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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3435/90

of 29 November 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 28 November 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 30 November 1990.

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

Done at Brussels, 29 November 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 29 November 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	28,53	143,64 ⁽²⁾ ⁽³⁾
0712 90 19	28,53	143,64 ⁽²⁾ ⁽³⁾
1001 10 10	22,76	196,78 ⁽¹⁾ ⁽³⁾
1001 10 90	22,76	196,78 ⁽¹⁾ ⁽³⁾
1001 90 91	29,00	168,20
1001 90 99	29,00	168,20
1002 00 00	53,97	155,14 ⁽⁶⁾
1003 00 10	45,30	148,84
1003 00 90	45,30	148,84
1004 00 10	36,94	144,87
1004 00 90	36,94	144,87
1005 10 90	28,53	143,64 ⁽²⁾ ⁽³⁾
1005 90 00	28,53	143,64 ⁽²⁾ ⁽³⁾
1007 00 90	45,30	146,33 ⁽⁴⁾
1008 10 00	45,30	62,43
1008 20 00	45,30	131,38 ⁽⁴⁾
1008 30 00	45,30	73,31 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	45,30	73,31
1101 00 00	53,48	249,41
1102 10 00	89,24	230,88
1103 11 10	48,54	318,42
1103 11 90	57,03	268,63

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

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

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 3436/90

of 29 November 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 28 November 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 30 November 1990.

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

Done at Brussels, 29 November 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 29 November 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	11	12	1	2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	21,71
1001 90 99	0	0	0	21,71
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	30,40

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	0,00	0,00	38,64	38,64
1107 10 19	0	0,00	0,00	28,87	28,87
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 3437/90

of 29 November 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 26 and 27 November 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 30 November 1990.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽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.

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

Done at Brussels, 29 November 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 3438/90

of 29 November 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,

⁽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.

HAS ADOPTED THIS REGULATION:

2. The refund on export to Portugal has not been fixed.

Article 1

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 30 November 1990.

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

Done at Brussels, 29 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 November 1990 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	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	100,00
	05	100,00
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	87,00
	02	20,00
1004 00 10 000	—	—
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 00 100	01	158,00
1101 00 00 130	01	139,00
1101 00 00 150	01	129,00
1101 00 00 170	01	119,00
1101 00 00 180	01	107,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	158,00
1102 10 00 900	01	158,00
1103 11 10 100	01	233,00
1103 11 10 200	01	220,00
1103 11 10 500	01	197,00
1103 11 10 900	01	186,00
1103 11 90 100	01	158,00
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).

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 3439/90

of 29 November 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 1 December 1990.

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

Done at Brussels, 29 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 November 1990 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
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	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	0	0
1004 00 10 000	—	—	—	—	—	—	—	—
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 00 100	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 00 600	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 3440/90

of 29 November 1990

fixing the export refunds on olive oil

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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and

the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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 Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 1990.

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

Done at Brussels, 29 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 November 1990 fixing the export refunds on olive oil

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	63,50
1509 10 90 900	99,50
1509 90 00 100	70,67
1509 90 00 900	105,09
1510 00 90 100	15,50
1510 00 90 900	46,90

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

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 3441/90

of 29 November 1990

fixing the maximum export refunds on olive oil for the second partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

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

Having regard to Council Regulation (EEC) 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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3192/90 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EEC) No 3192/90 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the second partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 November 1990.

Article 2

This Regulation shall enter into force on 1 December 1990.

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

Done at Brussels, 29 November 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 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 1. 11. 1990, p. 96.

ANNEX

to the Commission Regulation of 29 November 1990 fixing the maximum export refunds on olive oil for the second partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3192/90

<i>(ECU/100 kg)</i>	
Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	104,50
1509 90 00 100	—
1509 90 00 900	—
1510 00 90 100	17,00
1510 00 90 900	51,90

NB: The products 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 3442/90

of 29 November 1990

adopting interim protective measures in regard to applications for STM licences
for milk and milk products lodged between 19 and 24 November 1990

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

Having regard to the Act of Accession of Spain and
Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86 of 28
February 1986 laying down detailed rules for applying the
supplementary trade mechanism to milk products
imported into Spain from the Community of Ten⁽¹⁾, as
last amended by Regulation (EEC) No 3102/90⁽²⁾, fixes
the indicative ceilings for milk sector products for 1990
and splits these up into monthly ceilings;

Whereas applications for STM licences for cheese of cate-
gory 4 lodged between 19 and 24 November 1990 relate
to quantities higher than the ceiling set for the fourth
quarter;

Whereas Article 85 (1) of the Act of Accession states that
the Commission may take interim protective measures
necessary by an emergency procedure where the situation
indicates that the initiative ceiling will be attained or
exceeded; whereas to this it is necessary, as an interim
protective measure, in view of the number of requests, for

the products concerned, to issue licences up to a percen-
tage of the quantities applied for category 4 and to
suspend all further issuing of licences for the products in
question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in
Regulation (EEC) No 606/86 lodged between 19 and 24
November 1990 and notified to the Commission for milk
products falling within category 4 of CN code ex 0406 are
hereby accepted up to a percentage of 14,325 %.

2. The issuing of STM licences is hereby provisionally
suspended for products falling with category 4, above the
percentage referred to in paragraph 1.

Article 2

This Regulation shall enter into force on 30 November
1990.

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

Done at Brussels, 29 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 296, 27. 10. 1990, p. 24.

COMMISSION REGULATION (EEC) No 3443/90

of 29 November 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Council Regulation (EEC) No 2396/89⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and 3129/90 buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

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

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

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

Whereas Commission Regulation (EEC) No 3129/90⁽⁴⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

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

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

- for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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 the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EEC) No 2396/89 was suspended by Commission Regulation (EEC) No 3330/90⁽⁹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 November 1990.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 227, 4. 8. 1989, p. 9.

⁽⁴⁾ OJ No L 299, 30. 10. 1990, p. 26.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁹⁾ OJ No L 320, 20. 11. 1990, p. 24.

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

Done at Brussels, 29 November 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 3444/90
of 27 November 1990

laying down detailed rules for granting private storage aid for pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 5(4) and 7(2) and the second subparagraph of Article 22 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the rates of exchange to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Articles 5(3) and 12 thereof,

Whereas detailed rules for granting private storage aid for pigmeat must be adopted in addition to the general rules laid down by Council Regulation (EEC) No 2763/75⁽⁵⁾;

Whereas, if it is to achieve its purpose, such aid should be granted only to natural or legal persons established in the Community whose activities and experience in the sector offer sufficient certainty that storage will be effected in a satisfactory manner and who have adequate cold storage capacity within the Community;

Whereas, for the same reason, aid should be granted only for the storage of products in frozen condition, of sound and fair merchantable quality and of Community origin as defined by Commission Regulation (EEC) No 964/71⁽⁶⁾, with a level of radioactivity not exceeding the maximum levels permitted under Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station⁽⁷⁾;

Whereas the market situation and its future development could make it opportune to invite the contracting party to designate his stocks for export from the moment of

placing in storage and that it is appropriate under this hypothesis to determine the conditions under which the meat which is the object of a storage contract could be simultaneously placed under the regime as referred to in Article 5 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁸⁾, as amended by Regulation (EEC) No 2026/83⁽⁹⁾, in order to benefit from advance payment of export refunds;

Whereas, to make the scheme more effective, contracts must relate to a certain minimum quantity, differentiated by product, as appropriate and the obligations to be fulfilled by the contracting party, in particular those enabling the intervention agency to make an effective inspection of storage conditions, must be specified;

Whereas the amount of the security designed to ensure compliance with the contractual obligations should be fixed at a percentage of the amount of the aid;

Whereas, pursuant to Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽¹⁰⁾, as last amended by Regulation (EEC) No 3745/89⁽¹¹⁾, the primary requirements to be met for the release of the security should be defined; whereas storing the contracted quantity for the agreed period constitutes one of the primary requirements for the granting of private storage aid for pigmeat; whereas, to take account of commercial practice and for practical reasons, a certain tolerance in respect of the said quantity should be permitted;

Whereas a measure of proportionality should apply in the release of the security and the granting of aid where certain requirements relating to the quantities to be stored are not met;

Whereas, in order to improve the efficiency of the scheme, the contracting party should be enabled to receive an advance payment of aid subject to a security

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 164, 29. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 19.

⁽⁶⁾ OJ No L 104, 11. 5. 1971, p. 12.

⁽⁷⁾ OJ No L 82, 29. 3. 1990, p. 1.

⁽⁸⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁹⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹⁰⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽¹¹⁾ OJ No L 364, 14. 12. 1989, p. 54.

and rules should be laid down regarding the submission of applications for aid, the supporting documents to be produced and the time limit for payment;

Whereas, pursuant to Article 5 of Regulation (EEC) No 1676/85, it should be specified that, in the case of private storage aid, the operative event to determine the amount of the security and the aid in national currency is the day of conclusion of the storage contract or the final day for submission of tenders in response to an invitation to tender;

Whereas previous experience with other schemes for private storage of agricultural products has shown the need to specify to what extent Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾ applies to the determination of periods, dates and time limits referred to under such schemes and to define precisely the dates when contractual storage begins and ends;

Whereas, in particular, Article 3(4) of Regulation (EEC, Euratom) No 1182/71 specifies that where the last day of a period is a public holiday, Sunday or Saturday, the period should end on the expiry of the last hour of the following working day; whereas the application of this provision to storage contracts may not be in the interest of storers and may even result in inequality of treatment; whereas, therefore, a derogation should be made with regard to the determination of the last day of storage under contract;

Whereas provision should be made for a measure of proportionality in the granting of aid where the storage period is not fully observed; whereas provision should also be made for the storage period to be shortened where meat removed from storage is intended for export; whereas proof that the meat has been exported must be supplied, as in the case of refunds, in accordance with Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽²⁾, as last amended by Regulation (EEC) No 1615/90⁽³⁾;

Whereas Article 4 (1) of Regulation (EEC) No 2763/75 provides that the amount of aid for private storage may be determined by means of a tendering procedure; whereas Articles 4 and 5 of the same Regulation contain rules to be observed in connection with this procedure; whereas, however, more detailed rules are necessary for that purpose;

Whereas the purpose of the tendering procedure is to determine the amount of the aid; whereas, in the selection of successful tenderers, preference should be given to

those most advantageous for the Community; whereas, therefore, a maximum amount of aid may be set for which tenders would be accepted; whereas, if no tender is acceptable, none need be accepted;

Whereas provision should be made for a system of checks to ensure that aid is not granted unduly; whereas for this purpose it is appropriate that the Member States make checks appropriate to the various stages of storage;

Whereas there is reason to prevent and to sanction against irregularities and fraud; whereas for this purpose, it is appropriate to exclude in the case of false declaration the contracting party from the granting of aids for private storage for the calendar year following that of the constitution of a false declaration;

Whereas, to give the Commission an overall view of the effect of the private storage scheme, the Member States should supply it with the necessary information;

Whereas Commission Regulation (EEC) No 1092/80 of 2 May 1980 laying down detailed rules for granting private storage aid for pigmeat⁽⁴⁾, as last amended by Regulation (EEC) No 3498/88⁽⁵⁾, has been amended substantially; whereas, now that further amendments are to be made, the relevant legislation should be entirely recast; whereas, however, the new provisions should apply only to contracts concluded after the entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The grant of private storage aid, as provided for in Article 3 of Regulation (EEC) No 2759/75, shall be subject to the conditions set out in this Regulation.

TITLE I

GENERAL PROVISIONS

Article 2

1. Contracts for the private storage of pigmeat shall be concluded between the intervention agencies of the Member States and natural or legal persons, hereafter referred to as the 'contracting party':

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 33.

⁽⁴⁾ OJ No L 114, 3. 5. 1980, p. 22.

⁽⁵⁾ OJ No L 306, 11. 11. 1988, p. 32.

- carrying on business in the meat and livestock sectors since at least twelve months and officially registered in a Member State,
- and
- having suitable storage facilities at their disposal within the Community.

2. Private storage aid may be granted only for fresh meat of sound and fair merchantable quality coming from animals raised in the Community since at least the last two months and slaughtered not more than ten days before the date on which the products are placed in storage as referred to in Article 4 (2).

3. No meat with a radioactive content exceeding the maximum levels permitted under Community regulations may be the subject of a storage contract. The levels applicable to products of Community origin shall be as fixed in Article 3 of Regulation (EEC) No 737/90. The level of radioactive contamination of the product shall be checked only if the situation so requires and for the necessary period. Where necessary, the duration and scope of the checks shall be determined in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75.

4. Contracts may not relate to less than a minimum quantity to be determined for each product.

5. The meat must be placed in storage in fresh state and stored in frozen state.

Article 3

1. Contract applications or tenders, and contracts shall relate to only one of the products for which aid may be granted.

2. Contract applications or tenders shall not be acceptable unless they include the particulars referred to in paragraph 3 (a), (b), (d) and (e), and proof has been furnished that a security has been provided.

3. Contracts shall include the following particulars:

- (a) a declaration by which the contracting party engages himself to place in storage and to stock products which fulfill the conditions as referred to in Article 2 (2) and (3);
- (b) the description and the quantity of the product to be stored;
- (c) the time limit for placing in storage, referred to in Article 4 (3), of the total quantity referred to under (b);

(d) the duration of storage;

(e) the amount of the aid per unit of weight;

(f) the amount of the security;

(g) a provision enabling the storage period to be shortened or extended under the conditions laid down in Community regulations.

4. Contracts shall impose at least the following obligations on the contracting party:

- (a) to place the agreed quantity of product in storage within the time limits laid down in Article 4 and to store it at his own risk and expense in conditions ensuring the maintenance of the characteristics of the products referred to in Article 2 (2) for the contractual period, without altering, substituting or transferring to another warehouse the stored products; however, in exceptional cases and on duly motivated request the intervention agency may authorize a relocation of the stored products;
- (b) to advise the intervention agency with which he has concluded the contract, in due time before the entry into storage of each individual lot, within the meaning of the second subparagraph of Article 4 (1), of the date and place of storage as well as the nature and quantity of the product to be stored; the intervention agency may require that this information is given at least two working days before the placing in storage of each individual lot;
- (c) to send to the intervention agency the documents relating to the operations for placing in storage not later than 1 month after the date referred to in Article 4 (3);
- (d) to store the products in accordance with the requirements for identification referred to in Article 13 (4);
- (e) to permit the agency to check at any time that all the obligations laid down in the contract are being observed.

Article 4

1. Placing in storage must be completed not later than 28 days after the date of conclusion of the contract.

The products may be placed in storage in individual lots, each lot representing the quantity placed in storage on a given day by contract and by warehouse.

2. Placing in storage begins, for each individual lot of the contractual quantity, on the day on which it comes under the control of the intervention agency.

That day shall be the day on which the net weight of the fresh or chilled product is determined,

- at the place of storage, where the meat is frozen on the premises,
- at the place of freezing, where the meat is frozen in suitable facilities outside the place of storage.

However, in the case of boneless products placed in storage, weighing may be done at the place of boning.

The determination of weights of products to be placed in storage shall not take place before the conclusion of a contract.

3. Placing in storage ends on the day on which the last lot of the contractual quantity is placed in storage.

That day shall be the day on which all the products under contract have entered the place of final storage, whether fresh or frozen.

4. When the products placed in storage are put under the regime laid down in Article 5 (1) of Regulation (EEC) No 565/80 :

- notwithstanding Article 28 (5) of Regulation (EEC) No 3665/87, the time limit provided for by that provision is increased to cover the duration of the maximum period under contractual storage, increased by one month ;
- Member States may require that the placing in storage and the placing under the regime as referred to in Article 5 (1) of Regulation (EEC) No 565/80 shall commence simultaneously. In this case when a contract for private storage is concluded for a quantity which consists of several lots which are placed in storage on different dates, each of the said lots may be the subject of a separate payment declaration. The payment declaration as referred to in Article 25 of Regulation (EEC) No 3665/87 shall be submitted for each lot on the day of its entry in storage.

Article 5

1. The amount of the security referred to in Article 3 (2) shall not exceed 30 % of the amount of aid applied for.

2. The primary requirements within the meaning of Article 20 (2) of Regulation (EEC) No 2220/85 shall be :

- not to withdraw a contract application or a tender ;
- to keep in storage at least 90 % of the contractual quantity for the contractual storage period, at the contracting party's own risk and under the conditions referred to in Article 3 (4) (a), and
- where Article 9 (4) applies, to export the meat in accordance with one of the three possibilities listed there.

3. Subject to Article 9 (4) of this Regulation, Article 27 (1) of Regulation (EEC) No 2220/85 shall not apply.

4. Securities shall be released immediately where contract applications or tenders are not accepted.

5. Where the time limit for placing in storage as referred to in Article 4 (1) is exceeded by 10 days, the contract shall be annulled and the security shall be forfeit in accordance with Article 23 of Regulation (EEC) No 2220/85.

Article 6

1. The aid shall be fixed per unit of weight and shall relate to the weight determined in accordance with Article 4 (2).

2. Subject to paragraph 3 hereafter and Article 9 (4), contracting parties shall be entitled to aid if the primary requirements referred to in Article 5 (2) are met.

3. Aid shall be paid at most for the contractual quantity provided.

If the quantity actually stored during the contractual storage period is less than the contractual quantity and :

- (a) not less than 90 % of that quantity, the aid shall be reduced proportionately ;
- (b) less than 90 % but not less than 80 % of that quantity, the aid for the quantity actually stored shall be reduced by half ;
- (c) less than 80 % of that quantity, the aid shall not be paid.

4. After three months of storage under contract, a single advance payment may be made, at the contracting party's request, provided that he lodges a security equal to the advance payment plus 20 %.

The advance payment shall not exceed the amount of aid corresponding to a storage period of three months. Where products under contract are exported in accordance with Article 9 (4) prior to the advance payment, the actual storage period for those products shall be taken into account when calculating the amount of advance payment.

Article 7

1. Except in cases of *force majeure* the application for payment of the aid and the supporting documents must be lodged with the competent authority within six months following the end of the maximum period of contractual storage. Where the supporting documents could not be produced within the stipulated time limit although the contracting party acted promptly to obtain them on time, additional time limits, which may not exceed a total of six months, may be granted for their production. Where Article 9 (4) is applied, the necessary

proof must be produced within the time limits specified in Article 47 (2), (4), (6) and (7) of Regulation (EEC) No 3665/87.

2. Subject to the cases of *force majeure* referred to in Article 10 and in cases where an inquiry was opened into entitlement to the aid, the aid shall be paid by the competent authority as soon as possible and not later than three months from the day of deposit of an application for payment, with the required supporting documents, by the contracting party.

Article 8

The conversion rate to be applied to the amounts of aid and securities shall be the agricultural conversion rate in force, in cases of aid fixed at a flat rate in advance, on the day a contract is concluded or, in the case of aid granted by tender, on the last day for the submission of tenders.

Article 9

1. The periods, dates and time limits referred to in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71. However, Article 3 (4) of that Regulation shall not apply to the determination of the storage period as referred to in Article 3 (3) (d) of this Regulation or as amended under Article 3 (3) (g) or under paragraph 4 of this Article.

2. The first day of the contractual storage period shall be the first day following that on which placing in storage was completed.

3. Removal from storage may commence on the day following the last day of the contractual storage period.

4. On the expiry of a storage period of two months, the contracting party may remove from storage all or part of the quantity of products under a given contract, subject to a minimum of 5 tonnes per contracting party and per warehouse or, if less than this quantity is available, the total quantity under contract in a warehouse, provided that, within 60 days following their removal from storage, the products have :

- left the Community's customs territory without further processing,
- reached their destination without further processing, in the cases referred to in Article 34 (1) of Regulation (EEC) No 3665/87,
- or
- been placed without further processing in a victualling warehouse approved pursuant to Article 38 of Regulation (EEC) No 3665/87.

The contractual storage period shall end for each individual lot intended for export on the day before

- the day of removal from storage,
- or
- the day of acceptance of the export declaration, where a product has not been moved.

The amount of aid shall be reduced in proportion to the reduction in the storage period according to the amounts fixed in accordance with Article 3 of Regulation (EEC) No 2763/75.

For the purposes of this paragraph, proof of export shall be furnished in accordance with Article 4 of Regulation (EEC) No 3665/87.

5. Where paragraphs 3 and 4 of this Article are applied, the contracting party shall advise the intervention agency in good time before the intended commencement of removal from storage; the intervention agency may require that this information is given at least two working days before that date.

Where the obligation to notify the intervention agency is not complied with but where sufficient evidence has been furnished, within 30 days following removal from the warehouse, to the satisfaction of the competent authority as to the date of removal from storage and the quantities concerned :

- the aid shall be granted, without prejudice to Article 6 (3),
- and
- 15 % of the security shall be declared forfeit in respect of the quantity concerned.

For all other cases of non-compliance with this requirement :

- no aid shall be paid in respect of the contract concerned,
- and
- the whole of the security shall be declared forfeit in respect of the contract concerned.

6. Subject to the cases of *force majeure* referred to in Article 10, where the contracting party fails to respect the end of the contractual storage period or the two-month time limit referred to in paragraph 4 for the totality of the quantity stored, each calendar day of non-compliance shall entail a reduction of 10 % in the amount of aid for the contract in question.

Article 10

In cases of *force majeure* where the performance of the contractual obligations of a contracting party are affected, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances invoked. That authority shall inform the Commission of each case of *force majeure* and of the action taken in respect thereof.

TITLE II

SPECIAL PROVISIONS

Article 11

Where the aid is fixed at a flat rate in advance :

- (a) the contract application must be lodged with the competent intervention agency in accordance with Article 3 (1) and (2);
- (b) the intervention agency concerned must, within five working days following the day on which a contract application is lodged with the agency, advise the applicant of the decision concerning that application by registered letter, by telex, by telefax or against written acknowledgement.

Where the application is accepted, the contract shall be deemed to have been concluded on the day of departure of the notification of the decision referred to in the first subparagraph under (b). The intervention agency shall specify the date referred to in Article 3 (3) (c) accordingly.

Article 12

1. Where the aid is granted by tender :
 - (a) the Commission shall announce in the *Official Journal of the European Communities* the opening of a procedure to tender, specifying in particular the products to be stored, the time limit (date and hour) for the submission of tenders and the minimum quantities in respect of which a tender may be submitted;
 - (b) tenders must be made in ecus and submitted to the intervention agency concerned in accordance with Article 3 (1) and (2);
 - (c) tenders shall be examined in private session by the appropriate agencies of the Member States; persons present at the examination shall be sworn to secrecy;
 - (d) tenders submitted must be forwarded anonymously to the Commission by way of the Member States, to arrive not later than the second working day following the final date for submission as specified in the invitation;
 - (e) where no tenders are submitted, Member States shall inform the Commission of this within the time limit as specified under (d);
 - (f) on the basis of the tenders received, the Commission shall decide in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75, either to fix a maximum amount of aid, taking account of the conditions laid down in Article 4 (2) of Regulation (EEC) No 2763/75, or to make no award;
 - (g) where a maximum amount of aid is fixed, tenders not exceeding this amount shall be accepted.

2. Within five working days following the day on which the Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of the decision taken by registered letter, by telex, by telefax or against written acknowledgement.

Where a tender is accepted, the contract shall be deemed to have been concluded on the date of departure of the

notification of the intervention agency to the tenderer as referred to in the first subparagraph. The intervention agency shall specify the date referred to in Article 3 (3) (c) accordingly.

TITLE III

CHECKING AND SANCTIONS

Article 13

1. Member States shall ensure that the conditions giving rise to entitlement to aid are fulfilled. For this purpose they shall designate the national authority to be responsible for checking storage operations.
2. The contracting party shall make available to the authority charged with the checking operations of all documentation, for each contract, permitting in particular the following information on the products placed in private storage to be verified :
 - (a) the ownership at the time of placing in storage;
 - (b) the date of placing in storage;
 - (c) the weight and the number of boxes or pieces otherwise packaged;
 - (d) the presence of products in the warehouse;
 - (e) the calculated date of the end of the minimum contractual storage period and, where Article 9 (4) or (6) is applied, completed by the actual date of removal.
3. The contracting party or, where applicable, the operator of the warehouse, shall keep stock accounts available at the warehouse covering, by contract number :
 - (a) the identification of the products placed in private storage;
 - (b) the date of placing in storage and the calculated date of the end of the minimum contractual storage period, completed by the actual date of removal from storage;
 - (c) the number of half-carcases, boxes or other pieces stored individually, a description of the products and the weight of each pallet or the other pieces stored individually, registered, where applicable, by individual lots;
 - (d) the location of the products in the warehouse.
4. Products stored must be easily identifiable and must be identified individually by contract. Each pallet and, where applicable, each piece individually stored must be marked so that the contract number, the description of the product and the weight are shown. The date of placing in storage must be shown on each individual lot placed in storage on a given day.

When the products are placed in storage, the authority charged with the checking operations shall verify the identification referred to in the first subparagraph and may seal the products in storage.

5. The authority charged with the checking operations shall undertake :

- (a) for each contract, a check on the compliance with all the obligations laid down in Article 3 (4);
- (b) an obligatory check to ensure that the products are present in the warehouse during the final week of the contractual storage period;

- (c) — either the sealing of all the products stored under a contract in accordance with the second subparagraph of paragraph 4

or

- an unannounced sample check to ensure that the products are present in the warehouse. The sample taken must be representative and must correspond to at least 10 % of the overall quantity placed in storage in each Member State under a private storage aid measure. Such checks shall include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of the products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check.

The sealing or handling costs of the check are borne by the contracting party.

6. Checks pursuant to paragraph 5 must be the subject of a report stating :

- the date of the check,
- its duration
- and
- the operations conducted.

The report on the check must be signed by the official responsible and countersigned by the contracting party or, where applicable, by the operator of the warehouse and must be included in the payment file.

7. In the case of significant irregularities affecting at least 5 % of the quantities of products covered by a single contract subject to the checks, the verification shall be extended to a larger sample to be determined by the authority responsible for the checks.

Member States shall notify such cases to the Commission within four weeks.

Article 14

In the case where it is established and verified by the responsible authority charged with checking operations that the declaration as referred to in Article 3 (3) (a) is a

false declaration made either deliberately or through serious negligence, the contracting party in question shall be excluded from the private storage aid regime until the end of the calendar year following that of this finding.

TITLE IV

FINAL PROVISIONS

Article 15

1. Member States shall inform the Commission of all provisions adopted in application of this Regulation.

2. Member States shall notify the Commission by telex or by telefax :

- (a) before Thursday of each week and broken down by storage period, of the products and quantities which have been the subject of contract applications, and of the products and quantities for which contracts have been concluded during the preceding week, giving a summary of the products and quantities for which contracts have been concluded;
- (b) every month, of the products and total quantities placed in storage;
- (c) every month, of the products and total quantities actually in storage and of the products and total quantities in respect of which the contractual storage period has ended;
- (d) every month, if the storage period has been shortened or extended in accordance with Article 3 (3) (g) or reduced in accordance with Article 9 (4) or (6), of the products and quantities in respect of which the storage period has been revised and of the original and revised months for removal from storage.

3. The application of the measures provided for in this Regulation shall be subject to regular examination in accordance with the procedure laid down in Article 25 of Regulation (EEC) No 2759/75.

Article 16

- 1. Regulation (EEC) No 1092/80 is hereby repealed.
- 2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of Regulation (EEC) No 1092/80 are to be read in accordance with the correlation table given in the Annex.

Article 17

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 to contracts concluded as from that date.

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

Done at Brussels, 27 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

CORRELATION

Regulation (EEC) No 1092/80	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3 (3) and (4)
Article 4	Article 3, (1) and (2)
—	Article 4
Article 5	Article 5
Article 6	Article 6
—	Article 7
Article 7	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10	Article 11
Article 11	Article 12
—	Article 13
—	Article 14
Article 12	Article 15
Article 13	Article 16
Article 14	Article 17

COMMISSION REGULATION (EEC) No 3445/90

of 27 November 1990

laying down detailed rules for granting private storage aid for 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 805/68 of 27 June 1968 on the common agricultural policy common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 8 (2) and 25 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion 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 5 (3) and 12 thereof,

Whereas detailed rules for granting private storage aid for beef and veal must be adopted in addition to the general rules laid down by Council Regulation (EEC) No 989/68⁽⁵⁾, as amended by Regulation (EEC) No 428/77⁽⁶⁾;

Whereas, if it is to achieve its purpose, such aid should be granted only to natural or legal persons established in the Community whose activities and experience in the sector offer sufficient certainty that storage will be effected in a satisfactory manner and who have adequate cold storage capacity within the Community;

Whereas, for the same reason, aid should be granted only for the storage of frozen products of sound and fair merchantable quality and of Community origin as defined by Commission Regulation (EEC) No 964/71⁽⁷⁾, with a level of radioactivity not exceeding the maximum levels permitted under Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station⁽⁸⁾;

Whereas provision should be made to ensure that the animals involved are slaughtered exclusively in slaughter-

houses which are approved and supervised in accordance with the provisions of Council Directive 64/433/EEC⁽⁹⁾, as last amended by Directive 89/662/EEC⁽¹⁰⁾;

Whereas the market situation and its future development could make it opportune to invite the contracting party to designate his stocks for export from the moment of placing in storage and that it is appropriate under this hypothesis to determine the conditions under which the meat which is the object of a storage contract could be simultaneously placed under the regime as referred to in Article 5 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽¹¹⁾, as amended by Regulation (EEC) No 2026/83⁽¹²⁾, in order to benefit from advance payment of export refunds;

Whereas, to make the scheme more effective, contracts must relate to a certain minimum quantity, differentiated by product as appropriate, and the obligations to be fulfilled by the contracting party, in particular those enabling the intervention agency to make an effective inspection of storage conditions, must be specified;

Whereas the amount of the security designed to ensure compliance with the contractual obligations should be fixed at a percentage of the amount of the aid;

Whereas, pursuant to Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽¹³⁾, as last amended by Regulation (EEC) No 3745/89⁽¹⁴⁾, the primary requirements to be met for the release of the security should be defined; whereas storing the contracted quantity for the agreed period constitutes one of the primary requirements for the granting of private storage aid for beef and veal; whereas, to take account of commercial practice and for practical reasons, a certain tolerance in respect of the said quantity should be permitted;

Whereas a measure of proportionality should apply in the release of the security and the granting of aid where

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 164, 29. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 61, 5. 3. 1977, p. 17.

⁽⁷⁾ OJ No L 104, 11. 5. 1971, p. 12.

⁽⁸⁾ OJ No L 82, 29. 3. 1990, p. 1.

⁽⁹⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽¹⁰⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽¹¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽¹²⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽¹³⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽¹⁴⁾ OJ No L 364, 14. 12. 1989, p. 54.

certain requirements relating to the quantities to be stored are not met;

Whereas, in order to improve the efficiency of the scheme, the contracting party should be permitted to receive an advance payment of aid subject to a security and rules should be laid down regarding the submission of applications for aid, the supporting documents to be produced and the time limit for payment;

Whereas, pursuant to Article 5 of Regulation (EEC) No 1676/85, it should be specified that, in the case of private storage, the operative event to determine the amount of the security and the aid in national currency is the day of conclusion of the storage contract or the final day for submission of tenders in response to an invitation to tender;

Whereas previous experience with other schemes for private storage of agricultural products has shown the need to specify to what extent Council Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾ applies to the determination of periods, dates and time limits referred to under such schemes and to define precisely the dates when contractual storage begins and ends;

Whereas, in particular, Article 3 (4) of Regulation (EEC, Euratom) No 1182/71 specifies that where the last day of a period is a public holiday, Sunday or Saturday, the period should end on the expiry of the last hour of the following working day; whereas the application of this provision to storage contracts may not be in the interest of storers and may even result in inequality of treatment; whereas, therefore, a derogation should be made with regard to the determination of the last day of storage under contract;

Whereas provision should be made for a measure of proportionality in the granting of aid where the storage period is not fully observed; whereas provision should also be made for the storage period to be shortened where meat removed from storage is intended for export; whereas proof that the meat has been exported must be supplied, as in the case of refunds, in accordance with Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾, as last amended by Regulation (EEC) No 1615/90 ⁽³⁾;

Whereas Article 4 (1) of Regulation (EEC) No 989/68 provides that the amount of aid for private storage may be

determined by means of a tendering procedure; whereas Articles 4 and 5 of the same Regulation contain rules to be observed in connection with such a procedure; whereas, however, more detailed rules are necessary for that purpose;

Whereas the purpose of the tendering procedure is to determine the amount of the aid; whereas, in the selection of successful tenderers, preference should be given to those tenders which are most advantageous for the Community; whereas, therefore, a maximum amount of aid may be set for which tenders would be accepted; whereas, if no tender is acceptable, none need be accepted;

Whereas provision should be made for a system of checks to ensure that aid is not granted unduly; whereas for this purpose the Member States should make checks appropriate to the various stages of storage;

Whereas steps should be taken to prevent and, where necessary, to penalize irregularities and fraud; whereas for this purpose it is appropriate, in the event of false declaration, to exclude the contracting party from the granting of aids for private storage for the calendar year following that in which a false declaration was detected;

Whereas, to give the Commission an overall view of the effect of the private storage aid scheme, the Member States should supply it with the necessary information;

Whereas Commission Regulation (EEC) No 1091/80 of 2 May 1980 laying down detailed rules for granting private storage aid for beef ⁽⁴⁾, as last amended by Regulation (EEC) No 3492/88 ⁽⁵⁾, has been amended substantially; whereas, now that further amendments are to be made, the relevant legislation should be entirely recast; whereas, however, the new provisions should apply only to contracts concluded after the entry into force of this Regulation;

Whereas the Management Committee for Beef and Veal has not reached an opinion in the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The grant of private storage aid, as provided for in Article 5 (1) (a) of Regulation (EEC) No 805/68, shall be subject to the conditions set out in this Regulation.

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 33.

⁽⁴⁾ OJ No L 114, 3. 5. 1980, p. 18.

⁽⁵⁾ OJ No L 306, 11. 11. 1988, p. 20.

TITLE I

GENERAL PROVISIONS

Article 2

1. Contracts for the private storage of beef and veal shall be concluded between the intervention agencies of the Member States and natural or legal persons, hereinafter referred to as the 'contracting party':

- which have been carrying on business in the meat and livestock sector for at least twelve months and are officially registered in a Member State, and
- which have suitable storage facilities at their disposal within the Community.

2. Private storage aid may only be granted for meat classified in accordance with the Community scale for the classification of carcasses laid down in Council Regulation (EEC) No 1208/81⁽¹⁾ and identified in accordance with Article 4 (3) (d) of Commission Regulation (EEC) No 859/89⁽²⁾.

3. Private storage aid may be granted only for fresh meat of sound and fair merchantable quality produced in accordance with the provisions of Article 3 (1) (A) (a) to (e) of Directive 64/433/EEC, coming from animals raised in the Community for at least the previous three months and slaughtered not more than ten days before the date on which the products are placed in storage as referred to in Article 4 (3).

4. No meat with a radioactive content exceeding the maximum levels permitted under Community regulations may be the subject of a storage contract. The levels applicable to products of Community origin shall be as fixed in Article 3 of Regulation (EEC) No 737/90. The level of radioactive contamination of the product shall be checked only if the situation so requires and for the necessary period. Where necessary, the duration and scope of the checks shall be determined in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

5. Contracts may not relate to less than a minimum quantity to be determined for each product.

6. The meat must be placed in storage in the fresh state and stored in the frozen state.

Article 3

1. Contract applications or tenders, and contracts, shall relate to only one of the products for which aid may be granted.

⁽¹⁾ OJ No L 123, 7. 5. 1981, p. 3.

⁽²⁾ OJ No L 81, 4. 4. 1989, p. 5.

2. Contract applications or tenders shall not be acceptable unless they include the particulars referred to in paragraph 3 (a), (b), (d) and (e), and proof has been furnished that a security has been provided.

3. Contracts shall include the following particulars:

- (a) a declaration by which the contracting party undertakes to place in storage and to store only products which fulfil the conditions laid down in Article 2 (2) and (3);
- (b) a description of the product to be stored and the quantity;
- (c) the time limit for placing in storage, referred to in Article 4 (3), of the total quantity referred to at (b);
- (d) the duration of storage;
- (e) the amount of the aid per unit of weight;
- (f) the amount of the security;
- (g) a provision enabling the storage period to be shortened or extended under the conditions laid down in Community regulations.

4. Contracts shall impose at least the following obligations on the contracting party:

- (a) to place the agreed quantity of product in storage within the time limits laid down in Article 4 and to store it at his own risk and expense in conditions ensuring the maintenance of the characteristics of the products referred to in Article 2 (3) for the contractual period, without altering, substituting or transferring to another warehouse the stored products; however, in exceptional cases and on duly motivated request, the intervention agency may authorize a relocation of the stored products;
- (b) to advise the intervention agency with which he has concluded the contract, in due time before the entry into storage of each individual lot, within the meaning of the second subparagraph of Article 4 (1), of the date and place of storage as well as the nature and quantity of the product to be stored; the intervention agency may require that this information is given at least two working days before the placing in storage of each individual lot;
- (c) to send the documents relating to the operations for placing in storage to the intervention agency not later than one month after the date referred to in Article 4 (4);
- (d) to store the products in accordance with the requirements for identification referred to in Article 13 (4);
- (e) to permit the intervention agency to check at any time that all the obligations laid down in the contract are being observed.

Article 4

1. Placing in storage must be completed not later than 28 days after the date of conclusion of the contract.

The products may be placed in storage in individual lots, each lot representing the quantity placed in storage on a given day by contract and by warehouse.

2. Contractors may, during the storage entry period, cut or bone all or part of the meat concerned, provided that only the quantity for which the contract has been concluded is employed and that all the cuts resulting from such operations are placed in storage. Intention to make use of this facility shall be notified not later than the day of entry into storage; however, the intervention agency may require that such notification take place at least two working days before the placing in storage of each individual lot.

Large tendons, cartilage, pieces of fat and other scraps left over from cutting or boning may not be stored.

3. Placing in storage shall begin, for each individual lot of the contractual quantity, on the day on which it comes under the control of the intervention agency.

That day shall be the day on which the net weight of the fresh or chilled product is determined,

- at the place of storage, where the meat is frozen on the premises,
- at the place of freezing, where the meat is frozen in suitable facilities outside the place of storage.

However, in the case of meat placed in storage after deboning or cutting, weighing may be done at the place of deboning or cutting.

The determination of weights of products to be placed in storage shall not take place before the conclusion of a contract.

4. Placing in storage shall end on the day on which the last lot of the contractual quantity is placed in storage.

That day shall be the day on which all the products under contract have entered the place of final storage, whether fresh or frozen.

5. When the products placed in storage are put under the regime laid down in Article 5 (1) of Regulation (EEC) No 565/80 :

- notwithstanding Article 28 (5) of Regulation (EEC) No 3665/87, the time limit provided for by that provision is increased to cover the duration of the maximum contractual storage period, plus one month ;
- Member States may require that the placing in storage and the placing under the regime as referred to in Article 5 (1) of Regulation (EEC) No 565/80 shall

commence simultaneously. In this case when a contract for private storage is concluded for a quantity which consists of several lots which are placed in storage on different dates, each of the said lots may be the subject of a separate payment declaration. The payment declaration as referred to in Article 25 of Regulation (EEC) No 3665/87 shall be submitted for each lot on the day of its entry in storage.

Article 5

1. The amount of the security referred to in Article 3 (2) shall not exceed 30 % of the amount of aid applied for.

2. The primary requirements within the meaning of Article 20 (2) of Regulation (EEC) No 2220/85 shall be :

- not to withdraw a contract application or a tender ;
- to keep in storage at least 90 % of the contractual quantity for the contractual storage period, at the contracting party's own risk and under the conditions provided to in Article 3 (4) (a), and
- where Article 9 (4) applies, to export the meat in accordance with one of the three possibilities listed there.

3. Subject to Article 9 (4) of this Regulation, Article 27 (1) of Regulation (EEC) No 2220/85 shall not apply.

4. Securities shall be released immediately where contract applications or tenders are not accepted.

5. Where the time limit for placing in storage as referred to in Article 4 (1) is exceeded by 10 days, the contract shall be annulled and the security shall be forfeit in accordance with Article 23 of Regulation (EEC) No 2220/85.

Article 6

1. The amount of aid shall be fixed per unit of weight and shall relate to the weight determined in accordance with Article 4 (3).

2. Subject to paragraph 3 hereafter and Article 9 (4), contracting parties shall be entitled to aid if the primary requirements referred to in Article 5 (2) are met.

3. Aid shall be paid solely in respect of the contractual quantity.

If the quantity actually stored during the contractual storage period is less than the contractual quantity and :

- (a) not less than 90 % of that quantity, the aid shall be reduced proportionately ;

- (b) less than 90 % but not less than 80 % of that quantity, the aid for the quantity actually stored shall be reduced by half ;
- (c) less than 80 % of that quantity, the aid shall not be paid.

4. In the case of boning :

- (a) if the quantity actually stored does not exceed 67 kilograms of boned meat per 100 kilograms of unboned meat employed, private storage aid shall not be payable ;
- (b) if the quantity actually stored exceeds 67 kilograms but is lower than 75 kilograms of boned meat per 100 kilograms of unboned meat employed, the aid shall be reduced proportionately ;
- (c) no aid shall be payable for quantities in excess of 75 kilograms of boned meat per 100 kilograms of unboned meat employed.

5. After three months of storage under contract, a single advance payment may be made, at the contracting party's request, provided that he lodges a security equal to the advance payment plus 20 %.

The advance payment shall not exceed the amount of aid corresponding to a storage period of three months. Where products under contract are exported in accordance with Article 9 (4) prior to the advance payment, the actual storage period for those products shall be taken into account when calculating the amount of advance payment.

Article 7

1. Except in cases of *force majeure* the application for payment of the aid and the supporting documents must be lodged with the competent authority within six months following the end of the maximum contractual storage period. Where the supporting documents could not be produced within the stipulated time limit although the contracting party acted promptly to obtain them on time, additional time limits, which may not exceed a total of six months, may be granted for their production. Where Article 9 (4) is applied, the necessary proof must be produced within the time limits specified in Article 47 (2), (4), (6) and (7) of Regulation (EEC) No 3665/87.

2. Subject to the cases of *force majeure* referred to in Article 10 and cases where an inquiry was opened into entitlement to the aid, the aid shall be paid by the competent authority as soon as possible and not later than three months from the day of deposit of an application for payment, with the required supporting documents, by the contracting party.

Article 8

The conversion rate to be applied to the amounts of aid and securities shall be the agricultural conversion rate in

force, in cases of aid fixed at a flat rate in advance, on the day a contract is concluded or, in the case of aid granted by tender, on the last day for the submission of tenders.

Article 9

1. The periods, dates and time limits referred to in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71. However, Article 3 (4) of that Regulation shall not apply to the determination of the storage period as referred to in Article 3 (3) (d) of this Regulation or as amended under Article 3 (3) (g) or under paragraph 4 this Article.

2. The first day of the contractual storage period shall be the day following that on which placing in storage was completed.

3. Removal from storage may commence on the day following the last day of the contractual storage period.

4. On the expiry of a storage period of two months, the contracting party may remove from storage all or part of the quantity of products under contract, subject to a minimum of five tonnes per contractor and per warehouse or, if less than this quantity is available, the total quantity under contract in a warehouse, provided that, within 60 days following their removal from storage, the products have :

- left the Community's customs territory without further processing,
- reached their destination without further processing, in the cases referred to in Article 34 (1) of Regulation (EEC) No 3665/87, or
- been placed without further processing in a victualling warehouse approved pursuant to Article 38 of Regulation (EEC) No 3665/87.

The contractual storage period shall end for each individual lot intended for export on the day before

- the day of removal from storage,
- or
- the day of acceptance of the export declaration, where a product has not been moved.

The amount of aid shall be reduced in proportion to the reduction in the storage period according to the amounts fixed in accordance with Article 3 of Regulation (EEC) No 989/68.

For the purposes of this paragraph, proof of export shall be furnished in accordance with Article 4 of Regulation (EEC) No 3665/87.

5. Where paragraphs 3 and 4 of this Article are applied, the contracting party shall advise the intervention agency in good time before the intended commencement of removal from storage ; the intervention agency may require that this information is given at least two working days before that date.

Where the obligation to notify the intervention agency is not complied with but where sufficient evidence has been furnished, within 30 days following removal from the warehouse, to the satisfaction of the competent authority as to the date of removal from storage and the quantities concerned :

- the aid shall be granted, without prejudice to Article 6 (3),
and
- 15 % of the security shall be declared forfeit in respect of the quantity concerned.

For all other cases of non-compliance with this requirement :

- no aid shall be paid in respect of the contract concerned,
and
- the whole of the security shall be declared forfeit in respect of the contract concerned.

6. Subject to the cases of *force majeure* referred to in Article 10, where the contracting party fails to respect the end of the contractual storage period or the two-month time limit referred to in paragraph 4 for the totality of the product stored, each calendar day of non-compliance shall entail a reduction of 10 % in the amount of aid for the contract in question.

Article 10

In cases of *force majeure* where the performance of the contractual obligations of a contracting party are affected, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances invoked. That authority shall inform the Commission of each case of *force majeure* and of the action taken in respect thereof.

TITLE II

SPECIAL PROVISIONS

Article 11

Where the aid is fixed at a flat rate in advance :

- (a) the contract application must be lodged with the competent intervention agency in accordance with Article 3 (1) and (2);
- (b) the intervention agency concerned must, within five working days following the day on which a contract application is lodged with the agency, advise the applicant of the decision concerning that application by registered letter, by telex, by telefax or against written acknowledgement.

Where the application is accepted, the contract shall be deemed to have been concluded on the day of notification of the decision referred to in the first paragraph

under (b). The intervention agency shall specify the date referred to in Article 3 (3) (c) accordingly.

Article 12

1. Where the aid is granted by tender :

- (a) the Commission shall announce in the *Official Journal of the European Communities* the opening of a tendering procedure, specifying in particular the products to be stored, the time limit (date and hour) for the submission of tenders and the minimum quantity in respect of which a tender may be submitted ;
- (b) tenders must be made in ecus and submitted to the intervention agency concerned in accordance with Article 3 (1) and (2);
- (c) tenders shall be examined in private session by the appropriate agencies of the Member States ; persons present at the examination shall be sworn to secrecy ;
- (d) tenders submitted must be forwarded anonymously to the Commission by way of the Member States, to arrive not later than the second working day following the final date for submission as specified in the invitation ;
- (e) where no tenders are submitted, Member States shall inform the Commission of this within the time limit as specified under (d) ;
- (f) on the basis of the tenders received, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68, either to fix a maximum amount of aid, taking account of the conditions laid down in Article 4 (2) of Regulation (EEC) No 989/88, or to make no award ;
- (g) where a maximum amount of aid is fixed, tenders not exceeding this amount shall be accepted.

2. Within five working days following the day on which the Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of the decision taken by registered letter, by telex, by telefax or against written acknowledgement.

Where a tender is accepted, the contract shall be deemed to have been concluded on the date of notification of the intervention agency to the tenderer as referred to in the first subparagraph. The intervention agency shall specify the date referred to in Article 3 (3) (c) accordingly.

TITLE III

CHECKING AND SANCTIONS

Article 13

1. Member States shall ensure that the conditions giving rise to entitlement to aid are fulfilled. For this purpose they shall designate the national authority to be responsible for checking storage operations.

2. The contracting party shall make available to the authority responsible for checking storage operations all documentation, for each contract, permitting in particular the following information on the products placed in private storage to be verified:

- (a) the ownership at the time of placing in storage;
- (b) the date of placing in storage;
- (c) the weight and the number of boxes or pieces otherwise packaged;
- (d) presence in the warehouse;
- (e) the calculated date of the end of the minimum contractual storage period and, where Article 9 (4) or (6) is applied, the actual date of removal.

3. The contracting party or, where applicable, the operator of the warehouse, shall keep stock accounts available at the warehouse covering, by contract number:

- (a) the identification of the products placed in private storage;
- (b) the date of placing in storage and the calculated date of the end of the minimum contractual storage period, completed by the actual date of removal from storage;
- (c) the number of half-carcasses, quartos, boxes or other items stored individually, a description of the products and the weight of each pallet or the other items stored individually, recorded, where applicable, by individual lots;
- (d) the location of the products in the warehouse.

4. Products stored must be easily identifiable and must be identified individually by contract. Each pallet and, where applicable, each item individually stored must be marked so that the contract number, the description of the product and the weight are shown. The date of placing in storage must be shown on each individual lot placed in storage on a given day.

When the products are placed in storage, the authority responsible for checking operations shall verify the marking referred to in the first subparagraph and may seal the products in storage.

5. The authority responsible for checking operations shall undertake:

- (a) for each contract, a check on compliance with all the obligations laid down in Article 3 (4);
- (b) a compulsory check to ensure that the products are present in the warehouse during the final week of the contractual storage period;
- (c) — either the sealing of all the products stored under a contract in accordance with the second subparagraph of paragraph 4
or
— an unannounced sample check to ensure that the products are present in the warehouse. The sample

taken must be representative and must correspond to at least 10 % of the overall quantity placed in storage in each Member State under a private storage aid measure. Such checks shall include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of the products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check.

Sealing or handling costs shall be borne by the contracting party.

6. Checks pursuant to paragraph 5 must be the subject of a report stating:

- the date of the check,
- its duration
and
- the operations conducted.

The said report must be signed by the official responsible and countersigned by the contracting party or, where applicable, by the operator of the warehouse and must be included in the payment file.

7. In the case of significant irregularities affecting at least 5 % of the quantities of products covered by a single contract subject to the checks, the verification shall be extended to a larger sample to be determined by the authority responsible for the checks.

Member States shall notify such cases to the Commission within four weeks.

Article 14

Where it is established and verified by the authority responsible for checking operations that the declaration as referred to in Article 3 (3) (a) is a false declaration made either deliberately or through serious negligence, the contracting party in question shall be excluded from the benefits of the private storage aid regime until the end of the calendar year following the year in which the falsification is ascertained.

TITLE IV

FINAL PROVISIONS

Article 15

1. Member States shall inform the Commission of all provisions adopted in application of this Regulation.

2. Member States shall notify the Commission by telex or by telefax:

- (a) before Thursday of each week and broken down by storage period, of the products and quantities which are the subject of contract applications, and of the products and quantities for which contracts have been concluded during the preceding week, giving a summary of the products and quantities for which contracts have been concluded;
- (b) every month, of the products and total quantities placed in storage and, in the case of deboning, of the total quantity of non-deboned meat employed;
- (c) every month, of the products and total quantities actually in storage and of the products and total quantities in respect of which the contractual storage period has ended;
- (d) every month, if the storage period has been shortened or extended in accordance with Article 3 (3) (g) or reduced in accordance with Article 9 (4) or (6), of the products and quantities in respect of which the storage period has been revised and of the original and revised months for removal from storage.

3. The application of the measures provided for in this Regulation shall be subject to regular examination in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

Article 16

- 1. Regulation (EEC) No 1091/80 is hereby repealed.
- 2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of Regulation (CEE) No 1091/80 are to be read in accordance with the correlation table given in the Annex.

Article 17

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 to contracts concluded from that date.

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

Done at Brussels, 27 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX***CORRELATION**

Regulation (EEC) No 1091/80	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3 (3) and (4)
Article 4	Article 3, (1) and (2)
—	Article 4
Article 5	Article 5
Article 6	Article 6
—	Article 7
Article 7	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10	Article 11
Article 11	Article 12
—	Article 13
—	Article 14
Article 12	Article 15
Article 13	Article 16
Article 14	Article 17

COMMISSION REGULATION (EEC) No 3446/90

of 27 November 1990

laying down detailed rules for granting private storage aid for sheepmeat and goatmeat

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 (4) and 28 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the rates of exchange to be applied in agriculture⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾, and in particular Article 5 (3) and 12 thereof,

Whereas detailed rules for granting private storage aid for sheepmeat and goatmeat must be adopted in addition to the general rules laid down by Council Regulation (EEC) No 2644/80⁽⁴⁾;

Whereas, if it is to achieve its purpose, such aid should be granted only to natural or legal persons established in the Community whose activities and experience in the sector offer sufficient certainty that storage will be effected in a satisfactory manner and who have adequate cold storage capacity within the Community;

Whereas, for the same reason, aid should be granted only for the storage of products in frozen condition, of sound and fair merchantable quality and of Community origin as defined by Commission Regulation (EEC) No 964/71⁽⁵⁾, with a level of radioactivity not exceeding the maximum levels permitted under Council Regulation (EEC) No 737/90 of 22 March 1990 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station⁽⁶⁾;

Whereas provision should be made to ensure that the animals involved are slaughtered exclusively in slaughterhouses which are approved and supervised in accordance with the provisions of Council Directive 64/433/EEC⁽⁷⁾, as last amended by Directive 89/662/EEC⁽⁸⁾;

Whereas, to make the scheme more effective, contracts must relate to a certain minimum quantity, differentiated

by product as appropriate, and the obligations to be fulfilled by the contracting party, in particular those enabling the intervention agency to make an effective inspection of storage conditions, must be specified;

Whereas the amount of the security designed to ensure compliance with the contractual obligations should be fixed at a percentage of the amount of the aid;

Whereas, pursuant to Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁹⁾, as last amended by Regulation (EEC) No 3745/89⁽¹⁰⁾, the primary requirements to be met for the release of the security should be defined; whereas storing the contracted quantity for the agreed period constitutes one of the primary requirements for the granting of private storage aid for sheepmeat and goatmeat; whereas, to take account of commercial practice and for practical reasons, a certain tolerance in respect of the said quantity should be permitted;

Whereas a measure of proportionality should apply in the release of the security and the granting of aid where certain requirements relating to the quantities to be stored are not met;

Whereas, in order to improve the efficiency of the scheme, the contracting party should be permitted to receive an advance payment of aid subject to a security and rules should be laid down regarding the submission of applications for aid, the supporting documents to be produced and the time limit for payment;

Whereas, pursuant to Article 5 of Regulation (EEC) No 1676/85, it should be specified that, in the case of private storage aid, the operative event to determine the amount of the security and the aid in national currency is the day of conclusion of the storage contract or the final day for submission of tenders in response to an invitation to tender;

Whereas previous experience with other schemes for private storage of agricultural products has shown the need to specify to what extent Council Regulation (EEC,

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 164, 29. 6. 1985, p. 1.

⁽³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁴⁾ OJ No L 275, 18. 10. 1980, p. 8.

⁽⁵⁾ OJ No L 104, 11. 5. 1971, p. 12.

⁽⁶⁾ OJ No L 82, 29. 3. 1990, p. 12.

⁽⁷⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁸⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽⁹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽¹⁰⁾ OJ No L 364, 14. 12. 1989, p. 54.

Euratom) No 1182/71 ⁽¹⁾ applies to the determination of periods, dates and time limits referred to under such schemes and to define precisely the dates when contractual storage begins and ends;

Whereas, in particular, Article 3 (4) of Regulation (EEC, Euratom) No 1182/71 specifies that where the last day of a period is a public holiday, Sunday or Saturday, the period should end on the expiry of the last hour of the following working day; whereas the application of this provision to storage contracts may not be in the interest of storers and may even result in inequality of treatment; whereas, therefore, a derogation should be made with regard to the determination of the last day of storage under contract;

Whereas provision should be made for a measure of proportionality in the granting of aid where the storage period is not fully observed;

Whereas Article 4 (1) of Regulation (EEC) No 2644/90 provides that the amount of aid for private storage may be determined by means of a tendering procedure; whereas in accordance with Article 7 (2) and (3) of Regulation (EEC) No 3013/89 the tendering procedure is applicable when certain market conditions are fulfilled; whereas invitations to submit tenders should result from Commission decisions taken in accordance with the procedure laid down in Article 30 of the same Regulation; whereas Articles 4 and 5 of Regulation (EEC) No 2644/80 contain rules to be observed in connection with the tendering procedure; whereas, however, more detailed rules are necessary for that purpose;

Whereas the purpose of the tendering procedure is to determine the amount of the aid; whereas, in the selection of successful tenderers, preference should be given to the tenders most advantageous for the Community; whereas, therefore, a maximum amount of aid may be set for which tenders would be accepted; whereas, if no tender is acceptable, none need be accepted;

Whereas provision should be made for a system of checks to ensure that aid is not granted unduly; whereas for this purpose the Member States should make checks appropriate to the various stages of storage;

Whereas steps should be taken to prevent and to penalize irregularities and fraud; whereas for this purpose, it is appropriate to exclude in the case of false declaration the contracting party from the granting of aids for private storage for six months following the detection of a false declaration;

Whereas, to give the Commission an overall view of the effect of the private storage scheme, the Member States should supply it with the necessary information;

Whereas Commission Regulation (EEC) No 2659/80 of 17 October 1980 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat ⁽²⁾, as last amended by Regulation (EEC) No 3496/88 ⁽³⁾, has been amended substantially; whereas, now that further amendments are to be made, the relevant legislation should be entirely recast; whereas, however, the new provisions should apply only to private storage after the entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The grant of private storage aid, as provided for in Article 3 of Regulation (EEC) No 3013/89, shall be subject to the conditions set out in this Regulation.

TITLE I

GENERAL PROVISIONS

Article 2

1. Contracts for the private storage of pigmeat shall be concluded between the intervention agencies of the Member States and natural or legal persons, hereinafter referred to as the 'contracting party':

- which have been carrying on business in the meat and livestock sectors for at least twelve months and are officially registered in a Member State, and
- which have suitable storage facilities at their disposal within the Community.

2. Private storage aid may be granted only for carcasses of lambs less than twelve months old and cuts thereof, produced in accordance with Article 3 (1) (A) (a) to (e) of Directive 64/433/EEC, of sound and fair merchantable quality coming from animals raised in the Community for at least the previous two months and slaughtered not more than ten days before the date on which the products are placed in storage as referred to in Article 4 (2).

⁽¹⁾ OJ No L 124, 8. 6. 1971, p. 1.

⁽²⁾ OJ No L 276, 20. 10. 1980, p. 12.

⁽³⁾ OJ No L 306, 11. 11. 1988, p. 28.

3. No meat with a radioactive content exceeding the maximum levels permitted under Community regulations may be the subject of a storage contract. The levels applicable to products of Community origin shall be as fixed in Article 3 of Regulation (EEC) No 737/90. The level of radioactive contamination of the product shall be checked only if the situation so requires and for the necessary period. Where necessary, the duration and scope of the checks shall be determined in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89.

4. Contracts may not relate to less than a minimum quantity to be determined for each product.

5. The meat must be placed in storage in a fresh state and stored in a frozen state.

Article 3

1. Contract applications or tenders and contracts shall relate to only one of the products for which aid may be granted.

2. Contract applications or tenders shall not be acceptable unless they include the particulars referred to in paragraph 3 (a), (b), (d) and (e), and proof has been furnished that a security has been provided.

3. Contracts shall include the following particulars:

- (a) a declaration by which the contracting party undertakes to place in storage and to store only products which fulfil the conditions laid down in Article 2 (2) and (3);
- (b) the description and the quantity of the product to be stored;
- (c) the time limit for placing in storage, referred to in Article 4 (3), of the total quantity referred to under (b);
- (d) the duration of storage;
- (e) the amount of the aid per unit of weight;
- (f) the amount of the security;
- (g) a provision enabling the storage period to be shortened or extended under the conditions laid down in Community regulations.

4. Contracts shall impose at least the following obligations on the contracting party:

- (a) to place the agreed quantity of product in storage within the time limits laid down in Article 4 and to store it at his own risk and expense in conditions ensuring the maintenance of the characteristics of the products referred to in Article 2 (2) for the contractual period, without altering, substituting or transferring to another warehouse the stored products; however, in exceptional cases and on duly motivated request, the

intervention agency may authorize a relocation of the stored products;

- (b) to advise the intervention agency with which he has concluded the contract, in due time before the entry into storage of each individual lot, within the meaning of the second subparagraph of Article 4 (1), of the date and place of storage as well as the nature and quantity of the product to be stored; the intervention agency may require that this information is given at least two working days before the placing in storage of each individual lot;
- (c) to send to the intervention agency the documents relating to the operations for placing in storage not later than one month after the date referred to in Article 4 (3);
- (d) to store the products in accordance with the requirements for identification referred to in Article 13 (4);
- (e) to permit the agency to check at any time that all the obligations laid down in the contract are being observed.

Article 4

1. The placing in storage must be completed not later than 28 days after the date of conclusion of the contract.

The products may be placed in storage in individual lots, each lot representing the quantity placed in storage in individual lots, each lot representing the quantity placed in storage on a given day by contract and by warehouse.

2. Contractors may, during the period of placing in storage, cut all or part of the products, provided that only the quantity for which the contract has been concluded is employed and that all the cuts resulting from such operations are placed in storage. Intention to make use of this facility shall be notified not later than the day on which placing in storage begins; however, the intervention agency may require that such notification take place at least two working days before the placing in store of each individual lot.

The large tendons, cartilages, pieces of fat and other scraps left over from cutting may not be stored.

3. Placing in storage shall begin, for each individual lot of the contractual quantity, on the day on which it comes under the control of the intervention agency.

That day shall be the day on which the net weight of the fresh chilled product is determined,

- at the place of storage, where the meat is frozen on the premises,
- at the place of freezing, where the meat is frozen in suitable facilities outside the place of storage.

However, in the case of meat placed in storage after cutting, weighing may be done at the place of cutting.

The determination of weights of products to be placed in storage shall not take place before the conclusion of a contract.

4. Placing in storage ends on the day on which the last lot of the contractual quantity is placed in storage.

That day shall be the day on which all the products under contract have entered the place of final storage, whether fresh or frozen.

Article 5

1. The amount of the security referred to in Article 3 (2) shall not exceed 30 % of the amount of aid applied for.

2. The primary requirements within the meaning of Article 20 (2) of Regulation (EEC) No 2220/85 shall be :

- not to withdraw a contract application or a tender, and
- to keep in storage at least 90 % of the contractual quantity for the contractual storage period, at the contracting party's own risk and under the conditions referred to in Article 3 (4) (a).

3. Article 27 (1) of Regulation (EEC) No 2220/85 shall not apply.

4. Securities shall be released immediately where contract applications or tenders are not accepted.

5. Where the time limit for placing in storage as referred to in Article 4 (1) is exceeded by 10 days, the contract shall be annulled and the security shall be forfeit in accordance with Article 23 of Regulation (EEC) No 2220/85.

Article 6

1. The amount of aid shall be fixed per unit of weight and shall relate to the weight determined in accordance with Article 4 (3).

2. Subject to paragraph 3 hereafter, contracting parties shall be entitled to aid if the primary requirements referred to in Article 5 (2) are met.

3. Aid shall be paid at most for the contractual quantity provided. If the quantity actually stored during the contractual storage period is less than the contractual quantity and :

- (a) not less than 90 % of that quantity, the aid shall be reduced proportionately ;

(b) less than 90 % but not less than 80 % of that quantity, the aid for the quantity actually stored shall be reduced by half ;

(c) less than 80 % of that quantity, the aid shall not be paid.

4. After three months of storage under contract, a single advance payment may be made, at the contracting party's request, provided that he lodges a security equal to the advance payment plus 20 %.

The advance payment shall not exceed the amount of aid corresponding to a storage period of three months.

Article 7

1. Except in cases of *force majeure* the application for payment of the aid and the supporting documents must be lodged with the competent authority within six months following the end of the maximum contractual storage period. Where the supporting documents could not be produced within the stipulated time limit although the contracting party acted promptly to obtain them on time, additional time limits, which may not exceed a total of six months, may be granted for their production.

2. Subject to the cases of *force majeure* referred to in Article 10 and cases where an inquiry has been opened into entitlement to the aid, the aid shall be paid by the competent authority as soon as possible and not later than three months from the day of deposit of an application for payment, with the required supporting documents, by the contracting party.

Article 8

The conversion rate to be applied to the amounts of aid and securities shall be the agricultural conversion rate in force, in cases of aid fixed at a flat rate in advance, on the day a contract is concluded or, in the case of aid granted by tender, on the last day for the submission of tenders.

Article 9

1. The periods, dates and time limits referred to in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71. However, Article 3 (4) of that Regulation shall not apply to the determination of the storage period as referred to in Article 3 (3) (d) of this Regulation or as amended under Article 3 (3) (g).

2. The first day of the contractual storage period shall be the day following that on which placing in storage was completed.

3. Removal from storage may commence on the day following the last day of the contractual storage period.

4. The contracting party shall advise the intervention agency in good time before the intended commencement of removal from storage; the intervention agency may require that this information is given at least two working days before that date.

Where the obligation to notify the intervention agency is not complied with but where sufficient evidence has been furnished, within 30 days following removal from the warehouse, to the satisfaction of the competent authority as to the date of removal from storage and the quantities concerned:

- the aid shall be granted, without prejudice to Article 6 (3), and
- 15 % of the security shall be declared forfeit in respect of the quantity concerned.

For all other cases of non-compliance with this requirement:

- no aid shall be paid in respect of the contract concerned, and
- the whole of the security shall be declared forfeit in respect of the contract concerned.

5. Subject to the cases of *force majeure* referred to in Article 10, where the contracting party fails to observe the end of the contractual storage period, each calendar day of non-compliance shall entail a reduction of 10 % in the amount of aid for the contract in question.

Article 10

In cases of *force majeure* where the performance of the contractual obligations of a contracting party are affected, the competent authority of the Member State concerned shall decide on the measures which it deems necessary having regard to the circumstances invoked. That authority shall inform the Commission of each case of *force majeure* and of the action taken in respect thereof.

TITLE II

SPECIAL PROVISIONS

Article 11

Where the amount of aid is fixed at a flat rate in advance:

- (a) the contract application must be lodged with the competent intervention agency in accordance with Article 3 (1) and (2);
- (b) the intervention agency concerned must, within five working days following the day on which a contract

application is lodged with the agency, advise the applicant of the decision concerning that application by registered letter, by telex, by telefax or against written acknowledgement.

Where the application is accepted, the contract shall be deemed to have been concluded on the day of departure of the notification of the decision referred to in the first paragraph under (b). The intervention agency shall specify the date referred to in Article 3 (3) (c) accordingly.

Article 12

1. Where the aid is granted by tender:

- (a) the Regulation issuing the invitation to tender in accordance with Article 7 of Regulation (EEC) No 3013/89 shall specify the general conditions, the products to be stored, the time limit (date and hour) for the submission of tenders and the minimum quantities in respect of which a tender may be submitted;
- (b) tenders must be made in ecus and submitted to the intervention agency concerned in accordance with Article 3 (1) and (2);
- (c) tenders shall be examined in private session by the appropriate agencies of the Member States; persons present at the examination shall be sworn to secrecy;
- (d) tenders submitted must be forwarded anonymously to the Commission by way of the Member States, to arrive not later than the second working day following the final date for submission as specified in the invitation;
- (e) where no tenders are submitted, Member States shall inform the Commission of this within the time limit as specified under (d);
- (f) on the basis of the tenders received, the Commission shall decide in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3013/89, either to fix a maximum amount of aid, taking account of the conditions laid down in Article 4 (2) of Regulation (EEC) No 2644/80, or to make no award;
- (g) where a maximum amount of aid is fixed, tenders not exceeding this amount shall be accepted.

2. Within five working days following the day on which the Member States are notified of the Commission's decision, the intervention agency concerned shall inform all tenderers of the decision taken by registered letter, by telex, by telefax or against written acknowledgement.

Where a tender is accepted, the contract shall be deemed to have been concluded on the date of departure of the intervention agency to the tenderer as referred to in the first subparagraph. The intervention agency shall specify the date referred to in Article 3 (3) (c) accordingly.

TITLE III

CHECKING AND SANCTIONS

Article 13

1. Member States shall ensure that the conditions giving rise to entitlement to aid are fulfilled. For this purpose they shall designate the national authority to be responsible for checking storage operations.

2. The contracting party shall make available to the authority responsible for checking storage operations all documentation, for each contract, permitting in particular the following information on the products placed in private storage to be verified:

- (a) the ownership at the time of placing in storage;
- (b) the date of placing in storage;
- (c) the weight and the number of boxes or items otherwise packaged;
- (d) the presence of products in the warehouse;
- (e) the calculated date of the end of the minimum contractual storage period and, where Article 9 (5) is applied, the actual date of removal.

3. The contracting party or, where applicable, the operator of the warehouse, shall keep stock accounts available at the warehouse covering, by contract number:

- (a) the identification of the products placed in private storage;
- (b) the date of placing in storage and the calculated date of the end of the minimum contractual storage period and the actual date of removal from storage;
- (c) the number of carcasses or half-carcasses, boxes or other items stored individually, a description of the products and the weight of each pallet or the other items stored individually, recorded, where applicable, by individual lots;
- (d) the location of the products in the warehouse.

4. Products stored must be easily identifiable and must be identified individually by contract. Each pallet and, where applicable, each item individually stored must be marked so that the contract number, the description of the product and the weight are shown. The date of placing in storage must be shown on each individual lot placed in storage on a given day.

When the products are placed in storage, the authority responsible for checking operations shall verify the identification referred to in the first subparagraph and may seal the products placed in storage.

5. The authority responsible for checking operations shall undertake:

- (a) for each contract, a check on the compliance with all the obligations laid down in Article 3 (4);
- (b) a compulsory check to ensure that the products are present in the warehouse during the final week of the contractual storage period;

(c) — either the sealing of all the products stored under a contract in accordance with the second subparagraph of paragraph 4, or

- an unannounced sample check to ensure that the products are present in the warehouse. The sample taken must be representative and must correspond to at least 10 % of the overall quantity placed in storage in each Member State under a private storage aid measure. Such checks shall include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of the products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check.

The sealing or handling costs of the check are born by the contracting party.

6. Checks pursuant to paragraph 5 must be the subject of a report stating:

- the date of the check,
- its duration, and
- the operations conducted.

The report on the check must be signed by the official responsible and countersigned by the contracting party or, where applicable, by the operator of the warehouse and must be included in the payment file.

7. In the case of significant irregularities affecting at least 5 % of the quantities of products covered by a single contract subject to the checks, the verification shall be extended to a larger sample to be determined by the authority responsible for the checks.

Member States shall notify such cases to the Commission within four weeks.

Article 14

In the case where it is established and verified by the authority responsible for checking operations that the declaration as referred to in Article 3 (3) (a) is a false declaration made either deliberately or through serious negligence, the contracting party in question shall be excluded from the private storage aid scheme for six months following the month in which the falsification is ascertained.

TITLE IV

FINAL PROVISIONS

Article 15

1. Member States shall inform the Commission of all provisions adopted in application of this Regulation.

2. Member States shall notify the Commission by telex or by telefax:

- (a) before Thursday of each week and broken down by storage period, of the products and quantities which have been the subject of contract applications, and of the products and quantities for which contracts have been concluded during the preceding week, giving a summary of the products and quantities for which contracts have been concluded;
- (b) every month, of the products and total quantities placed in storage;
- (c) every month, of the products and total quantities actually in storage and of the products and total quantities in respect of which the contractual storage period has ended;
- (d) every month, if the storage period has been shortened or extended in accordance with Article 3 (3) (g) or reduced in accordance with Article 9 (5) of the products and quantities in respect of which the storage period has been revised and of the original and revised months for removal from storage.

3. The application of the measures provided for in this Regulation shall be subject to regular examination in

accordance with the procedure laid down in Article 30 of Regulation (EEC) No 3031/89.

Article 16

- 1. Regulation (EEC) No 2659/80 is hereby repealed.
- 2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to Articles of Regulation (EEC) No 2659/80 are to be read in accordance with the correlation table given in the Annex.

Article 17

This Regulation shall enter into force on 1 December 1990.

It shall apply to private storage opened as from that date.

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

Done at Brussels, 27 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

CORRELATION

Regulation (EEC) No 2659/80	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3 (3) and (4)
Article 4	Article 3, (1) and (2)
—	Article 4
Article 5	Article 5
Article 6	Article 6
—	Article 7
Article 7	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10	Article 11
Article 11	Article 12
—	Article 13
—	Article 14
Article 12	Article 15
Article 13	Article 16
Article 14	Article 17

COMMISSION REGULATION (EEC) No 3447/90

of 28 November 1990

on special conditions for the granting of private storage aid for sheepmeat and goatmeat

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,Whereas the provisions of Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽²⁾, should be followed in respect of the grant of private storage aid for sheepmeat; whereas it is appropriate to complete or to adapt these provisions;Whereas Article 3 of Council Regulation (EEC) No 2644/80⁽³⁾ provides that, if the market situation so requires, the period of storage may be curtailed or extended; whereas it is therefore appropriate that, in addition to the amounts of aid granted for a specific storage period, amounts to be added or reduced in the event of that period being extended or curtailed should also be fixed;

Whereas foreseeable market conditions make it necessary to provide for flexible storage periods of between three and seven months;

Whereas it is appropriate in order to ensure genuine tenders, to determine the minimum quantity which may be stored;

Whereas, a security of ECU 120 per tonne seems appropriate to guarantee compliance with the obligations linked to private storage;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3446/90 shall apply subject to the provisions of this Regulation.

Article 2

1. Applications in the context of private storage aid shall be submitted to the intervention agencies listed in the Annex.
2. In the context of a tendering procedure the period for which storage may be tendered is three months. However, the actual storage period shall be chosen by the storer. This period may extend from a minimum of three months to a maximum of seven months. However, if the storage period is greater than three months the aid shall be increased on a daily basis by ECU 1,2 per tonne per day.

Article 3

The minimum quantity per contract shall be four tonnes expressed, as bone-in meat.

Article 4

The security shall be ECU 120 per tonne.

Article 5

This Regulation shall enter into force on 1 December 1990.

It shall apply to private storage opened as from that date.

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

Done at Brussels, 28 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ See page 39 of this Official Journal.⁽³⁾ OJ No L 275, 18. 10. 1980, p. 8.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO*

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção

BELGIQUE/BELGIË:	Office belge de l'économie et de l'agriculture rue de Trèves 82 1040 Bruxelles Tél. 02 / 230 17 40, télex 24076 OBEA BRU B	Belgische Dienst voor Bedrijfs- leven en Landbouw Trierstraat 82 1040 Brussel
DANMARK:	EF-Direktoratet Frederiksborggade 18 DK-1360 København K Tlf. 01 92 70 00, telex 151 37 DK	
BUNDESREPUBLIK DEUTSCHLAND	Bundesanstalt für landwirtschaftliche Marktordnung (BALM) Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse) Postfach 180 107 — Adickesallee 40 D-6000 Frankfurt am Main 18 Tel. (06 9) 1 56 40 App. 713, Telex 04 11 56	
ΕΛΛΑΔΑ:	Διεύθυνση Διαχείρισης Αγορών Γεωργικών Προϊόντων (ΔΙ.Δ.Α.ΓΕ.Π), Αχαρνών 241, Αθήνα	
ESPAÑA:	Servicio nacional de productos agrarios (SENPA) c/ Beneficencia 8 28003 Madrid Tel. 222 29 61 Télex 23427 SENPA E	
FRANCE:	OFIVAL Tour Montparnasse 33, avenue du Maine 75755 Paris Cedex 15 Tél. 45 38 84 00, télex 26 06 43	
IRELAND:	Department of Agriculture and Food Agriculture House Kildare Street Dublin 2 Tel. (01) 78 90 11, ext. 33 32 Telex 4280 and 5118	
ITALIA:	Azienda di Stato per gli interventi nel mercato agricolo (AIMA) via Palestro 81 I-00100 Roma Tel. 49 57 283 — 49 59 261 Telex 61 30 03	
NEDERLAND:	Voedselvoorzienings In- en Verkoopbureau Ministerie van Landbouw, Natuurbeheer en Visserij Postbus 960 6430 AZ Hoensbroek Tel. (045) 23 83 83 Telex 56396	
PORTUGAL:	INGA Instituto Nacional de Intervenção e Garantia Agrícola Rua Camilo Castelo Branco, 45 P-1000 Lisboa	
UNITED KINGDOM:	Intervention Board for Agricultural Produce Fountain House 2 Queens Walk Reading RG1 7QW Berkshire Tel. (0734) 58 36 26 Telex 848 302	

COMMISSION REGULATION (EEC) No 3448/90

of 28 November 1990

fixing definitively the aid for soya beans applicable before 14 November 1990 for the 1990/91 marketing year

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (7) thereof,Having regard to Council Regulation (EEC) No 2286/88 of 19 July 1988 providing for the granting of special aid for soya beans produced and processed in Portugal ⁽³⁾,

Whereas, between 1 April and 31 October 1990 the provisional amounts of the aid applying for the months of September 1990 to April 1991 took account of the abatement in the aid fixed by the Commission for the 1989/90 marketing year pursuant to Article 41 of Commission Regulation (EEC) No 2537/89 of 8 August 1989 laying down detailed rules for the application of the special measures for soya beans ⁽⁴⁾, as last amended by Regulation (EEC) No 2427/90 ⁽⁵⁾; whereas the fixation of those amounts made subject to the decision of the Commission, was made necessary by the lack of a regulation fixing the adjustment applying to the aid for the 1990/91 marketing year;

Whereas from 1 November 1990 the amount of the aid took account of the abatement to be applied for the 1990/91 marketing year although the regulation fixing this abatement had not yet been adopted;

Whereas Commission Regulation (EEC) No 3217/90 ⁽⁶⁾ fixes the adjustment in the aid for soya beans for the 1990/91 marketing year;

Whereas, between 1 April and 17 May 1990 as regards soya beans, the provisional amounts of the aid applying for the months of September 1990 to April 1991 took account of the guide price applying in the 1989/90 marketing year or proposed by the Commission to the Council for the 1990/91 marketing year; whereas those amounts needed to be fixed, subject to decisions of the

Council as a result of the lack of a Regulation fixing the guide price for the 1990/91 marketing year;

Whereas Council Regulation (EEC) No 1319/90 ⁽⁷⁾ fixes the guide price for soya beans for the 1990/91 marketing year; whereas this price was reduced by Commission Regulation (EEC) No 1756/90 ⁽⁸⁾;

Whereas the amounts of the aid applying provisionally for the soya beans in question should accordingly be replaced and they should be fixed definitively,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for soya beans fixed in advance for September 1990 to April 1991 as set out in the Annexes to Commission Regulations (EEC) No 810/90 ⁽⁹⁾, (EEC) No 949/90 ⁽¹⁰⁾, (EEC) No 1094/90 ⁽¹¹⁾, (EEC) No 1298/90 ⁽¹²⁾, (EEC) No 1478/90 ⁽¹³⁾, (EEC) No 1610/90 ⁽¹⁴⁾, (EEC) No 1826/90 ⁽¹⁵⁾, (EEC) No 1903/90 ⁽¹⁶⁾, (EEC) No 2002/90 ⁽¹⁷⁾, (EEC) No 2121/90 ⁽¹⁸⁾, (EEC) No 2244/90 ⁽¹⁹⁾, (EEC) No 2383/90 ⁽²⁰⁾, (EEC) No 2534/90 ⁽²¹⁾, (EEC) No 2672/90 ⁽²²⁾, (EEC) No 2815/90 ⁽²³⁾, (EEC) No 2928/90 ⁽²⁴⁾, and (EEC) No 3174/90 ⁽²⁵⁾, fixing the aid on soya beans are replaced by the amounts given in the tables in the annex hereto, which are hereby fixed definitively from the date of entry into force of each of the Regulations concerned.

Article 2

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

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No L 201, 27. 7. 1988, p. 2.

⁽⁴⁾ OJ No L 245, 22. 8. 1989, p. 8.

⁽⁵⁾ OJ No L 228, 22. 8. 1990, p. 15.

⁽⁶⁾ OJ No L 308, 8. 11. 1990, p. 19.

⁽⁷⁾ OJ No L 132, 23. 5. 1990, p. 13.

⁽⁸⁾ OJ No L 162, 28. 6. 1990, p. 19.

⁽⁹⁾ OJ No L 85, 31. 3. 1990, p. 59.

⁽¹⁰⁾ OJ No L 96, 12. 4. 1990, p. 69.

⁽¹¹⁾ OJ No L 111, 1. 5. 1990, p. 18.

⁽¹²⁾ OJ No L 128, 18. 5. 1990, p. 13.

⁽¹³⁾ OJ No L 140, 1. 6. 1990, p. 72.

⁽¹⁴⁾ OJ No L 152, 16. 6. 1990, p. 16.

⁽¹⁵⁾ OJ No L 167, 30. 6. 1990, p. 79.

⁽¹⁶⁾ OJ No L 172, 5. 7. 1990, p. 31.

⁽¹⁷⁾ OJ No L 180, 13. 7. 1990, p. 12.

⁽¹⁸⁾ OJ No L 193, 25. 7. 1990, p. 25.

⁽¹⁹⁾ OJ No L 203, 1. 8. 1990, p. 45.

⁽²⁰⁾ OJ No L 220, 15. 8. 1990, p. 16.

⁽²¹⁾ OJ No L 237, 1. 9. 1990, p. 77.

⁽²²⁾ OJ No L 254, 18. 9. 1990, p. 60.

⁽²³⁾ OJ No L 268, 28. 9. 1990, p. 39.

⁽²⁴⁾ OJ No L 279, 11. 10. 1990, p. 40.

⁽²⁵⁾ OJ No L 304, 1. 11. 1990, p. 47.

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

Done at Brussels, 28 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

TABLE A

Aid for soja beans harvested in Spain

(ECU per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of aid fixed for the months of							
		September	October	November	December	January	February	March	April
810/90	1. 4. 1990	0,000							
949/90	12. 4. 1990	0,000							
1094/90	1. 5. 1990	0,000	0,000						
1298/90	17. 5. 1990	0,000	0,000						
1478/90	1. 6. 1990	0,000	0,000	0,000					
1610/90	16. 6. 1990	0,000	0,000	0,000					
1826/90	1. 7. 1990	0,000	0,000	0,000	0,000				
1903/90	5. 7. 1990	0,000	0,000	0,000	0,000				
2002/90	13. 7. 1990	0,000	0,000	0,000	0,000				
2121/90	25. 7. 1990	0,000	0,000	0,000	0,000				
2244/90	1. 8. 1990	0,000	0,000	0,000	0,000	16,053			
2383/90	15. 8. 1990	0,000	0,000	0,000	0,000	16,211			
2534/90	1. 9. 1990	0,000	0,000	0,000	0,000	16,288	16,072		
2672/90	18. 9. 1990	0,000	0,000	0,000	0,000	16,292	16,127		
2815/90	1. 10. 1990		0,000	0,000	0,000	16,890	16,691	16,525	
2928/90	11. 10. 1990		0,000	0,000	0,000	16,583	16,400	16,284	
3174/90	1. 11. 1990			0,000	0,000	17,374	17,168	17,062	17,153

TABLE B

Aid for soja beans harvested in Spain and processed in another Member State

(ECU per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of aid fixed for the months of							
		September	October	November	December	January	February	March	April
810/90	1. 4. 1990	15,948							
949/90	12. 4. 1990	16,202							
1094/90	1. 5. 1990	15,832	15,426						
1298/90	17. 5. 1990	15,278	14,755						
1478/90	1. 6. 1990	16,416	15,900	15,900					
1610/90	16. 6. 1990	16,469	15,843	15,843					
1826/90	1. 7. 1990	16,231	15,664	15,664	15,367				
1903/90	5. 7. 1990	15,669	14,950	14,950	14,656				
2002/90	13. 7. 1990	16,193	15,611	15,593	15,488				
2121/90	25. 7. 1990	16,552	16,368	16,385	16,097				
2244/90	1. 8. 1990	16,815	16,570	16,579	16,368	16,053			
2383/90	15. 8. 1990	16,499	16,533	16,533	16,363	16,211			
2534/90	1. 9. 1990	17,153	16,737	16,737	16,820	16,288	16,072		
2672/90	18. 9. 1990	17,088	16,873	16,757	16,525	16,292	16,127		
2815/90	1. 10. 1990		17,387	17,288	17,039	16,890	16,691	16,525	
2928/90	11. 10. 1990		17,080	17,039	16,782	16,583	16,400	16,284	
3174/90	1. 11. 1990			17,791	17,560	17,374	17,168	17,062	17,153

TABLE C

Aid for soja beans harvested in Portugal

(ECU per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of aid fixed for the months of							
		September (¹)	October (¹)	November (¹)	December (¹)	January	February	March	April
810/90	1. 4. 1990	21,492							
949/90	12. 4. 1990	21,746							
1094/90	1. 5. 1990	21,376	20,970						
1298/90	17. 5. 1990	20,822	20,299						
1478/90	1. 6. 1990	21,960	21,444	21,444					
1610/90	16. 6. 1990	22,013	21,387	21,387					
1826/90	1. 7. 1990	21,775	21,208	21,208	20,911				
1903/90	5. 7. 1990	21,213	20,494	20,494	20,200				
2002/90	13. 7. 1990	21,737	21,155	21,137	21,032				
2121/90	25. 7. 1990	22,096	21,912	21,929	21,641				
2244/90	1. 8. 1990	22,359	22,114	22,123	21,912	21,597			
2383/90	15. 8. 1990	22,043	22,077	22,077	21,907	21,755			
2534/90	1. 9. 1990	22,697	22,281	22,281	22,364	21,832	21,616		
2672/90	18. 9. 1990	22,632	22,417	22,301	22,069	21,836	21,671		
2815/90	1. 10. 1990		22,931	22,832	22,583	22,434	22,235	22,069	
2928/90	11. 10. 1990		22,624	22,583	22,326	22,127	21,944	21,828	
3174/90	1. 11. 1990			23,335	23,104	22,918	22,712	22,606	22,697

(¹) Special aid for seed harvested and processed in Portugal.

TABLE D

Aid for soja beans harvested in the Member States of the Community constituted on 31 December 1985

(ECU per 100 kg)

Regulation (EEC) No	Date of entry into force of aid	Amounts of aid fixed for the months of							
		September	October	November	December	January	February	March	April
810/90	1. 4. 1990	21,492							
949/90	12. 4. 1990	21,746							
1094/90	1. 5. 1990	21,376	20,970						
1298/90	17. 5. 1990	20,822	20,299						
1478/90	1. 6. 1990	21,960	21,444	21,444					
1610/90	16. 6. 1990	22,013	21,387	21,387					
1826/90	1. 7. 1990	21,775	21,208	21,208	20,911				
1903/90	5. 7. 1990	21,213	20,494	20,494	20,200				
2002/90	13. 7. 1990	21,737	21,155	21,137	21,032				
2121/90	25. 7. 1990	22,096	21,912	21,929	21,641				
2244/90	1. 8. 1990	22,359	22,114	22,123	21,912	21,597			
2383/90	15. 8. 1990	22,043	22,077	22,077	21,907	21,755			
2534/90	1. 9. 1990	22,697	22,281	22,281	22,364	21,832	21,616		
2672/90	18. 9. 1990	22,632	22,417	22,301	22,069	21,836	21,671		
2815/90	1. 10. 1990		22,931	22,832	22,583	22,434	22,235	22,069	
2928/90	11. 10. 1990		22,624	22,583	22,326	22,127	21,944	21,828	
3174/90	1. 11. 1990			23,335	23,104	22,918	22,712	22,606	22,697

COMMISSION REGULATION (EEC) No 3449/90
of 29 November 1990
fixing the import levies on milk and milk 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 (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 3117/90 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 3278/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3278/90 to the prices 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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 1 December 1990.

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

Done at Brussels, 29 November 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 303, 31. 10. 1990, p. 5.

⁽³⁾ OJ No L 315, 15. 11. 1990, p. 11.

ANNEX

to the Commission Regulation of 29 November 1990 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		19,41
0401 10 90		18,20
0401 20 11		26,59
0401 20 19		25,38
0401 20 91		32,15
0401 20 99		30,94
0401 30 11		82,05
0401 30 19		80,84
0401 30 31		157,22
0401 30 39		156,01
0401 30 91		263,07
0401 30 99		261,86
0402 10 11	(*)	140,98
0402 10 19	(*)	133,73
0402 10 91	(¹)(*)	1,3373/kg + 29,61
0402 10 99	(¹)(*)	1,3373/kg + 22,36
0402 21 11	(*)	206,45
0402 21 17	(*)	199,20
0402 21 19	(*)	199,20
0402 21 91	(*)	240,58
0402 21 99	(*)	233,33
0402 29 11	(¹)(²)(*)	1,9920/kg + 29,61
0402 29 15	(¹)(*)	1,9920/kg + 29,61
0402 29 19	(¹)(*)	1,9920/kg + 22,36
0402 29 91	(¹)(*)	2,3333/kg + 29,61
0402 29 99	(¹)(*)	2,3333/kg + 22,36
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	157,22
0402 91 59	(*)	156,01
0402 91 91	(*)	263,07
0402 91 99	(*)	261,86
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(¹)(*)	1,5359/kg + 25,99
0402 99 39	(¹)(*)	1,5359/kg + 24,78
0402 99 91	(¹)(*)	2,5944/kg + 25,99
0402 99 99	(¹)(*)	2,5944/kg + 24,78

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 11		29,00
0403 10 13		34,56
0403 10 19		84,46
0403 10 31	(¹)	0,2296/kg + 28,40
0403 10 33	(¹)	0,2852/kg + 28,40
0403 10 39	(¹)	0,7842/kg + 28,40
0403 90 11		140,98
0403 90 13		206,45
0403 90 19		240,58
0403 90 31	(¹)	1,3373/kg + 29,61
0403 90 33	(¹)	1,9920/kg + 29,61
0403 90 39	(¹)	2,3333/kg + 29,61
0403 90 51		29,00
0403 90 53		34,56
0403 90 59		84,46
0403 90 61	(¹)	0,2296/kg + 28,40
0403 90 63	(¹)	0,2852/kg + 28,40
0403 90 69	(¹)	0,7842/kg + 28,40
0404 10 11		30,86
0404 10 19	(¹)	0,3086/kg + 22,36
0404 10 91	(²)	0,3086/kg
0404 10 99	(²)	0,3086/kg + 22,36
0404 90 11		140,98
0404 90 13		206,45
0404 90 19		240,58
0404 90 31		140,98
0404 90 33		206,45
0404 90 39		240,58
0404 90 51	(¹)	1,3373/kg + 29,61
0404 90 53	(¹) (³)	1,9920/kg + 29,61
0404 90 59	(¹)	2,3333/kg + 29,61
0404 90 91	(¹)	1,3373/kg + 29,61
0404 90 93	(¹) (³)	1,9920/kg + 29,61
0404 90 99	(¹)	2,3333/kg + 29,61
0405 00 10		271,55
0405 00 90		331,29
0406 10 10	(⁴)	238,69
0406 10 90	(⁴)	286,53
0406 20 10	(³) (⁴)	413,22
0406 20 90	(⁴)	413,22
0406 30 10	(³) (⁴)	191,15
0406 30 31	(³) (⁴)	177,52
0406 30 39	(³) (⁴)	191,15
0406 30 90	(³) (⁴)	287,87
0406 40 00	(³) (⁴)	148,14
0406 90 11	(³) (⁴)	243,10

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	(³) (⁴)	196,74
0406 90 15	(³) (⁴)	196,74
0406 90 17	(³) (⁴)	196,74
0406 90 19	(³) (⁴)	413,22
0406 90 21	(³) (⁴)	243,10
0406 90 23	(³) (⁴)	189,81
0406 90 25	(³) (⁴)	189,81
0406 90 27	(³) (⁴)	189,81
0406 90 29	(³) (⁴)	189,81
0406 90 31	(³) (⁴)	189,81
0406 90 33	(⁴)	189,81
0406 90 35	(³) (⁴)	189,81
0406 90 37	(³) (⁴)	189,81
0406 90 39	(³) (⁴)	189,81
0406 90 50	(³) (⁴)	189,81
0406 90 61	(⁴)	413,22
0406 90 63	(⁴)	413,22
0406 90 69	(⁴)	413,22
0406 90 71	(⁴)	238,69
0406 90 73	(⁴)	189,81
0406 90 75	(⁴)	189,81
0406 90 77	(⁴)	189,81
0406 90 79	(⁴)	189,81
0406 90 81	(⁴)	189,81
0406 90 83	(⁴)	189,81
0406 90 85	(⁴)	189,81
0406 90 89	(³) (⁴)	189,81
0406 90 91	(⁴)	238,69
0406 90 93	(⁴)	238,69
0406 90 97	(⁴)	286,53
0406 90 99	(⁴)	286,53
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		102,72
2309 10 19		133,48
2309 10 39		125,08
2309 10 59		103,23
2309 10 70		133,48
2309 90 35		102,72
2309 90 39		133,48
2309 90 49		125,08
2309 90 59		103,23
2309 90 70		133,48

-
- (¹) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this subheading is equal to:
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
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COMMISSION REGULATION (EEC) No 3450/90

of 29 November 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

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.

2. The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 December 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, 29 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 November 1990 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	133,00
1107 10 99 000	144,30
1107 20 00 000	168,15

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 3451/90

of 29 November 1990

fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 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;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 29 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 November 1990 fixing the corrective amount applicable to the refund on malt

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

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

COMMISSION REGULATION (EEC) No 3452/90
of 29 November 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 3300/90⁽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⁾, as last amended by Regulation (EEC) No 3433/90⁽⁸⁾;

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⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾, for sunflower seed harvested and processed in Portugal is as set out in Annex III.

Article 2

This Regulation shall enter into force on 30 November 1990.

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

Done at Brussels, 29 November 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 317, 16. 11. 1990, p. 23.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 268, 29. 9. 1990, p. 76.

⁽⁸⁾ OJ No L 330, 29. 11. 1990, p. 38.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU) :						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	28,225	28,245	28,523	28,801
— Other Member States	21,787	21,687	21,255	21,275	21,553	21,831
2. Final aids :						
(a) Seed harvested and processed in :						
— Federal Republic of Germany (DM)	51,29	51,06	50,04	50,09	50,74	51,45
— Netherlands (Fl)	57,79	57,53	56,38	56,43	57,17	57,98
— BLEU (Bfrs/Lfrs)	1 057,90	1 053,04	1 032,06	1 033,04	1 046,53	1 060,61
— France (FF)	172,02	171,23	167,82	167,98	170,17	172,37
— Denmark (Dkr)	195,64	194,75	190,87	191,05	193,54	196,04
— Ireland (£ Irl)	19,146	19,058	18,678	18,696	18,940	19,185
— United Kingdom (£)	16,733	16,648	16,296	16,289	16,506	16,687
— Italy (Lit)	38 377	38 201	37 440	37 475	37 965	38 391
— Greece (Dr)	4 652,71	4 604,97	4 461,76	4 430,15	4 493,00	4 452,58
(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)	9,17	0,00	0,00	0,00	0,00	0,00
(c) Seed harvested in Portugal and processed :						
— in Portugal (Esc)	0,00	0,00	5 886,27	5 878,81	5 936,87	5 962,30
— in another Member State (Esc)	6 007,33	5 986,67	5 886,27	5 878,81	5 936,87	5 962,30

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1. Gross aids (ECU):						
— Spain	0,000	0,000	1,565	1,585	1,863	2,141
— Portugal	1,030	1,030	30,725	30,745	31,023	31,301
— Other Member States	24,287	24,187	23,755	23,775	24,053	24,331
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	57,18	56,94	55,92	55,97	56,63	57,33
— Netherlands (Fl)	64,42	64,16	63,01	63,06	63,80	64,61
— BLEU (Bfrs/Lfrs)	1 179,29	1 174,43	1 153,45	1 154,43	1 167,92	1 182,00
— France (FF)	191,76	190,97	187,56	187,72	189,91	192,11
— Denmark (Dkr)	218,09	217,20	213,32	213,50	215,99	218,49
— Ireland (£ Irl)	21,343	21,255	20,875	20,893	21,137	21,381
— United Kingdom (£)	18,682	18,597	18,245	18,238	18,455	18,636
— Italy (Lit)	42 780	42 604	41 843	41 878	42 368	42 795
— Greece (Dr)	5 209,98	5 162,23	5 019,03	4 987,41	5 050,26	5 009,84
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	310,68	307,26	349,62	372,10
— in another Member State (Pta)	391,41	377,81	310,68	307,26	349,62	372,10
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	214,94	214,94	6 407,96	6 400,50	6 458,56	6 483,99
— in another Member State (Esc)	6 529,02	6 508,36	6 407,96	6 400,50	6 458,56	6 483,99

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1. Gross aids (ECU):					
— Spain	8,600	8,600	28,422	29,026	29,357
— Portugal	0,000	0,000	37,449	38,047	38,378
— Other Member States	25,699	25,713	25,209	25,807	26,138
2. Final aids:					
(a) Seed harvested and processed in ⁽¹⁾ :					
— Federal Republic of Germany (DM)	60,50	60,53	59,35	60,75	61,53
— Netherlands (Fl)	68,17	68,21	66,87	68,45	69,33
— BLEU (Bfrs/Lfrs)	1 247,85	1 248,53	1 224,06	1 253,09	1 269,16
— France (FF)	202,91	203,02	199,04	203,76	206,38
— Denmark (Dkr)	230,77	230,90	226,37	231,74	234,72
— Ireland (£ Irl)	22,584	22,596	22,153	22,679	22,969
— United Kingdom (£)	19,714	19,719	19,309	19,760	20,019
— Italy (Lit)	45 268	45 292	44 404	45 458	46 041
— Greece (Dr)	5 469,24	5 443,09	5 272,94	5 375,42	5 450,26
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 314,91	1 314,91	4 418,41	4 501,89	4 552,32
— in another Member State (Pta)	4 564,61	4 568,10	4 490,60	4 573,44	4 623,87
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	7 810,32	7 921,72	7 990,85
— in Spain (Esc)	8 101,96	8 105,12	7 984,84	8 098,73	8 169,41
— in another Member State (Esc)	7 924,88	7 927,97	7 810,32	7 921,72	7 990,85
3. Compensatory aids:					
— in Spain (Pta)	4 538,55	4 541,22	—	—	—
4. Special aid:					
— in Portugal (Esc)	7 924,88	7 927,97	—	—	—

⁽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 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
DM	2,052020	2,048500	2,046440	2,044010	2,044010	2,038070
Fl	2,314160	2,310630	2,307620	2,304830	2,304830	2,297560
Bfrs/Lfrs	42,380500	42,327500	42,267400	42,230400	42,230400	42,129100
FF	6,920350	6,916700	6,911190	6,908790	6,908790	6,903190
Dkr	7,873250	7,872170	7,871710	7,871970	7,871970	7,876640
£Irl	0,767506	0,767971	0,767933	0,768264	0,768264	0,769125
£	0,702253	0,704331	0,705786	0,707043	0,707043	0,709682
Lit	1 540,03	1 543,02	1 545,47	1 547,34	1 547,34	1 552,08
Dr	210,56800	213,16900	215,72700	218,04100	218,04100	225,75100
Esc	180,30100	181,17800	181,99700	182,84200	182,84200	185,24200
Pta	130,04900	130,51100	130,94200	131,35100	131,35100	132,43900

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 7 November 1990

amending Annex II to Council Directive 66/402/EEC on the marketing of cereal seed

(90/623/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽¹⁾, as last amended by Commission Directive 89/2/EEC⁽²⁾,

Whereas, according to present scientific and technical knowledge, it appears that certain varieties of oat (*Avena sativa*) of the 'naked oat' type have a potential value as fodder;

Whereas, however, it is difficult to produce seed of these varieties with a germination capacity equal to that normally achieved by seed of the oat varieties;

Whereas by Directive 88/506/EEC⁽³⁾ the Commission declared that, in the light of the development of scientific and technical knowledge it was appropriate to reduce, for varieties of oats of the 'naked oat' type, the minimum germination capacity of 85 % of pure seed laid down for oats in Annex II to Directive 66/402/EEC to 75 %;

Whereas that reduction applied only until 30 June 1990 so that further technical data about those varieties could be collected and assessed;

Whereas further technical data has shown that it is appropriate for the reduction to continue for a further limited

period so that yet further technical data about these varieties can be collected and assessed;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In section (2) (B) (d) of Annex II to Directive 66/402/EEC, '30 June 1990' is replaced by '31 December 1992'.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 7 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽²⁾ OJ No L 5, 7. 1. 1989, p. 31.

⁽³⁾ OJ No L 274, 6. 10. 1988, p. 44.

CORRIGENDA

Corrigendum to Council Decision 90/408/EEC of 27 July 1990 on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of Protocol No 2 establishing for the period 1 April 1990 to 31 March 1991 the crawfish opportunities and the corresponding financial compensation provided for in the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco

(Official Journal of the European Communities No L 208 of 7 August 1990)

On page 39,

in the fourth recital, fourth line :

for: 'Canary Islands'

read: 'Canary Islands and Ceuta and Melilla';

in the second line of Article 2 :

for: 'Canary Islands'

read: 'Canary Islands and Ceuta and Melilla ;

in the ninth line of Article 2 :

for: 'Canary Islands'

read: 'Canary Islands or Ceuta and Melilla'.
