

Official Journal

of the European Communities

ISSN 0378-6978

L 281

Volume 33

12 October 1990

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 2934/90 of 9 October 1990 imposing a definitive anti-dumping duty on imports of ball bearings with greatest external diameter not exceeding 30 mm originating in Thailand and collecting definitively the provisional duty 1
- ★ Council Regulation (EEC) No 2935/90 of 9 October 1990 opening a special autonomous import quota for 1990 for high-quality, fresh, chilled or frozen beef falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 4
- ★ Council Regulation (EEC) No 2936/90 of 9 October 1990 amending Regulation (EEC) No 4055/89 fixing catch possibilities for 1990 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention 5
- Commission Regulation (EEC) No 2937/90 of 11 October 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal 7
- Commission Regulation (EEC) No 2938/90 of 11 October 1990 fixing the premiums to be added to the import levies on cereals, flour and malt 9
- Commission Regulation (EEC) No 2939/90 of 11 October 1990 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 11
- Commission Regulation (EEC) No 2940/90 of 11 October 1990 issuing a standing invitation to tender for the sale, for use within the Community, of vinous alcohol held by intervention agencies 14
- Commission Regulation (EEC) No 2941/90 of 11 October 1990 opening individual sales by invitation to tender for the export of vinous alcohol held by intervention agencies 19

Contents (continued)

* Commission Regulation (EEC) No 2942/90 of 10 October 1990 concerning the stopping of fishing for hake by vessels flying the flag of the Netherlands	21
* Commission Regulation (EEC) No 2943/90 of 11 October 1990 amending Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff	22
Commission Regulation (EEC) No 2944/90 of 11 October 1990 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal	23
Commission Regulation (EEC) No 2945/90 of 11 October 1990 fixing the import levies on white sugar and raw sugar	24

II *Acts whose publication is not obligatory*

Council

90/503/EEC :

* Council Decision of 8 October 1990 concerning the provisional application of the Agreed Minute amending the Agreement between the European Economic Community and the Democratic Socialist Republic of Sri Lanka on trade in textile products	26
Agreed Minute	27

90/504/EEC :

* Council Directive of 9 October 1990 amending the Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation	28
--	----

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2934/90

of 9 October 1990

imposing a definitive anti-dumping duty on imports of ball bearings with greatest external diameter not exceeding 30 mm originating in Thailand and collecting definitively the provisional duty

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 protections 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 1613/90⁽²⁾, imposed a provisional anti-dumping duty on imports of ball bearings with greatest external diameter not exceeding 30 mm, falling within CN code 8482 10 10 and originating in Thailand.

B. Subsequent procedure

- (2) Following the imposition of the provisional duty, the two producer/exporters (hereafter called 'the exporters') named in Regulation (EEC) No 1613/90 and the complainant each requested, and were granted, a hearing with regard to the findings set out in this Regulation. They also made written submissions making known their views on these findings.

C. Dumping

(i) Normal value

- (3) With regard to normal value, the exporters contested the rate of profit used by the Commission in its provisional calculations.

- (4) They pointed out that this profit margin represents a very substantial increase compared to profit rates used in the previous proceeding relating to the same product originating in the same country and that without such a high profit margin no dumping would have been found. They further alleged that the sales relied upon by the Commission in order to establish the profit margin (as described in the fourth paragraph of recital 15 of Regulation (EEC) No 1613/90) were made at exceptionally high prices to a single customer and should, therefore, not be taken into account in establishing the profit margin to be included in the constructed normal value. As a secondary argument, i.e. were the method used in Regulation (EEC) No 1613/90 to be confirmed, they requested that adjustments be made for expenses incurred by their parent company's Singapore sales company, Minebea Singapore Ltd, from whom the goods were transferred to the first independent customer.

- (5) The Council does not accept the exporters' arguments.

- (6) The fact that a lower rate of profit was considered reasonable in an earlier proceeding, in the light of the situation prevailing then, does not render the different rate established in the present case, on the basis of the new factual situation, unreasonable. In addition, findings cannot be influenced by the consideration that the use of a lower margin of profit in the present case would have led to a smaller or non-existent dumping margin.

- (7) As regards the nature of the sales relied upon by the Commission to establish the profit margin for normal value (fourth paragraph of recital 15 of Regulation (EEC) No 1613/90), the Council accepts that these sales were made to a single customer but notes that several different bearing types were involved and that the quantities were very large. In addition, there is no substance to the claim that the selling prices were exceptionally high and no concrete evidence has been produced by the exporters to back up this allegation.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 152, 16. 6. 1990, p. 24.

- (8) Furthermore, the adjustments requested for the expenses incurred by the exporters on the sales described in the aforesaid fourth paragraph of recital 15 cannot be granted. The profit margin used in the present case is not a profit in a third country as such, but has been calculated according to the provisions of Article 2 (3) (b) (ii) *in fine* of Regulation (EEC) No 2423/88, i. e. on a 'reasonable basis', this reasonable basis being the ratio of sale price/unit cost referred to in the fifth paragraph of the aforesaid recital 15 *in initio*. Substantial downward adjustments have been made on this ratio but the Council considers that there is no reason to deduct the expenses claimed, since these expenses would not have been incurred had the transaction taken place within Thailand.

(ii) *Export price*

- (9) No observations were formulated regarding export price, as established in Regulation (EEC) No 1613/90.

(iii) *Comparison*

- (10) The exporters argued that, for comparison purposes, normal value should be reduced by the amount of import duties and taxes payable on imports. Ball bearings exported from Thailand are exempt from these duties and taxes, while they are normally levied on products sold on the domestic market, and the exporters claimed that an adjustment for these amounts should be made under Article 2 (10) (b) of Regulation (EEC) No 2423/88.

- (11) The Council does not agree with the exporters' claim. The normal value was calculated on the actual cost of production, which already excludes the duties and taxes in question. There is consequently no reason to make any deduction from the normal value, since it was calculated net of the import duties and taxes subsequently levied on domestic sales.

(iv) *Conclusion*

- (12) In view of the aforementioned considerations, the Council confirms the findings on dumping set out in Regulation (EEC) No 1613/90.

D. Injury

- (13) With regard to injury, the exporters restricted their arguments to the Commission's findings on the lack of profitability element in the injury determination and on the target profit of 15 % used for calculating the injury threshold (recitals 34 and 54 respectively of Regulation (EEC) No 1613/90).
- (14) The exporters argued that this level of profit was too high and claimed, in particular, that the ball

bearings industry requires a lower level of research and development expenditure than many other sectors or products. They further alleged that it would have been more difficult for the Commission to prove the existence of injury had a lower figure for profit been used for the Community industry.

- (15) The Council does not accept the exporters' argument that the target profit for the Community industry is too high. It notes that the figure of 15 % was arrived at by the Commission after taking account of historical trends and of the required levels of investment in fixed assets, research and development, training and marketing. The Council therefore concludes that a 15 % profit represents a reasonable return on sales for the Community industry and that, in view of this, the exporters' second argument, relating to the possible absence of injury had a lower target profit been used, is not relevant.
- (16) The Council therefore confirms the conclusions on injury reached by the Commission in the provisional regulation.

E. Causation of injury

- (17) No arguments were received from the exporters concerning the Commission's findings on causation of injury. The Council therefore confirms these findings.

F. Community interest

- (18) No observations were received from any interested party about the Commission's considerations on the Community interest set out in recitals 45 and 46 of Regulation (EEC) No 1613/90. The Council therefore confirms that it is in the Community's interest that action be taken against unfair competition caused by imports at dumped prices of ball bearings originating in Thailand.

G. Duty

- (19) Since the ball bearings under consideration are subject to an export tax levied by the Royal Thai Government to avoid the imposition of countervailing duties (Commission Decision 90/266/EEC⁽¹⁾), the exporters claimed that the imposition of an anti-dumping duty on the same bearings would constitute a double penalty for the same situation, contrary to Article 13 (9) of Regulation (EEC) No 2423/88. Their main argument concerned the impact of the second type of subsidy, i. e. the

⁽¹⁾ OJ No L 152, 16. 6. 1990, p. 59.

corporate income tax exemption, on the normal value and export price (recital 53 of Regulation (EEC) No 1613/90). They argued that it was arbitrary for the Commission to assume that this subsidy has the same effect on the export price to the Community as it has on the price to the first independent customer in Singapore, which was used to determine the profit margin for the construction of normal value.

- (20) The Council, however, considers that the Commission is correct to assume that an export subsidy, granted equally to all exports, leads to the same proportional reduction in the price of exports to all destinations. The Council therefore rejects the arguments of the exporters and confirms the Commission's conclusions with regard to the combination of anti-dumping and countervailing duties.

H. Collection of provisional duties

- (21) In view of the dumping margins established and the seriousness of the injury caused to the Community industry, the Council considers it necessary

that the amounts secured by way of provisional anti-dumping duties should be collected in full.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty of 6,7 % at the net free-at-Community frontier price before duty is hereby imposed on imports of ball bearings with greatest external diameter not exceeding 30 mm, falling within CN code 8482 10 10 and originating in Thailand.

2. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 1613/90 shall be definitively collected in full.

Article 3

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

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

Done at Luxembourg, 9 October 1990.

For the Council

The President

P. ROMITA

COUNCIL REGULATION (EEC) No 2935/90

of 9 October 1990

opening a special autonomous import quota for 1990 for high-quality, fresh, chilled or frozen beef falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas exports of high-quality beef can improve the chronically inadequate export receipts and thus boost the economic development of developing countries;

Whereas high-quality beef exports are of decisive importance to the economies of Argentina, Brazil and Uruguay; whereas, moreover, it is envisaged that a Community market for high-quality beef will be set up in 1990;

Whereas, for the abovementioned reasons, a special autonomous import quota of 3 000 tonnes should be opened at 20 % duty for imports from these three countries of high-quality, fresh, chilled or frozen beef falling within CN codes 0201 and 0202 and products falling within CN codes 0206 10 95 and 0206 29 91;

Whereas equal, continuous access for all operators concerned in the Community to the tariff quota and the uninterrupted application of the rate laid down for that tariff quota to all imports of the products concerned into all the Member States should in particular be ensured until the quantity provided for is exhausted; whereas, to that end, a system for utilizing the tariff quota based on the presentation of a certificate of authenticity guaranteeing the type, provenance and origin of the products is called for;

Whereas detailed implementing rules must be laid down in accordance with the procedure provided for in Article 27 of Council Regulation (EEC) No 805/68 of 27 June

1968 on the common organization of the market in beef and veal ⁽³⁾, as last amended by Regulation (EEC) No 571/89 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A special tariff quota for high-quality, fresh, chilled or frozen beef falling within CN codes 0201 and 0202 and products falling within CN codes 0206 10 95 and 0206 29 91 is hereby opened for 1990.

The tariff quota shall cover a total of 3 000 tonnes expressed in weight of the product.

2. Imports under the quota referred to in paragraph 1 shall be subject to duty of 20 %.

No levy shall apply to the said quota.

Article 2

In accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, detailed rules for the implementation of this Regulation shall be laid down, including in particular:

- (a) provisions guaranteeing the type, provenance and origin of the products in question and providing for the document to be used for that purpose;
- (b) provisions relating to the recognition of the document provided for in point (a).

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 Luxembourg, 9 October 1990.

For the Council

The President

P. ROMITA

⁽¹⁾ OJ No C 51, 2. 3. 1990, p. 9.
⁽²⁾ OJ No C 231, 17. 9. 1990.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.
⁽⁴⁾ OJ No L 61, 4. 3. 1989, p. 43.

COUNCIL REGULATION (EEC) No 2936/90

of 9 October 1990

amending Regulation (EEC) No 4055/89 fixing catch possibilities for 1990 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 3 of Regulation (EEC) No 170/83, it falls to the Council to establish the total allowable catches (TACs) by stock or group of stocks, the share available for the Community and also the specific conditions under which the catches must be made;

Whereas Regulation (EEC) No 4055/89⁽²⁾ fixed catch possibilities for 1990 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the Convention and Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention);

Whereas NAFO has set the 1990 TAC for squid (*Illex*) in NAFO sub-areas 3 and 4 at 150 000 tonnes, subject to adjustment where warranted by scientific advice;

Whereas 16 000 tonnes of the TAC have been allocated to certain Contracting Parties of NAFO;

Whereas no quota for squid (*Illex*) in NAFO sub-areas 3 and 4 for 1990 has been fixed by NAFO for the Commu-

nity and Canada, the allocations to these Parties being as yet undetermined;

Whereas the sum of the Community and Canadian quotas shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC;

Whereas, in the framework of its wider international obligations, the Community participates in efforts to conserve fish stocks arising in international waters;

Whereas the scientific information now available on the squid (*Illex*) stocks in NAFO sub-areas 3 and 4 does not allow for catch protection for 1990;

Whereas it is appropriate consequently to limit the fishing possibilities of the Community on the stocks in the current year by a precautionary TAC,

HAS ADOPTED THIS REGULATION:

Article 1

The text relating to squid (*Illex*) in NAFO sub-areas 3 and 4 set out in Annex 1 to Regulation (EEC) No 4055/89 is hereby replaced by the text set out in the Annex 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*.

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

Done at Luxembourg, 9 October 1990.

For the Council

The President

P. ROMITA

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 67.

ANNEX

Stock			Member States	1990 quota (tonnes)
Species	Geographical region	Zone		
Squid (<i>Illex</i>) ⁽¹⁾	North-west Atlantic	NAFO sub-areas 3 and 4	Belgium Denmark Germany Greece Spain France Ireland Italy Luxembourg Netherlands Portugal United Kingdom Available for Member States	
			EEC total	15 000 ⁽²⁾

⁽¹⁾ The opening date for squid (*Illex*) fishing is 1 July 1990.

⁽²⁾ Precautionary TAC.

COMMISSION REGULATION (EEC) No 2937/90

of 11 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 10 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 12 October 1990.

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

Done at Brussels, 11 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 11 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	26,98	138,84 ⁽²⁾ ⁽³⁾
0712 90 19	26,98	138,84 ⁽²⁾ ⁽³⁾
1001 10 10	21,43	192,20 ⁽¹⁾ ⁽³⁾
1001 10 90	21,43	192,20 ⁽¹⁾ ⁽³⁾
1001 90 91	27,45	162,25
1001 90 99	27,45	162,25
1002 00 00	53,04	148,70 ⁽⁴⁾
1003 00 10	44,41	151,63
1003 00 90	44,41	151,63
1004 00 10	36,05	136,76
1004 00 90	36,05	136,76
1005 10 90	26,98	138,84 ⁽²⁾ ⁽³⁾
1005 90 00	26,98	138,84 ⁽²⁾ ⁽³⁾
1007 00 90	44,41	145,45 ⁽⁴⁾
1008 10 00	44,41	55,60
1008 20 00	44,41	112,60 ⁽⁴⁾
1008 30 00	44,41	51,95 ⁽³⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	44,41	51,95
1101 00 00	51,94	241,07
1102 10 00	86,90	221,69
1103 11 10	46,41	311,10
1103 11 90	55,55	259,11

⁽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 2938/90

of 11 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 10 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 12 October 1990.

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

Done at Brussels, 11 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 11 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	0	0,26
0712 90 19	0	0	0	0,26
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	0	0,26
1005 90 00	0	0	0	0,26
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 2939/90

of 11 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 8 and 9 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 12 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, 11 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 ⁽²⁾

⁽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 2940/90

of 11 October 1990

issuing a standing invitation to tender for the sale, for use within the Community, of vinous alcohol held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾, and in particular Article 1 (1) thereof,

Whereas Commission Regulation (EEC) No 1780/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 2568/90 ⁽⁵⁾, laid down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas, in view of the cost of storing alcohol, a standing invitation should be issued to tender for the sale of vinous alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies;

Whereas, in view of the experience gained from Commission Regulation (EEC) No 1781/89 ⁽⁶⁾, as amended by Regulation (EEC) No 142/90 ⁽⁷⁾, a new standing invitation to tender should be issued for the implementation within the Community of small-scale projects designed to find new uses for alcohol;

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

HAS ADOPTED THIS REGULATION:

Article 1

A standing invitation is hereby issued to tender for the sale of a total quantity of 400 000 hectolitres of alcohol at 100 % vol. obtained from the distillation operations

referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies.

The alcohol offered for sale is intended for use within the Community in accordance with Article 2 of Regulation (EEC) No 1780/89.

The location of the vats concerned, the volume of alcohol contained in each vat and the intervention measure under which the alcohol was obtained are specified in the Annex hereto.

Article 2

The sale shall take place in accordance with the provisions of Regulation (EEC) No 1780/89, and in particular Articles 2 to 9 and 29 to 38 thereof.

Article 3

The reference numbers of the vats concerned, the specific conditions relating to the sale and the names and addresses of the intervention agencies shall be specified in the partial invitations to tender which are to be published in the 'C' series of the *Official Journal of the European Communities*.

Article 4

The standing invitation to tender shall be valid for 13 months as from the date on which partial invitation to tender No 5/90 is published in the *Official Journal of the European Communities*.

Article 5

1. Where the alcohol is to be exported from the Community in the form of manufactured goods, proof must be provided to show that, in the course of the two preceding years, authorization was granted for use of alcohol from third countries in the manufacture of identical goods under the inward processing arrangements.

2. In the case referred to in the preceding paragraph, the tender must specify the nature of the goods exported.

Article 6

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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 178, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 243, 6. 9. 1990, p. 11.

⁽⁶⁾ OJ No L 178, 24. 6. 1989, p. 10.

⁽⁷⁾ OJ No L 16, 20. 1. 1990, p. 25.

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

Done at Brussels, 11 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Member State	Location	Number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol	Alcoholic strength (% vol)
1. France	Société Deulep, 30800 Saint-Gilles-du-Gard	96	4 581	35	Neutral alcohol	+ 96
		507	4 566	35	Neutral alcohol	+ 96
		509	9 524	35	Neutral alcohol	+ 96
		93	4 633	39	Neutral alcohol	+ 96
	Société Verniers (Narbonne)	102	9 514	35	Neutral alcohol	+ 96
		109	9 497	35	Neutral alcohol	+ 96
		546	4 544	35	Neutral alcohol	+ 96
		104	9 341	39	Neutral alcohol	+ 96
		106	9 354	39	Neutral alcohol	+ 96
	Sotherm (Port-Saint-Louis-du-Rhône)	A 6	20 735	35	Raw alcohol	+ 92
	Gièvres (Selles-sur-Cher)	10	16 909	35	Neutral alcohol	+ 96
		31	3 971	35	Non rectified alcohol	—
		30	3 183	35	Non rectified alcohol	—
	PROMA, 43, avenue Georges Brassens, 13230 Port-Saint-Louis-du-Rhône	2 2	19 538	35	Raw alcohol	+ 92
	Société Miroline, 14600 Honfleur	23	30 532	35	Non rectified alcohol	—
	Total		160 422			
2. Spain	Tomelloso (Ciudad Real)	4	16 498	35,36	Raw alcohol	+ 95
	Villarrobledo (Albacete)	11	44 173	39	Neutral alcohol	+ 96
	Tarancón (Cuenca)	A 9	25 323	35,36	Neutral alcohol	+ 96
	Total		85 994			

Member State	Location	Number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol	Alcoholic strength (% vol)
3. Italy	Flli Cipriani SpA, Chizzola di Aia (TN)	155	1 270	35	Neutral alcohol	+ 96
		156	1 280	35	Neutral alcohol	+ 96
		157	1 283	35	Neutral alcohol	+ 96
		158	1 270	35	Neutral alcohol	+ 96
		159	1 277	35	Neutral alcohol	+ 96
		160	1 280	35	Neutral alcohol	+ 96
		74	826	35	Neutral alcohol	+ 96
		76	944	35	Neutral alcohol	+ 96
		103	376	35	Neutral alcohol	+ 96
		104	373	35	Neutral alcohol	+ 96
	Distilleria del Salento SpA, Gallipoli (LE) via Indipendenza Materdomini di Nocera Superiore (SA)	6 to 20	10 000	35	Neutral alcohol	+ 96
	Distilleria Vitrano SpA, Balestrate (PA) — via Grassa, Mazara del Vallo (TP) — contrada Piano Milano (PA)	8	9 244	35	Neutral alcohol	+ 96
		7	930	35	Neutral alcohol	+ 96
	Distilleria Bertolino SpA, Partinico (PA), contrada Percianotta, Agro di Monreale (PA)	1/A	9 500	35	Neutral alcohol	+ 96
		3/A	9 500	35	Neutral alcohol	+ 96
	Distilleria Vitrano SpA, Balestrate (PA) contrada Piano Milano, Partinico (PA)	8	977	36	Neutral alcohol	+ 96
		7	9 348	36	Neutral alcohol	+ 96
	GE. DIS. SpA, Marsala (TP) — contrada Bartolotta, Marsala — Lungomare Mediterraneo 31, Marsala (TP)	B/5	8 881	36	Neutral alcohol	+ 96
		A/6	630	36	Neutral alcohol	+ 96
		H/3	487	36	Neutral alcohol	+ 96
	Distilleria Bertolino SpA, Partinico (PA) contrada Pollastra, Partinico (PA)	3/A	10 050	36	Neutral alcohol	+ 96
		B/2 - B/12 F/12 - B/3 B/4	8 750	35	Non rectified alcohol	—
	Neri s.a.s. via S. Silvestro n. 6, Faenza (RA)	1	3 604	39	Neutral alcohol	+ 96
		3	3 601	39	Neutral alcohol	+ 96
		7	3 603	39	Neutral alcohol	+ 96

Member State	Location	Number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol	Alcoholic strength (% vol)
Italy (cont'd)	Distilleria Bonollo SpA, Formigine (MO) località Paduni Anagni (FR)	23	5 046	39	Neutral alcohol	+ 96
		13	3 360	39	Neutral alcohol	+ 96
		5	909	39	Non rectified alcohol	—
		8	777	39	Non rectified alcohol	—
	Cavro Soc. coop., via Convertite n. 14/13, Faenza (RA)	73	1 715	39	Non rectified alcohol	—
		82	1 826	39	Neutral alcohol	+ 96
		85	1 817	39	Neutral alcohol	+ 96
		220	1 755	39	Non rectified alcohol	—
		87	1 822	39	Non rectified alcohol	+ 96
		88	1 796	39	Neutral alcohol	+ 96
	Distilleria Mazzari SpA, via Giardino 10, S. Agata sul Santerno (RA)	V-1310	1 789	39	Neutral alcohol	+ 96
		V-1311	1 084	39	Neutral alcohol	+ 96
		V-1308	1 907	39	Neutral alcohol	+ 96
		V-1162	1 513	39	Neutral alcohol	+ 96
		V-1313	1 559	39	Non rectified alcohol	—
		V-1352	2 182	39	Neutral alcohol	+ 96
	Distilleria G. Di Lorenzo s.r.l., Ponte Valleceppi (PG) località Pontenuovo di Torgiano (PG)	17	320	39	Non rectified alcohol	—
		5	4 019	39	Neutral alcohol	+ 96
		6	8 357	39	Neutral alcohol	+ 96
		19	325	39	Neutral alcohol	—
		23	422	39	Non rectified alcohol	—
	SODIME SpA, Napoli, Oliveto Citra (SA)	3.2.2	6 918	39	Neutral alcohol	+ 96
		3.3.2	3 082	39	Non rectified alcohol	—
	Total		153 584			
TOTAL			400 000			

COMMISSION REGULATION (EEC) No 2941/90

of 11 October 1990

opening individual sales by invitation to tender for the export of vinous alcohol held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 1780/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 2568/90 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies;

Whereas individual sales by invitation to tender should be organized for the export of alcohol to certain third countries for end use as motor fuel; whereas these countries should be given the assurance of increased continuity of supply;

Whereas the invitations to tender opened by this Regulation relate to certain third countries where there is some guarantee that exports of vinous alcohol will not disturb their markets in alcohol and spirituous beverages; whereas the amount and detailed rules for the release of the performance security may be adapted accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Four individual sales by invitation to tender Nos 50/90 to 53/90 shall be held of a total quantity of 200 000

hectolitres of alcohol at 100 % vol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies. Each invitation to tender should be for a quantity of 50 000 hectolitres of alcohol at 100 % vol.

2. The alcohol offered for sale:

— shall be for export outside the European Economic Community,

— must be imported into and dehydrated in one of the following third countries:

- Guatemala,
- Belize,
- Honduras, including the Swan Islands,
- El Salvador,
- Costa Rica,
- St Christopher and Nevis,
- Haiti,
- Bahamas,
- Dominican Republic,
- Antigua and Barbuda,
- Dominica,
- British Virgin Islands and Montserrat,
- Jamaica,
- St Lucia,
- St Vincent, including the Northern Grenadines,
- Barbados,
- Trinidad and Tobago,
- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles: Curaçao, Bonaire, St Eustace, Saba and the southern part of St Martin,
- Guyana,
- Virgin Islands of the United States,

— must be used only as motor fuel.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol shall be specified in the notices of individual invitation to tender Nos 50/90 to 53/90.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 178, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 243, 6. 9. 1990, p. 11.

Article 3

The sales shall take place in accordance with Regulation (EEC) No 1780/89, and in particular Articles 10 to 17 and 29 to 38 thereof.

However :

- one half of the performance security shall be released by the intervention agency holding the alcohol on removal of the quantity concerned from the agency's stores when the successful tenderer furnishes proof that that quantity has been placed under customs supervision in the territory of one of the third countries listed in Article 1 (2),
- the remainder of the performance security shall be released in accordance with Article 33 (3) (b) of Regulation (EEC) No 1780/89.

In addition, to be admissible, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to

the effect that the alcohol will be sent to that destination and used for that purpose.

Article 4

The specific conditions applying to the four individual sales by invitation to tender and the names and addresses of the intervention agencies concerned shall be given in the notices of individual invitation to tender Nos 50/90 to 53/90 published in the 'C' series of the *Official Journal of the European Communities*.

Article 5

The deadline for the submission of tenders at the address given in the notices of invitation to tender shall be 12 noon (Brussels time) on 5 November 1990.

Article 6

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

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

Done at Brussels, 11 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2942/90

of 10 October 1990

concerning the stopping of fishing for hake by vessels flying the flag of the Netherlands

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 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for hake 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 hake in the waters of ICES divisions II a (EC zone) and IV (EC zone) by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for 1990; whereas the Netherlands have prohibited fishing for this stock as

from 17 September 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of hake in the waters of ICES divisions II a (EC zone) and IV (EC zone) by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the quota allocated to the Netherlands for 1990.

Fishing for hake in the waters of ICES divisions II a (EC zone) and IV (EC zone) by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock caught by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 17 September 1990.

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

Done at Brussels, 10 October 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. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2943/90

of 11 October 1990

amending Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff

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

Having regard to Council Regulation No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾ as last amended by Commission Regulation (EEC) No 2472/90⁽²⁾, and in particular Article 9 thereof,

Whereas concentrated milk proteins may be classified under either Chapter 4 or Chapter 35 of the combined nomenclature; whereas the combined nomenclature draws no demarcation line between these two chapters; whereas criteria should be established for classifying the concentrates in question in one or the other of these chapters so as to ensure the uniform application of the combined nomenclature; whereas the protein content seems a suitable criterion for this purpose; whereas an additional note to this purpose should be inserted into Chapter 35 of the combined nomenclature; whereas Regulation (EEC) No 2658/87 should be amended accordingly;

Whereas the provisions of this Regulation are in accordance with the opinion of the Nomenclature Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The following additional note is inserted into Chapter 35 of the combined nomenclature annexed to Regulation (EEC) No 2658/87:

'Additional note:

1. Heading No 3504 includes concentrated milk proteins with a protein content of more than 85 % by weight, calculated on the dry matter'.

Article 2

This Regulation shall enter into force six weeks after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 11 October 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 247, 10. 9. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2944/90**of 11 October 1990****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

Having regard to Council Regulation (EEC) No 3891/89 of 11 December 1989 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1), and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3948/89 of 20 December 1989 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EEC) No 3891/89 and (EEC) No 3892/89 in the beef and veal sector (2) provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (3), as last amended by Regulation (EEC) No 1618/90 (4);

Whereas Article 1 (1) (d) of Regulation (EEC) No 3948/89 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the

United States of America and Canada which may be imported on special terms in 1990 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1st until 5th October 1990 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3948/89 shall be met in full.
2. Applications for licences may be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first five days of November 1990 for 9 695 tonnes.

Article 2

This Regulation shall enter into force on 12 October 1990.

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

Done at Brussels, 11 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 378, 27. 12. 1989, p. 19.

(2) OJ No L 379, 28. 12. 1989, p. 32.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 152, 16. 6. 1990, p. 39.

COMMISSION REGULATION (EEC) No 2945/90**of 11 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 2924/90⁽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 12 October 1990.

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

Done at Brussels, 11 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 279, 11. 10. 1990, p. 30.

ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	37,90 ⁽¹⁾
1701 11 90	37,90 ⁽¹⁾
1701 12 10	37,90 ⁽¹⁾
1701 12 90	37,90 ⁽¹⁾
1701 91 00	44,36
1701 99 10	44,36
1701 99 90	44,36 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 October 1990

concerning the provisional application of the Agreed Minute amending the Agreement between the European Economic Community and the Democratic Socialist Republic of Sri Lanka on trade in textile products

(90/503/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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, pending the completion of the procedures necessary for its conclusion, the Agreement between the European Economic Community and the Democratic Socialist Republic of Sri Lanka on trade in textile products, initialled on 31 May 1986, has been provisionally applied since 1 January 1987 in accordance, having regard to the Community, with Decision 87/459/EEC⁽¹⁾;

Whereas that Agreement provides for the possibility of re-examining quantitative adjustments to the quotas for certain categories, in order to allow for the introduction of the harmonized system;

Whereas, following consultations between the Community and Sri Lanka, an Agreed Minute modifying the quotas on products of categories 6, 7, 8 and 21 provided for in the Agreement was initialled on 6 March 1990;

Whereas, pending the completion of the procedures necessary for the conclusion of the Agreement and the other Agreed Minutes, the Agreed Minute of 6 March 1990 should be applied provisionally, with effect from 1 January 1990, provided that there is reciprocal provisional application on the part of the Democratic Socialist Republic of Sri Lanka,

Article 1

Pending the completion of the procedures necessary for its conclusion, the Agreed Minute of 6 March 1990 amending the Agreement between the European Economic Community and the Democratic Socialist Republic of Sri Lanka on trade in textile products shall be applied provisionally in the Community, with effect from 1 January 1990, provided that there is reciprocal provisional application on the part of the Democratic Socialist Republic of Sri Lanka.

The text of the Agreed Minute is attached to this Decision.

Article 2

The Commission is invited to seek the agreement of the Government of the Democratic Socialist Republic of Sri Lanka on the provisional application of the Agreed Minute referred to in Article 1 and to notify the Council thereof.

Done at Luxembourg, 8 October 1990.

For the Council

The President

E. RUBBI

⁽¹⁾ OJ No L 255, 5. 9. 1987, p. 85.

AGREED MINUTE

1. Delegations of the European Economic Community and the Democratic Socialist Republic of Sri Lanka met in Colombo on 5 and 6 March 1990 for consultations in accordance with Article 16 of the Agreement on Trade in Textile Products between Sri Lanka and the European Economic Community, initialled on 31 May 1986. Consultations were held on Sri Lanka's request for adjustment of restraint levels for certain products covered under the Agreement, arising out of the introduction of combined nomenclature based on the harmonized system with effect from 1 January 1988.
2. As a result of these consultations, the two sides agreed to adjust the restraint levels for categories 6, 7, 8 and 21 given in Annex II to the Agreement as follows:

(1 000 pieces)

Category	Year	
	1990	1991
6	4 115	4 385
7	6 736	7 146
8	5 290	5 657
21	4 230	4 548

3. These adjustments settle all requests of the Sri Lankan side for compensation within the framework of the bilateral Agreement due to the introduction of the combined nomenclature based on the harmonized system.

Colombo, 6 March 1990.

H. WICKRAMASINGHE

*For the Democratic Socialist
Republic of Sri Lanka*

K.P. SCHMALLENBACH

*For the European
Economic Community*

COUNCIL DIRECTIVE
of 9 October 1990
amending the Directive 79/695/EEC on the harmonization of procedures for the
release of goods for free circulation

(90/504/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

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

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas, with regard to the procedures for the release of goods for free circulation, Title II of Directive 79/695/EEC ⁽⁴⁾, as last amended by Regulation (EEC) No 4046/89 ⁽⁵⁾, provides for special procedures, containing, in particular, in subtitles A, B and C, provisions concerning exemption from written entries, the drawing up of general, periodic or recapitulative entries and release of goods before lodging of entry;

Whereas the said provisions indicate in what manner and under what conditions the competent authorities may authorize use of simplified procedures for the release of goods for free circulation;

Whereas the conditions under which importers are entitled to use such a procedure should be defined as precisely as possible; whereas a distinction must be drawn between two types of procedure, namely the local clearance procedure and the simplified declaration procedure;

Whereas specific Community provisions apply where goods previously placed under a customs procedure with economic impact are released for free circulation;

Whereas the simplified procedures for the release of goods for free circulation are of considerable economic importance to the customs union and the internal market; whereas, in a single market, importers must be able to enjoy the same facilities irrespective of where goods are released for free circulation;

Whereas Directive 79/695/EEC should be amended accordingly;

Article 1

Directive 79/695/EEC is hereby amended as follows:

1. Articles 16 to 20 are replaced by the following:

Article 16

Except where Articles 16a to 22 provide otherwise, Title I shall apply to the special procedures laid down in those Articles.

Article 16a

Without prejudice to the special provisions laid down in respect of consignments sent by parcel or letter post, and with the exception of cases where an import licence, permit or certificate has to be presented, a written declaration shall, in the cases and under the conditions to be established pursuant to the procedure laid down in Article 26 (2) and (3), be unnecessary for goods imported for non-commercial purposes or goods of low value.

Article 17

1. The local clearance procedure shall enable goods to be released for free circulation at the premises of the person concerned or at other places designated or approved by the competent authorities.

The simplified declaration procedure shall enable goods to be released for free circulation on presentation of a simplified declaration with later presentation of a supplementary declaration which may be of a general, periodic or recapitulative nature, as appropriate.

2. The procedures referred to in paragraph 1 shall be applied in accordance with Articles 18 to 20a and do not preclude the exercise by the customs services of any controls they deem necessary to ensure the proper conduct of operations,

LOCAL CLEARANCE PROCEDURE

Article 18

Authorization to use the local clearance procedure shall be granted in accordance with the conditions and in the manner laid down in Articles 18a, 18b and 18c

⁽¹⁾ OJ No C 235, 13. 9. 1989, p. 16.

⁽²⁾ OJ No C 38, 19. 2. 1990, p. 49 and
OJ No C 260, 15. 10. 1990.

⁽³⁾ OJ No C 62, 12. 3. 1990, p. 5.

⁽⁴⁾ OJ No L 205, 13. 8. 1979, p. 19.

⁽⁵⁾ OJ No L 388, 30. 12. 1989, p. 24.

to any person who wishes to have goods released for free circulation at his premises or at other places designated or approved by the competent authorities, who submits a written request to this end containing all the particulars necessary for the grant of the authorization

- in respect of goods subject to the Community transit procedure and in respect of which the person referred to above is authorized to use the simplified procedures to be carried out at the office of destination in accordance with Articles 71 to 77 of Commission Regulation (EEC) No 1062/87 ⁽¹⁾, as last amended by Regulation (EEC) No 1159/89 ⁽²⁾;
- in respect of goods previously placed under a customs procedure with economic impact, without prejudice to the relevant specific provisions applicable;
- in respect of goods which are consigned, after having been presented to customs pursuant to Article 5 of Regulation (EEC) No 4151/88 ⁽³⁾, to those premises or places, in accordance with a transit procedure other than that referred to in the first indent;
- in respect of goods which are bought into the customs territory of the Community with an exemption from the requirement that they be presented to customs, pursuant to Article 6 (b) of Regulation (EEC) No 4151/88.

⁽¹⁾ OJ No L 107, 22. 4. 1987, p. 1.

⁽²⁾ OJ No L 119, 29. 4. 1989, p. 1.

⁽³⁾ OJ No L 367, 31. 12. 1988, p. 1.

Article 18a

1. The authorization referred to in Article 18 shall be granted provided that:

- the applicant's records enable the customs authorities to carry out an effective check, in particular checks at a later date,
 - it is possible to guarantee an effective check on import prohibitions or restrictions or compliance with any other provisions governing release for free circulation.
2. Authorization shall in principle be refused where the applicant
- has committed a serious infringement or repeated infringements of customs rules,
 - declares goods for release for free circulation only occasionally.

3. An authorization shall be revoked, when,

- (a) a condition laid down for its issue has not been, or is no longer, fulfilled; or
- (b) its holder fails to fulfil an obligation imposed under the arrangements.

However, the customs authority may refrain from revoking the authorization when:

- the holder fulfils his obligations within any time limit set by the customs authority, or
- the failure to fulfil an obligation is without any real consequence as regards the correct operation of the arrangements.

4. An authorization shall, in principle, also be revoked where the case referred to in the first indent of paragraph 2 arises.

5. An authorization may be revoked where the case referred to in the second indent of paragraph 2 arises.

6. The customs authorities shall set out the grounds for decisions refusing or revoking authorization.

Article 18b

1. To enable the competent authorities to satisfy themselves as to the proper conduct of operations, the authorized person referred to in Article 18 shall, upon arrival of the goods at the place designated for that purpose:

- (a) duly notify the competent authorities of such arrival in the form and manner specified by them for the purpose of obtaining release of the goods;
- (b) enter the said goods in his records. Such entry may be replaced by any other formality laid down by the competent authorities and offering similar guarantees. The entry shall indicate the date on which it is made and the particulars necessary for identification of the goods; such entry or the act in place of it has the same force in law as the acceptance of the declaration referred to in Article 3;
- (c) make available to the competent authorities all documents, the production of which may be required for the application of the Community provisions governing the release of goods for free circulation.

2. On condition that checking on the proper conduct of operations is not thereby affected, the competent authorities may:

- (a) permit the notification referred to in paragraph 1 (a) to be effected as soon as the arrival of the goods becomes imminent;

- (b) in certain special circumstances, where the nature of the goods in question and the rapid rate of importation operations so warrants, exempt the authorized person from the obligation to notify the competent customs office of each arrival of goods, on condition that he provides that office with all the information which it deems necessary to enable it to exercise, where appropriate, its right to examine the goods. In that case, entry of the goods in the records of the person concerned shall be equivalent to their release.

Article 18c

The authorization referred to in Article 18 shall set out the practical details for the functioning of the procedure and in particular :

- the goods to which it applies,
- the form of the obligations referred to in Article 18b, as well as the reference to the guarantee to be provided by the person concerned,
- the time of release of the goods,
- the time limit within which the declaration referred to in Article 3, which may be of a general, periodic or recapitulative nature as appropriate, must be presented to the competent customs office designated for that purpose,
- the conditions under which goods are to be covered by general, periodic or recapitulative declarations, as appropriate.

SIMPLIFIED DECLARATION PROCEDURE

Article 19

1. The declarant shall, upon request, be authorized, in accordance with the conditions and in the manner laid down in Articles 20 and 20a, to make the declaration for release for free circulation in a simplified form where goods are presented to customs,

Such simplified declaration may be in the form

- either of an incomplete entry of the type referred to in Article 6, or
- of an administrative or commercial document containing the particulars necessary for identification of the goods.

The simplified declaration shall be accompanied by all documents the production of which may be required to secure the release of the goods for free circulation.

2. The request referred to in paragraph 1 must be made in writing and contain all the particulars necessary for the grant of the authorization.

3. Statements made in supplementary declarations, together with the statements made in the simplified declarations to which they relate, shall be deemed to constitute a single indivisible instrument taking effect at the date on which the corresponding initial declaration was accepted.

4. This Article shall be without prejudice to specific provisions applicable in the case of release for free circulation of goods which have been placed under a customs procedure with economic impact.

Article 20

1. The authorization referred to in Article 19 shall be granted to the person in whose name the declaration for release for free circulation is made on condition that it is possible to guarantee an effective check on and compliance with import prohibitions or restrictions or other provisions governing release for free circulation.

2. Such authorization shall in principle be refused where the person who has made the application :

- has committed a serious infringement or repeated infringements of customs rules,
- declares goods for release for free circulation only occasionally.

It may be refused where the person in question acts on behalf of another person who declares goods for release for free circulation only occasionally.

3. The authorization shall be revoked where the condition referred to in paragraph 1 ceases to be fulfilled. It may also be revoked where the cases referred to in paragraph 2 arise.

4. The customs authorities shall set out the grounds for decisions refusing or revoking authorization.

Article 20a

The authorization referred to in Article 19 shall :

- designate the customs office(s) which accept simplified declarations,
- specify the form and content of the simplified declarations,
- specify the goods to which they apply as well as the particulars which must appear on the simplified declaration for the purposes of identifying the goods,
- make reference to the guarantee to be provided by the person concerned.

It shall also specify the form and content of the supplementary declarations, which may be of a general, periodic or recapitulative nature, as appropriate, and fix the time limits within which they must be lodged with the competent authority to be designated.

2. In the headings which precede Articles 21 and 22, the letters (D) and (E) are deleted.

Member States shall communicate these measures to the Commission.

3. Article 26 (1) is replaced by the following:

Article 3

'The provisions necessary for applying this Directive shall be adopted in accordance with the procedure laid down in paragraphs 2 and 3.'

This Directive is addressed to the Member States.

Done at Luxembourg, 9 October 1990.

Article 2

Member States shall take the measures necessary to comply with this Directive before 1 January 1993.

For the Council

The President

P. ROMITA
