	8 076,12	8 053,01	8 027,20	7 878,57	7 932,15
— in another Member State (Esc)	7 899,61	7 876,99	7 851,75	7 706,37	7 758,78
3. Compensatory aids:					
— in Spain (Pta)	4 597,12	4 581,54	4 561,21	—	—
4. Special aid:					
— in Portugal (Esc)	7 899,61	7 876,99	7 851,75	—	—

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

ANNEX IV

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

(value of ECU 1)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
DM	2,058810	2,055600	2,052550	2,049500	2,049500	2,040980
Fl	2,321920	2,318160	2,314690	2,311150	2,311150	2,301220
Bfrs/Lfrs	42,407300	42,363200	42,303300	42,243600	42,243600	42,094400
FF	6,893940	6,892880	6,892820	6,892100	6,892100	6,889070
Dkr	7,865270	7,866700	7,868260	7,869410	7,869410	7,871470
£Irl	0,767303	0,768142	0,768240	0,768846	0,768846	0,770102
£	0,701969	0,704824	0,707302	0,709600	0,709600	0,715570
Lit	1 541,14	1 539,99	1 539,77	1 540,78	1 540,78	1 544,24
Dr	203,62300	205,68900	207,89900	209,31100	209,31100	214,84900
Esc	182,76200	183,12700	183,85300	184,79900	184,79900	187,58300
Pta	128,83900	129,33500	129,76500	130,17800	130,17800	131,38900

COMMISSION REGULATION (EEC) No 2873/90

of 4 October 1990

fixing the export refunds 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 the fourth subparagraph of Article 16⁽²⁾,

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 in 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 Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

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 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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 the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 October 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 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 4 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 October 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (*)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	0
1001 90 91 000	01	—
1001 90 99 000	04	92,00
	05	92,00
	02	20,00
1002 00 00 000	03	92,00
	05	92,00
	02	20,00
1003 00 10 000	07	85,00
	02	—
1003 00 90 000	04	89,00
	02	20,00
1004 00 10 000	06	85,00
	02	0
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	142,00
1101 00 00 120	01	142,00
1101 00 00 130	01	126,00
1101 00 00 150	01	117,00
1101 00 00 170	01	108,00
1101 00 00 180	01	97,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	142,00
1102 10 00 200	01	142,00
1102 10 00 300	01	142,00
1102 10 00 500	01	142,00
1102 10 00 900	—	—
1103 11 10 100	01	225,00
1103 11 10 200	01	213,00
1103 11 10 500	01	190,00
1103 11 10 900	01	179,00
1103 11 90 100	01	142,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 Algeria,
- 07 Algeria and Turkey.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 2874/90

of 4 October 1990

fixing the corrective amount applicable to the refund on cereals

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⁾,

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 (c) 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, account must be taken of the exist-

ing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation 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 exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

⁽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 201, 31. 7. 1990, p. 9.

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

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

Article 2

This Regulation shall enter into force on 5 October 1990.

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

Done at Brussels, 4 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 October 1990 fixing the corrective amount applicable
to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	0	0	0	0	0
1001 90 91 000	01	0	0	0	0	0	0	0
1001 90 99 000	01	0	0	0	0	0	0	0
1002 00 00 000	01	0	0	0	0	0	0	0
1003 00 10 000	01	0	0	0	0	0	0	0
1003 00 90 000	01	0	0	0	0	0	0	0
1004 00 10 000	01	0	0	0	0	0	0	0
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	0	0	0
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	0	0	0	0
1101 00 00 120	01	0	0	0	0	0	0	0
1101 00 00 130	01	0	0	0	0	0	0	0
1101 00 00 150	01	0	0	0	0	0	0	0
1101 00 00 170	01	0	0	0	0	0	0	0
1101 00 00 180	01	0	0	0	0	0	0	0
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	0	0
1102 10 00 200	01	0	0	0	0	0	0	0
1102 10 00 300	01	0	0	0	0	0	0	0
1102 10 00 500	01	0	0	0	0	0	0	0
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	0	0	0
1103 11 10 200	01	0	0	0	0	0	0	0
1103 11 10 500	01	0	0	0	0	0	0	0
1103 11 10 900	01	0	0	0	0	0	0	0
1103 11 90 100	01	0	0	0	0	0	0	0
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 All third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 2875/90
of 4 October 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, 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 2205/90 ⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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.

Article 2

This Regulation shall enter into force on 5 October 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 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 4 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 4 October 1990 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
Product code	Refund
1107 10 19 000	122,00
1107 10 99 000	141,00
1107 20 00 000	165,00

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 2876/90

of 4 October 1990

extending Regulation (EEC) No 2985/89 introducing retrospective Community surveillance of imports of certain textile products originating in Tunisia or Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports ⁽¹⁾, as last amended by Regulation (EEC) No 3365/89 ⁽²⁾, and in particular Articles 10 and 14 thereof,

Having consulted the advisory committee set up under Article 5 of Regulation (EEC) No 288/82,

Whereas, by virtue of Regulation (EEC) No 2985/89 ⁽³⁾, the Commission has established a system subjecting

imports of certain textile products originating in Tunisia or Morocco to retrospective Community surveillance;

Whereas this Regulation expires on 4 October 1990;

Whereas the situation which to the introduction of the said surveillance system still exists; whereas that system should therefore remain in force,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2985/89 is hereby extended until 4 October 1991.

Article 2

This Regulation shall enter into force on 5 October 1990.

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

Done at Brussels, 4 October 1990.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 325, 10. 11. 1989, p. 1.

⁽³⁾ OJ No L 286, 4. 10. 1989, p. 5.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 5 September 1990

adapting to technical progress for the second time Council Directive 88/379/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations

(90/492/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations⁽¹⁾, as amended by Commission Directive 89/178/EEC⁽²⁾, and in particular Article 15 thereof,

Whereas, when the abovementioned Directive was adopted, the Commission, at the Council's request, was asked to examine the specific problem of mixtures of gases;

Whereas Annex I to Directive 88/379/EEC includes tables fixing concentration limits, expressed as a mass/mass percentage, to be used in applying the conventional method of assessing health hazards in accordance with Article 3 (5);

Whereas these concentration limits are not appropriate in the case of preparations marketed in gaseous form;

Whereas concentration limits expressed as a volume/volume percentage should therefore be inserted into Annex I; whereas these concentration limits are valid only for gaseous constituents used in preparations in gaseous form;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directives on Removal of Technical Barriers to Trade in Dangerous Substances and Preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 88/379/EEC is amended in the manner set out in the Annex hereto.

Article 2

Member States shall adopt and publish the provisions necessary to comply with this Directive by 1 June 1991 and shall forthwith inform the Commission thereof.

They shall apply the provisions from 8 June 1991 at the latest.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 5 September 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 187, 16. 7. 1988, p. 14.

⁽²⁾ OJ No L 64, 8. 3. 1989, p. 18.

ANNEX

Annex I to Directive 88/379/EEC is hereby amended as follows:

(a) The following is added to point 1. Acute lethal effects:

Gaseous preparations

The concentration limits expressed as a volume/volume percentage in Table I A below determine the classification of the gaseous preparation in relation to the individual concentration of the gas(es) present whose classification is also shown.

TABLE I A

Classification of the substance (gas)	Classification of the gaseous preparation		
	T ⁺	T	X _n
T ⁺ with R 26	concentration ≥ 1 %	0,2 % ≤ concentration < 1 %	0,02 % ≤ concentration < 0,2 %
T with R 23		concentration ≥ 5 %	0,5 % ≤ concentration < 5 %
X _n with R 20			concentration ≥ 5 % ^(*)

(b) The following is added to point 2. Non-lethal irreversible effects after a single exposure:

Gaseous preparations

For gases that produce non-lethal irreversible effects after a single exposure (R 39, R 40), the individual concentration limits specified in Table II A, expressed as a volume/volume percentage, determine, when appropriate, the classification of the preparation and shall determine which particular R phrase is to be assigned to it.

TABLE II A

Classification of the substance (gas)	Classification of the gaseous preparation		
	T ⁺	T	X _n
T ⁺ with R 39	concentration ≥ 1 % R 39 (*) obligatory	0,2 % ≤ concentration < 1 % R 39 (*) obligatory	0,02 % ≤ concentration < 0,2 % R 40 (*) obligatory
T with R 39		concentration ≥ 5 % R 39 (*) obligatory	0,5 % ≤ concentration < 5 % R 40 (*) obligatory
X _n with R 40			concentration ≥ 5 % R 40 (*) obligatory

(*) In accordance with the labelling guide of Annex VI, point II (D) to Directive 67/548/EEC and depending on the classification, the standard R phrases R 20, R 23 or R 26 are also to be assigned to indicate route of administration or means of exposure.

(c) The following is added to point 3. Severe effects after repeated or prolonged exposure:

Gaseous preparations

For gases that produce severe effects after repeated or prolonged exposure (R 48), the individual concentration limits specified in Table III A below, expressed as a volume/volume percentage, determine, when appropriate, the classification of the preparation and shall determine which particular R phrase is to be assigned to it.

TABLE III A

Classification of the substance (gas)	Classification of the gaseous preparation	
	T	X _n
T with R 48	concentration $\geq 5\%$ R 48 (*) obligatory	0,5 % $\leq$ concentration, < 5 % R 48 (*) obligatory
X _n with R 48		concentration $\geq 5\%$ R 48 (*) obligatory

(*) In accordance with the labelling guide of Annex VI, point II (D) to Directive 67/548/EEC and depending on the classification, the standard R phrases R 20 or R 23 are also to be assigned to indicate route of administration or means of exposure.

(d) The following is added to point 4. Corrosive and irritant effects :

Gaseous preparations

For gases that produce such effects (R 34, R 35) or (R 36, R 37, R 38, R 41), the individual concentration limits specified in Table IV A below, expressed as a volume/volume percentage determine, when appropriate, the classification of the preparation and shall determine which particular R phrase is to be assigned to it.

TABLE IV A

Classification of the substance (gas) and/or relevant standard risk phrase	Classification of the gaseous preparation			
	At least C with R 35	At least C with R 34	At least X _i with R 41	At least X _i with R 36, R 37 or R 38
At least C with R 35	concentration $\geq 1\%$ R 35 obligatory	0,2 % $\leq$ concentration < 1 % R 34 obligatory		0,02 % $\leq$ concentration < 0,2 % R 37 obligatory
At least C with R 34		concentration $\geq 5\%$ R 34 obligatory		0,5 % $\leq$ concentration < 5 % R 37 obligatory
At least X _i with R 41			concentration $\geq 5\%$ R 41 obligatory	0,5 % $\leq$ concentration < 5 % R 36 obligatory
At least X _i with R 36, R 37, R 38				concentration $\geq 5\%$ R 36, R 37, R 38 obligatory as appropriate

(e) The following is added to point 5. Sensitizing effects :

Gaseous preparations

Gases that produce such effects are classified :

— at least as harmful (X_n) and assigned R 42 or R 42/43 as appropriate.

The individual concentration limits specified in Table V A below, expressed as a volume/volume percentage, determine, when appropriate, the classification of the preparation, and shall determine which particular R phrase is to be assigned to it.

TABLE V A

Classification of the substance (gas)	Classification of the gaseous preparation	
	At least X _n with R 42	
At least X _n with R 42	concentration ≥ 0,2 % R 42 obligatory	
At least X _n with R 42/43	concentration ≥ 0,2 % R 42/43 obligatory	

- (f) The following is added to point 6. Carcinogenic/mutagenic/teratogenic effects :

Gaseous preparations

For gases which produce such effects and for which specific concentration limits do not yet appear in Annex I to Directive 67/548/EEC and for those which, in accordance with point 3.1.1 of Annex III to Directive 83/467/EEC, are provisionally assigned the phrase R 40, the concentration limits laid down in Table VI A, expressed as a volume/volume percentage, shall determine, where appropriate, the classification of the preparation and the compulsory R phrase to be assigned to it.

TABLE VI A

Classification of the substance (gas)	Classification of the gaseous preparation	
	at least T	at least X _n
at least T with R 45 for carcinogenic substances of category 1 or 2	concentration ≥ 1 % R 45 obligatory	
at least X _n with R 40 for carcinogenic substances of category 3		concentration ≥ 0,1 % R 45 obligatory
at least T with R 46 for mutagenic substances of category 1	concentration ≥ 0,1 % R 46 obligatory	
at least X _n with R 46 for mutagenic substances of category 2		concentration ≥ 0,1 % R 46 obligatory
at least X _n with R 40 for mutagenic substances of category 3		concentration ≥ 1 % R 40 obligatory
at least T with R 47 for teratogenic substances of category 1	concentration ≥ 0,2 % R 47 obligatory	
at least X _n with R 47 for teratogenic substances of category 2		concentration ≥ 1 % R 47 obligatory
at least X _n with R 40 provisionally in accordance with point 3.1.1 of Annex III to Directive 83/467/EEC		concentration ≥ 1 % R 40 obligatory

COMMISSION DECISION

of 24 September 1990

fixing the aid for private storage of carcasses and half-carcasses of lamb in connection with the invitations to tender issued under Regulation (EEC) No 2334/90

(90/493/EEC)

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 7 (5) thereof,

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

Whereas Commission Regulation (EEC) No 287/90 of 1 February 1990 setting out some detailed rules for private storage aid for lamb in the period 1 January to 30 November 1990⁽⁴⁾ as last amended by Regulation (EEC) No 2567/90⁽⁵⁾, supplements the provisions of Regulation (EEC) No 2659/80 and lays down in particular detailed rules governing invitations to tender;

Whereas Commission Regulation (EEC) No 2334/90⁽⁶⁾ opens invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas, in accordance with Article 11 (1) (f) of Regulation (EEC) No 2659/80, a maximum amount of aid for private storage should be fixed on the basis of tenders received or no action must be taken in respect of the invitation to tender;

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

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

HAS ADOPTED THIS DECISION:

Article 1

The aid referred to in Article 11 (1) (f) of Regulation (EEC) No 2659/80 for the invitations to tender opened by Regulation (EEC) No 2334/90 shall be as follows: ECU 1 400 tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 276, 20. 10. 1980, p. 12.

⁽³⁾ OJ No L 306, 11. 11. 1988, p. 28.

⁽⁴⁾ OJ No L 31, 2. 2. 1990, p. 11.

⁽⁵⁾ OJ No L 243, 6. 9. 1990, p. 10.

⁽⁶⁾ OJ No L 211, 9. 8. 1990, p. 6.

COMMISSION DECISION

of 26 September 1990

authorizing France provisionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Picea A.* originating in the United States of America

(Only the French text is authentic)

(90/494/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 90/490/EEC⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the request made by France,

Whereas, under the provisions of Directive 77/93/EEC, plants of *Picea A.*, other than fruit and seeds, originating in non-European countries, may in principle not be introduced into the Community;

Whereas, however, Article 14 (3) of the abovementioned Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas France wishes to import such plants in a limited quantity for trial purposes;

Whereas it has appeared that at present plants of the cultivar concerned of *Picea glauca* (Mnch.) Voss are only available in the United States of America;

Whereas the Commission has established on the basis of information available at present that the risk of spreading harmful organisms, in particular non-European *Pissodes* spp., *Chrysomyxa arctostaphyli* Diet., *Melampsora medusae* Thüm, *Poria weirii* Murr and *Arceuthobium*, through the introduction on plants of *Picea glauca* (Mnch.) Voss originating in the United States of America for the aforementioned purpose is obviated provided that certain technical conditions are satisfied;

Whereas France should therefore be authorized to provide for derogations in respect of plants of *Picea glauca* (Mnch.) Voss subject to certain special conditions and only for a period necessary for the purposes of the trial;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

1. France is hereby authorized to provide, under the conditions laid down in paragraph 2, for derogations from Article 4 (1) of Directive 77/93/EEC, with regard to Annex III (A) (1), for plants of *Picea A.*, other than fruit and seeds, originating in the United States of America.

2. For the purpose of paragraph 1, the following conditions shall be satisfied:

(a) the plants shall be of the species *Picea glauca* and of the cultivar carrying the code 'US 1'; the consignment shall not exceed the quantity of 1 000 plants;

(b) the plants shall have been grown in nurseries controlled by the official plant protection organization of the United States of America;

(c) the plants shall:

- have a maximum age of three years,
- be bare-rooted without any adhering or associated growing medium;

(d) the plants shall be accompanied by a phytosanitary certificate issued in the United States of America in accordance with Article 7 of Directive 77/93/EEC on the basis of the examination laid down in Article 6 of the said Directive relating to the conditions laid down therein, in particular freedom from *Pissodes* spp. (non-European) (Annex I (A) (a) (7c)), *Chrysomyxa arctostaphyli* Diet. (Annex I (A) (d) (4)), *Melampsora medusae* Thüm (Annex I (A) (d) (13)), *Poria weirii* Murr (Annex I (A) (d) (16)) and from *Arceuthobium* spp. (non-European) (Annex I (A) (f)), as well as to freedom from any other harmful organism which is not known to occur in the Community, and as to freedom of these harmful organisms at the place of production or in its immediate vicinity. The certificate shall indicate under 'Additional Declaration', the statement 'This consignment meets the conditions laid down in Decision 90/494/EEC.';

(e) the plants shall form one single consignment and shall therefore be packed in closed containers, which have been officially sealed and bear a distinguishing mark to be reproduced on the phytosanitary certificate, enabling the consignment to be identified;

(¹) OJ No L 26, 31. 1. 1977, p. 20.

(²) OJ No L 271, 3. 10. 1990, p. 28.

- (f) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by officials specially instructed or trained for the purposes of this Decision, either in the harbour or the airport of unloading, or at the place of quarantine referred to in (h);
- (g) the inspections referred to in (f) shall also comprise :
 - a thorough examination of the phytosanitary certificate,
 - an identity check consisting of comparing the marking on each container and the number of containers, with the information given in the related phytosanitary certificate;
- (h) the plants shall be subjected, before they are released, to official post-entry quarantine for a period of not less than 12 months at a place notified by the French official plant protection service and which isolate them from any other conifers; this period shall be extended by a further 12 months in the case of any finding of doubtful symptoms or of non-European harmful organisms on the imported plants;
- (i) the post-entry quarantine mentioned in (h) shall :
 - be supervised by the French official plant protection service,
 - be visually examined for harmful organisms or symptoms caused by any harmful organism, and appropriate tests shall be carried out on any symptom observed in the visual examination in order to identify the harmful organisms having caused such symptoms;
- (j) any plant which has not been found free from non-European harmful organisms shall immediately be destroyed;

- (k) France shall notify to the Commission and to the other Member States any contamination by harmful organisms which has been confirmed.

Article 2

France shall provide the Commission and the other Member States, before 31 March 1991 with information on the date of importation and on the quantities which have been imported pursuant to this Decision, and with a detailed technical report of the official inspections and examinations referred to in Article 1 (2) (g) and (i), as well as with information about the origin of the plants and their exact age.

Article 3

The authorization granted in Article 1 shall expire on 31 December 1990.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

CORRIGENDA

Corrigendum to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

(Official Journal of the European Communities No L 183 of 29 June 1989)

On page 7 in Article 13 (1), line 3:

for: '... acts or Commissions...',

read: '... acts or omissions ...'
