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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3638/90

of 11 December 1990

fixing, for the 1990/91 marketing year, the intervention prices for butter and skimmed-milk powder applicable in Portugal in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

For the period from 1 January 1991 to the end of the 1990/91 marketing year, the intervention prices applicable in Portugal in respect of milk and milk products shall be as follows:

Having regard to the proposal from the Commission,

(a) for butter, ECU 283,99 per 100 kg;

Whereas the first subparagraph of Article 310 (1) of the Act of Accession provides that the intervention prices for butter and skimmed-milk powder applicable in Portugal until the first move towards alignment are to be calculated according to the rules laid down in the common organization of the market; whereas on the basis of those rules the prices for the 1990/91 marketing year should be used for powder; whereas for butter, on the other hand, the price applicable in Portugal should be aligned with the common price,

(b) for skimmed-milk powder:

- ECU 207 per 100 kg in the Azores,
- ECU 210 per 100 kg in mainland Portugal.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3639/90
of 11 December 1990
on the application in Portugal of the common price for butter

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

1991/92 marketing year in accordance with Article 285 (5) of the Act of Accession,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Article 1

Having regard to the proposal from the Commission,

From the beginning of the 1991/92 marketing year, the intervention price for butter applicable in Portugal shall be the common price.

Whereas the variation between the common price for butter and the price fixed for this product by Council Regulation (EEC) No 3638/90 of 11 December 1990 fixing, for the 1990/91 marketing year, the intervention prices for butter and skimmed-milk powder applicable in Portugal in the milk and milk products sector ⁽¹⁾ permits the application of the common price in Portugal from the

Article 2

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

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

⁽¹⁾ See page 1 of this Official Journal.

COUNCIL REGULATION (EEC) No 3640/90

of 11 December 1990

determining the general rules for the system of accession compensatory amounts for milk and milk products during the second stage of the accession of Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 310 of the Act of Accession provides for the fixing of prices, for Portugal, at a level which may be different from that of the common prices; whereas, pursuant to Article 240 of the Act, such differences in price level are to be compensated for by a system of compensatory amounts;

Whereas the accession compensatory amounts are intended to avoid disturbances in trade resulting from differences in prices; whereas, as a result, the application of accession compensatory amounts is not required where there is no fear of such disturbances; whereas, as regards butter in particular, pursuant to Article 240 (2) of the Act of Accession, no such amount need be fixed given the slight difference between the prices applicable in Portugal and the common prices;

Whereas the situation as regards trade in skimmed-milk powder, where the price applicable in the Azores differs from that applicable in mainland Portugal, would warrant setting the accession compensatory amount on the basis of the latter price;

Whereas Article 311 of the Act of Accession provides that the accession compensatory amounts for dairy products other than butter and skimmed-milk powder are to be fixed with the help of coefficients to be determined; whereas, for the determination of such coefficients, account should be taken, in particular, of the difference between the prices recorded on the Portuguese market and the prices recorded in the other Member States;

Whereas, where it becomes necessary, provision should be made for the possible introduction of a system for the advance fixing of accession compensatory amounts;

Whereas a certain amount of deflection of trade and distortion of competition may, in particular, occur in the final period of moves towards price alignment and when common prices are applied throughout the Community; whereas it is therefore justified that measures intended to avoid such deflection and distortion should apply for such time as is necessary,

Article 1

For the purposes of this Regulation:

- 'Community of Ten' shall mean the Community as constituted on 31 December 1985,
- 'accession compensatory amounts' shall mean compensatory amounts applicable in trade between the Community of Ten and Portugal, between Spain and Portugal and between Portugal and third countries.

Article 2

Without prejudice to Article 3 of Regulation (EEC) No 3792/85 ⁽¹⁾, no compensatory amount shall be set for butter or for milk fat contained in other products.

Article 3

The accession compensatory amounts applicable for each milk year shall be:

- (a) for skimmed-milk powder, equal to the difference between the intervention price fixed for mainland Portugal and the intervention price applicable in the Community of Ten or in Spain;
- (b) for the other products listed in Article 1 of Regulation (EEC) No 804/68 ⁽²⁾, fixed using one or more of the following factors:
 - the difference between the prices recorded on the Portuguese market and the prices recorded in the Community of Ten or in Spain,
 - the quantities of raw materials used in the manufacture of the products concerned,
 - specific manufacturing costs.

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

Article 4

In trade between the Community of Ten and Portugal, or between Spain and Portugal, accession compensatory amounts shall be levied or granted by the Member State concerned whose price level used for the determination of the accession compensatory amounts is the highest.

Article 5

1. The accession compensatory amount applicable shall be that in force at the time of acceptance of the declaration of import or export.

2. However, where necessary, the introduction of a system for the advance fixing of the accession compensatory amount may be decided upon in accordance with the procedure set out in Article 6.

Article 6

1. The following shall be determined in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68:

- (a) the detailed rules for the application of this Regulation, in particular for fixing the accession compensatory amounts;
- (b) the procedure for granting and levying accession compensatory amounts in order to prevent any deflection of trade or distortion of competition.

2. Measures to prevent any deflection of trade or distortion of competition may continue to apply, for as long as is deemed necessary, after the accession compensatory amounts have been discontinued.

Article 7

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3641/90

of 11 December 1990

amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 5c of Council Regulation (EEC) No 804/68 ⁽¹⁾, as last amended by Regulation (EEC) No 3117/90 ⁽²⁾, fixes for each Member State, a guaranteed total quantity of milk which the sum of the individual reference quantities may not exceed; whereas, in order for Portugal to be able to apply in its territory, as from 1991, the additional levy scheme in the milk sector introduced by Article 5c of the said Regulation, the guaranteed total quantity necessary for the scheme to be applied should be fixed for that Member State bearing in mind the specific features of its structures, the need to allow for an increase in its production and the fact that measures should be envisaged with a view to the promotion, in Portugal, of a change in the consumption of milk and milk products so that it attains the average level obtaining in the Community;

Whereas the administrative requirements with which Portugal is faced justify the scheme in question being applied only as from 1 April 1991,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5c (3) of Regulation (EEC) No 804/68 is hereby amended as follows:

1. In the second subparagraph the following line is added:

Portugal 1 779'.

2. In the third subparagraph, point (d) is replaced by the following:

'(d) for the twelve-month period from 1 April 1989 to 31 March 1990 the guaranteed total quantity shall be as follows, in thousands of tonnes:

Belgium	3 089,751
Denmark	4 686,720
Germany	22 519,080
Greece	555,520
Spain	4 664,000
France	24 708,640
Ireland	5 068,800
Italy	8 446,080
Luxembourg	254,400
Netherlands	11 499,840
United Kingdom	14 716,391

(e) for the 12-month period from 1 April 1990 to 31 March 1991 the guaranteed total quantity shall be as follows, in thousands of tonnes:

Belgium	3 089,751
Denmark	4 686,720
Germany	22 519,080
Greece	555,520
Spain	4 664,000
France	24 708,640
Ireland	5 068,800
Italy	8 796,080
Luxembourg	254,400
Netherlands	11 499,840
United Kingdom	14 716,391

(f) for the 12-month period from 1 April 1991 to 31 March 1992 the guaranteed total quantity shall be as follows, in thousands of tonnes:

Belgium	3 089,751
Denmark	4 686,720
Germany	29 118,960 (of which 6 599,880 for the territory of the former German Democratic Republic)

Greece	555,520
Spain	4 664,000
France	24 708,640
Ireland	5 068,800
Italy	8 796,080
Luxembourg	254,400
Netherlands	11 499,840
Portugal	1 779,000
United Kingdom	14 716,391'.

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall apply from 1 April 1991.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 31. 10. 1990, p. 5.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3642/90

of 11 December 1990

amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

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 3641/90 ⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 857/84 ⁽³⁾, as last amended by Regulation (EEC) No 1183/90 ⁽⁴⁾, fixes the period during which the deliveries or direct sales of milk or milk products to a purchaser or by a producer are to be taken into account for the purpose of establishing the individual reference quantity; whereas the said Regulation should be supplemented in view of the fact that Portugal, pursuant to the Act of Accession, must implement the additional levy system from 1 January 1991; whereas the Annex to Regulation (EEC) No 857/84 must be supplemented, as regards direct sales, to include Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 857/84 is hereby amended as follows:

1. The second subparagraph of Article 2 (1) is amended as follows:

- under (a), 'Member States other than the Kingdom of Spain and, from 1 April 1991, Germany as regards the territory of the former German Democratic Republic' is replaced by 'Member States other than Spain, Portugal and, from 1 April 1991,

Germany as regards the territory of the former German Democratic Republic',

— the following is added as (d):

'(d) In Portugal, the reference quantity referred to in the first subparagraph shall be equal to the quantity of milk or milk equivalent delivered or purchased during the 1990 calendar year, weighted where applicable by a percentage established so as not to exceed the guaranteed quantity defined in Article 5c of Regulation (EEC) No 804/68.'

2. The last sentence of the first subparagraph of point 3 of Article 3 is replaced by the following:

'However,

- in Spain, the producers shall, at their request, obtain the taking into account of another reference year within the 1983 to 1985 period,
- in the territory of the former German Democratic Republic, these producers shall, at their request, obtain the taking into account of another reference year within the 1987 to 1989 period,
- in Portugal, these producers shall, at their request, obtain the taking into account of another reference year within the 1988 to 1990 period.'

3. Paragraph 6 (1) is amended as follows:

- in the second subparagraph, under (a), 'Member States other than the Kingdom of Spain' is replaced by 'Member States other than Spain and Portugal.',

— in the second subparagraph the following is added as (c):

'(c) In Portugal, the reference quantity for the producer shall be equal to the quantity of direct sales which he has made during the 1990 calendar year, weighted where applicable by a percentage.'

— the following subparagraph is added:

'The previous subparagraph shall also apply to Portugal, and the period taken into consideration shall be from 1988 to 1990.'

4. The Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall be applicable as from 1 April 1991.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 5 of this Official Journal.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁴⁾ OJ No L 119, 11. 5. 1990, p. 27.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

ANNEX

ANNEX

Quantities referred to in Article 6 (2) (milk producers selling direct to the consumer) of this Regulation and the application periods referred to in Article 5c (2) of Regulation (EEC) No 804/68

('000 tonnes)

	2.4.1984 to 31.3.1985	1.4.1985 to 31.3.1986	1.4.1986 to 31.3.1987	1.4.1987 to 31.3.1988	1.4.1988 to 31.3.1989	1.4.1989 to 31.3.1990	1.4.1990 to 31.3.1991	1.4.1991 to 31.3.1992
Belgium	480	450	400	387,660	380,809	380,809	380,809	380,809
Denmark	1	1	1	0,980	0,970	0,970	0,970	0,970
Germany	305	130	130	94,400	93,100	93,100	93,100	153,100 ⁽¹⁾
Greece	116	116	46	45,080	44,620	4,620	4,620	4,620
Spain	—	750	750	685,000	677,500	527,500	527,500	527,500
France	1 183	1 014	874	756,520	747,780	747,780	747,780	747,780
Ireland	16	16	16	15,680	15,520	15,520	15,520	15,520
Italy	1 116	1 116	1 116	1 093,680	1 082,520	1 082,500	732,520	732,520
Luxembourg	1	1	1	0,980	0,970	0,970	0,970	0,970
Netherlands	145	95	95	93,100	92,150	92,150	92,150	92,150
Portugal	—	—	—	—	—	—	121,000	121,000
United Kingdom	398	395,426	395,426	387,517	383,563	383,563	383,563	383,563

⁽¹⁾ Of which 60,000 for the territory of the former German Democratic Republic.

COUNCIL REGULATION (EEC) No 3643/90

of 11 December 1990

amending Regulation (EEC) No 775/87 temporarily withdrawing a proportion of the reference quantities mentioned in Article 5c (1) of Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

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 3641/90 ⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the Act of Accession, from 1 January 1991 Portugal is to apply all the rules governing the common organizations of agricultural markets, including that concerning the additional levy scheme provided for in Article 5c of Regulation (EEC) No 804/68; whereas, in accordance with Protocol 25 annexed to the Act of Accession, the specific situation of Portugal and, in particular, its low productivity in the milk sector, should be

taken into consideration; whereas it therefore appears advisable to amend Council Regulation (EEC) No 775/87 ⁽³⁾, as last amended by Regulation (EEC) No 3882/89 ⁽⁴⁾, in order not to apply to Portuguese producers the suspension of part of their reference quantity,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is inserted in Regulation (EEC) No 775/87:

'Article 4b

The provisions of this Regulation shall not apply to Portugal.'

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall apply from 1 April 1991.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ See page 5 of this Official Journal

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 5.

⁽⁴⁾ OJ No L 378, 27. 12. 1989, p. 6.

COUNCIL REGULATION (EEC) No 3644/90

of 11 December 1990

amending Regulation (EEC) No 985/68 laying down general rules for intervention on the market in butter and cream

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

States; whereas the aforesaid provision should be adapted so as to introduce grading for Portuguese butter,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Article 1

The following indent is added to Article 1 (3) (b) of Regulation (EEC) No 985/68:

Having regard to the proposal from the Commission,

‘— Product made entirely from pasteurized cows' milk or cream as regards Portuguese butter.’

Whereas Article 1 (3) (b) of Regulation (EEC) No 985/68 ⁽¹⁾, as last amended by Regulation (EEC) No 1185/90 ⁽²⁾, defines the grading of butter which may be bought in by the intervention agencies of different Member*Article 2*

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ OJ No L 169, 18. 7. 1968, p. 1.⁽²⁾ OJ No L 119, 11. 5. 1990, p. 31.

COUNCIL REGULATION (EEC) No 3645/90**of 11 December 1990****applying the common prices in the beef and veal sector to Portugal**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas, in accordance with Article 285 (5) of the Act of Accession, this alignment enables the common prices to be made applicable to Portugal also,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Article 1

Having regard to the proposal from the Commission,

The common guide and intervention prices fixed in the beef and veal sector shall also apply to Portugal.

Whereas, by Council Decision 90/264/EEC of 7 June 1990 on the alignment of Portuguese prices for butter and beef and veal on the common prices ⁽¹⁾, a first move towards price alignment was provided for pursuant to Article 265 (1) (b) of the Act of Accession;*Article 2*

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ OJ No L 150, 14. 6. 1990, p. 23.

COUNCIL REGULATION (EEC) No 3646/90

of 11 December 1990

applying the full amount of the suckler cow herd maintenance premium in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (3) thereof,

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

Whereas, pursuant to Article 314 of the Act of Accession, Article 288 applies, as regards Portugal, to the suckler cow herd maintenance premium;

Whereas, since the common prices are to apply in the beef and veal sector in Portugal from 1 January 1991, the full amount of the abovementioned premium, as provided for in Council Regulation (EEC) No 1357/80 of 5 June 1980

introducing a system of premiums of maintaining suckler cows ⁽²⁾, as last amended by Regulation (EEC) No 1187/90 ⁽³⁾, should also be applied in that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the suckler cow maintenance premium applicable in Portugal shall be, per suckler cow kept by the producer on the day on which the application is submitted, that provided for in Article 3 of Regulation (EEC) No 1357/80.

Article 2

This Regulation shall enter into force on the first day of the 1991/92 marketing year.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ Opinion delivered on 23 November 1990 (not yet published in the Official Journal).

⁽²⁾ OJ No L 140, 5. 6. 1980, p. 1.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 34.

COUNCIL REGULATION (EEC) No 3647/90

of 11 December 1990

fixing the basic prices and buying-in prices for certain fruit and vegetables to be applied in Portugal from 1 January 1991 until the end of the 1990/91 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1193/90⁽²⁾, and in particular Article 16 thereof, lays down general rules for fixing basic prices and buying-in prices for fruit and vegetables; whereas those provisions apply in Portugal from the beginning of the second stage of accession, subject to the rules on the alignment of prices pursuant to Article 285 of the Act of Accession; whereas, pursuant to Article 285 (1) (a), the

prices to be applied in that Member State should be fixed from 1 January 1991 until the end of the 1990/91 marketing year at the level of the prices fixed at the end of the first stage,

HAS ADOPTED THIS REGULATION:

Article 1

The basic prices and buying-in prices for fruit and vegetables to be applied in Portugal from 1 January 1991 until the end of the 1990/91 marketing year, the periods during which they apply and the quality classes to which they apply shall be as laid down in the Annex.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

ANNEX

BASIC PRICES AND BUYING-IN PRICES

CAULIFLOWERS

For the period 1 January to 30 April 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January	25,76	11,15
February	23,76	10,25
March	25,20	10,79
April	25,56	11,15

These prices refer to packed 'trimmed' cauliflowers of quality Class I.

LEMONS

For the period 1 January to 31 May 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January	23,23	13,49
February	21,97	12,86
March	23,36	13,49
April	25,01	14,50
May	25,89	15,01

These prices refer to packed lemons of quality Class I, size 53 to 62 mm.

PEARS

(other than perry pears)

For the period 1 January to 30 April 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January to April	18,89	10,02

These prices refer to the following packed products:

- pears of the Beurré Hardy, Bon Chrétien Williams, Conférence, Coscia (Ercolini), Crystallis (Beurré Napoléon, Blanquilla, Tsakonia), Dr Jules Guyot (Limonera), varieties, quality Class I, size 60 mm or more,
- pears of the Empereur Alexandre (Kaiser Alexandre Bosc) variety, quality Class I, size 70 mm or more.

APPLES

(other than cider apples)

For the period 1 January to 31 May 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January to May	25,75	13,07

These prices refer to the following packed products:

- apples of the Reine des reinettes and Verde Doncella varieties, quality Class I, size 65 mm or more,
- apples of the Delicious Pilafa, Golden Delicious, James Grieve, Red Delicious, Reinette grise du Canada and Starking Delicious varieties, quality Class I, size 70 mm or more.

MANDARINS

For the period 1 January to 28 February 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January	36,07	22,37
February	34,41	21,86

These prices refer to packed mandarins of quality Class I, size 54 to 69 mm.

SATSUMAS

For the period 1 to 15 January 1991

(ECU/100 kg net)

	Basic price	Buying-in price
1 to 5 January	26,56	12,08

These prices refer to packed satsumas Unishiu (owari) of quality Class I, size 54 to 69 mm.

CLEMENTINES

For the period 1 January to 15 February 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January	31,66	17,43
1 to 15 February	36,42	18,18

These prices refer to packed clementines (*Citrus reticulata Blanco*) of quality Class I, size 43 to 60 mm.

SWEET ORANGES

For the period 1 January to 31 May 1991

(ECU/100 kg net)

	Basic price	Buying-in price
January	24,64	16,02
February	25,26	16,42
March	27,17	16,83
April and May	27,80	17,08

These prices refer to packed oranges of the Moro, Navel, Navellina, Salustiana, Sanguinello and Valencia late varieties, of quality Class I, size 67 to 80 mm.

NB: The prices given in this Annex do not include the cost of the packaging in which the product is presented.

COUNCIL REGULATION (EEC) No 3648/90

of 11 December 1990

laying down general rules for implementing the Act of the Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 318 of the Act of Accession provides that from the beginning of the second stage of the transitional period for Portugal a compensation mechanism is to be introduced for imports into the Community, as constituted on 31 December 1985, hereinafter called the 'Community of Ten', of fruit and vegetables for which a reference price is fixed with regard to third countries, according to Article 27 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1193/90 ⁽²⁾;

Whereas, among the measures necessary for implementing the mechanism, rules should be laid down in particular for recording the producer prices for products or varieties which are representative of the production marketed for the purpose of calculating the Community offer price; whereas it should be borne in mind that the prices listed concern products packaged for transportation;

Whereas, for the purpose of determining the Portuguese offer price calculated each marketing day on the basis of the representative rates recorded, the rates to be regarded as such should be defined; whereas, in order to obtain a realistic overview of the market situation, the rates to be used should concern a significant proportion of the goods presented on the markets; whereas the nature of the rates and the quantity of products to be taken into consideration for calculating the Portuguese offer price should therefore be specified;

Whereas, where the offer price of the Portuguese product is lower than the Community offer price, compensation is to

be effected by levying a corrective amount in accordance with Article 318 (1) (d) and (e) of the Act of Accession; whereas, in order to enable the compensation mechanism to operate satisfactorily under sound conditions and to ensure that Portuguese products are not subject to more stringent arrangements than those applying to products originating in third countries, provision should be made that a decision to fix a corrective amount or to discontinue it be based on the prices recorded for several consecutive market days, and the method to be applied should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community offer price, referred to in Article 318 (1) (a) of the Act of Accession, applicable to the whole Community of Ten, shall be fixed for each marketing year or for each of the periods into which the year may be subdivided on the basis of seasonal price variations. It shall be fixed before the beginning of the marketing year. However, for the period from 1 January 1991 to the end of the 1990/91 marketing year, it shall be fixed before 1 January 1991.

2. The producer prices to be used for determining the Community offer price shall be those for a home-grown product with defined commercial characteristics, recorded on the representative market or markets situated in the production areas where prices are lowest, for the products or varieties which represent a considerable proportion of production marketed for part of the year or throughout the year and which fall within quality class I and satisfy specified requirements as regards packaging and preparation.

When the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on the market shall be disregarded. Moreover, if the average price for a Member State shows excessive variations with respect to normal price fluctuations, it shall not be taken into account.

3. The transport costs referred to in Article 318 (1) (a) of the Act of Accession may be calculated on a flat-rate basis.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

Article 2

For the purpose of calculating the Portuguese offer price referred to in Article 318 (1) (b) of the Act of Accession, the Commission shall, on the basis of information supplied by Member States or data gathered by the Commission itself, regularly follow, for a product with defined commercial characteristics, the trend of average prices for products coming from Portugal on all the representative markets of the Community of Ten for which prices are available, namely the average prices on the most representative import markets of the Member States and significant prices recorded on other markets for large quantities of those products or, if there are no prices on the most representative markets, significant prices recorded on other markets for large quantities.

The following shall be regarded as representative:

- the prices of class I products, provided that the quantities of this class represent not less than 50 % of the total quantity marketed;
- the prices of class I products, together with, where the products in this class represent less than 50 % of the total quantity, the prices, used as they stand, of class II products in respect of the quantity that will cover 50 % of the total quantity marketed;
- the prices, used as they stand, of class II products, in cases where there are no class I products, unless a decision is taken to multiply them by a conversion factor if, by reason of production conditions in Portugal, such products have not, because of their quality, been normally or traditionally marketed in class I. Where the prices are multiplied by a conversion factor, customs duties shall first be deducted.

Article 3

For the purpose of implementing Article 318 (1) (d) and (e) of the Act of Accession, the following procedure shall be applied:

1. If the Portuguese offer price remains at least ECU 0,6 below the Community offer price for two consecutive market days, a corrective amount shall be introduced, save in exceptional circumstances. This amount shall be equal to the difference between the Community offer price and the arithmetic mean of the last two Portuguese offer prices available.
2. Where the Portuguese offer price recorded during a period of 5 to 7 consecutive market days is alternatively higher or lower than the Community offer price, and

where Portuguese offer prices higher or lower than the Community offer price are recorded during two consecutive market days without the provision contained in paragraph 1 being applied, a corrective amount shall be introduced, save in exceptional circumstances, in derogation from that paragraph and under the conditions laid down below:

- the corrective amount shall be introduced where three Portuguese offer prices lower than the Community offer price are recorded and where one of the Portuguese offer prices is at least ECU 0,6 lower than the Community offer price;
- the corrective amount shall be equal to the difference between the Community offer price and the last available Portuguese offer price at least ECU 0,6 lower than the Community offer price.

3. The corrective amount introduced pursuant to paragraphs 1 and 2 shall be the same for all Member States of the Community of Ten and shall be levied in addition to the customs duties in force.
4. The corrective amount introduced in accordance with paragraph 1 shall not be adjusted unless a change in the factors used in its calculation gives rise from the time of its actual application, during three consecutive market days, to an adjustment in its amount or more than ECU 1,2.

The corrective amount shall be abolished where, from the time of actual application of that amount, the Portuguese offer prices for two consecutive market days are at least equal to the Community offer price or if the prices are unavailable for six consecutive working days. It shall also be abolished if the application of the first subparagraph results in a corrective amount of zero.

5. The corrective amount introduced in accordance with paragraph 2 shall be levied during six days.

The corrective amount shall be abolished prior to the expiry of that period only if:

- the application of paragraph 1 results in the fixing of a new higher corrective amount, or
- from the time of actual application of the corrective amount the Portuguese offer prices, during three consecutive market days, are at least equal to the Community offer price.

Article 4

1. Detailed rules for the application of this Regulation and the Community offer price shall be adopted in

accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 5

This Regulation shall enter into force on 1 January 1991.

2. A decision to introduce, adjust or abolish the corrective amount shall be taken by the Commission.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3649/90

of 11 December 1990

laying down general rules for the mechanism for the protection of the Portuguese market in fruit and vegetables provided for in Article 318 (2) of the Act of Accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 318 (2) of the Act of Accession lays down that, should the Portuguese market be disturbed as a result of imports from the Community as constituted at 31 December 1985, appropriate measures may be adopted during the second stage of the transition period with regard to those fruit and vegetables for which a reference price is fixed; whereas, the joint declaration annexed to the Act states that, in their mutual trade in agricultural products, the new Member States are in principle to apply, with respect to each other, the provisions and transitional mechanisms provided for in the Act of Accession under the arrangements applicable to their respective trade with the Community as constituted at 31 December 1985; whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽¹⁾, as last amended by Commission Regulation (EEC) No 3296/88 ⁽²⁾, did not provide for the application of the mechanism in question; whereas it is appropriate that such a mechanism be applied in the context of this Regulation;

Whereas the abovementioned appropriate measures should consist of a mechanism for the protection of the Portuguese market in the products in question, to be introduced by the Commission in the event of disruption of that market;

Whereas, for the purposes of definition, the protection mechanism should incorporate, in simplified form in view of their exceptional nature, the provisions of the system of reference prices introduced by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization

of the market in fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 1193/90 ⁽⁴⁾; whereas a representative price for the Portuguese market should therefore be fixed and a corrective amount, over and above the customs duty, should be levied where the price on entry into Portugal of products from the other Member States is below the representative price;

Whereas, to enable this mechanism to be implemented rapidly and to facilitate administration thereof, it should be laid down that Portugal is to fix the representative price and the corrective amounts in accordance with the method set out in this Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

1. If, during the second stage of the transition period, the Portuguese market is disrupted by imports from the other Member States, the Commission, acting at the request of Portugal and in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72, may introduce a mechanism for the protection of the Portuguese market from imports from the other Member States of fruit and vegetables for which a reference price is fixed with respect to third countries.

2. The decision referred to in paragraph 1 shall determine the period of application of the mechanism and the products to which it applies.

3. The mechanism shall be based on a comparison of a Portuguese representative price, fixed in accordance with Article 2, and a price on entry into Portugal, calculated in accordance with Article 3. It shall be governed by the provisions of Articles 4 and 5.

Article 2

1. The Portuguese representative price shall be fixed by Portugal. It shall be calculated:

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 119, 11. 5. 1990, p. 43.

- on the basis of the arithmetical mean of producer prices in Portugal plus packaging and transport costs from the production regions to the consumption centres representative of Portugal,
- taking into account the trend in production costs.

The producer prices shall be those determined in accordance with Article 23 (3) of Regulation (EEC) No 1035/72.

2. The transport costs referred to in paragraph 1 may be calculated at a standard rate.
3. The Portuguese representative price may not exceed the reference price applied with respect to third countries.

Article 3

1. For the products for which a Portuguese representative price has been fixed, Portugal shall regularly monitor, for a product with defined commercial characteristics, the trend of average prices of products imported from the other Member States in accordance with the conditions laid down in Article 24 (1) of Regulation (EEC) No 1035/72.

2. The price on entry into Portugal shall be calculated by Portugal each marketing day in Portugal, on the basis of the representative prices for imports from the other Member States, recorded at, or converted to, the import/wholesale stage.

3. The representative prices shall be determined in accordance with Article 24 (2) of Regulation (EEC) No 1035/72.

4. The entry price shall be equal to the lowest representative price or to the average of the lowest representative prices recorded for at least 30 % of the quantities marketed on all the representative markets in Portugal for which prices are available, such price or prices being reduced first by:

- the customs duties in force,
- any corrective amount introduced in accordance with Article 4.

Article 4

If the price on entry into Portugal calculated in accordance with Article 3 is less than the Portuguese representative price, a corrective amount equal to the difference between these two prices shall be charged on import into Portugal.

Article 5

For the purposes of implementation of Article 4, the following procedure shall apply:

1. If the price on entry into Portugal remains at least ECU 0,6 below the Portuguese representative price for two consecutive marketing days, a corrective amount shall be introduced, save in exceptional cases. The corrective amount shall be equal to the difference between the Portuguese representative price and the arithmetic mean of the two latest prices on entry into Portugal available.
2. The corrective amount shall be the same amount for all imports from the other Member States and shall be added to the customs duties in force. It shall not be altered so long as a change in the factors in its calculation does not lead, after it is put into effect, to an adjustment in its amount of over ECU 1,2 for three consecutive marketing days.
3. The corrective amount shall be abolished where, from the time of actual application of that amount, prices on entry into Portugal are at least equal to the Portuguese representative price for two consecutive marketing days or if the prices are unavailable for six consecutive working days. It shall also be abolished if the application of paragraph 2 results in a corrective amount of zero.

Article 6

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

2. A decision to introduce, adjust or abolish the corrective amount shall be taken by Portugal.

3. Portugal shall notify the Commission and the other Member States immediately, before they come into force, of the Portuguese representative prices, the corrective amounts and the information used in their calculation, and in particular the entry prices.

The representative prices and the corrective amounts shall be subjected to control by the Commission before their entry into force.

Article 7

Before 31 December 1992 and thereafter before the end of each year until the end of the second stage of the transition period, the Council shall review this Regulation on the basis of a report by the Commission accompanied, where appropriate, by proposals allowing the Regulation to be adapted to reflect trends in trade.

Article 8

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3650/90

of 11 December 1990

on measures to strengthen the application of the common quality standards for fruit and vegetables in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas on 26 June 1990 the Commission sent the Council a report on the progress made towards specific objectives and on the implementation of structural measures in Portugal during the first stage;

Whereas that report shows that the mechanisms introduced in the fruit and vegetables sector as regards standardization cannot be applied in such a way as to enable the objectives to be fully attained and the common organization of the market in fruit and vegetables as laid down by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1193/90 ⁽²⁾, to function properly; whereas, therefore, the Community should contribute towards funding a programme, approved by the Commission, including measures aimed at ensuring the spread of common quality standards and the setting-up of a fruit and vegetables inspectorate in Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community shall contribute towards funding a programme of measures to be put forward and carried out by the Portuguese authorities over a five-year period with a view to:

- improving application of the common quality standards in accordance with Article 2 of Regulation (EEC) No 1035/72, and
- strengthening the arrangements for checking that the abovementioned standards are complied with in respect of fresh fruit and vegetables that are:

- (a) placed on the Portuguese market;
- (b) placed on the market within the Community;
- (c) imported from, or exported to, third countries;
- (d) withdrawn from the market;
- e) supplied to the processing industry, where such standards apply, particularly for the purpose of granting Community aid.

2. The programme referred to in paragraph 1 shall be submitted to the Commission before 31 December 1991 and approved by the Commission prior to implementation.

Article 2

The programme referred to in Article 1 shall include the following measures:

1. As regards the application of common quality standards:
 - the setting-up in production areas of pilot operations equipped to provide practical demonstrations of standardization activities,
 - the organization of training courses,
 - the preparation and distribution of teaching materials to illustrate the characteristics of standardized products,
 - the development of packaging designs suited to the various products.
2. As regards the arrangements for checking compliance with the quality standards:
 - the creation of an inspectorate made up of officials whose sole task will be to carry out the checks referred to in the second indent of Article 1 (1), duly managed by a specialized service,
 - the specialized training of the abovementioned officials,
 - the carrying out of on-the spot checks.

Article 3

1. The Community shall contribute 80 % of the eligible expenditure, as defined pursuant to Article 4,

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

incurred in carrying out the measures referred to in Article 2 over a period of five years as from the date on which the programme is approved.

2. The annual amount of expenditure financed by the Community shall be fixed by the Commission on the basis of the information supplied by Portugal each year for the previous year.

3. Expenditure that benefits at the same time from other Community measures shall not be eligible for assistance under this Regulation.

Article 4

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 5

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3651/90

of 11 December 1990

laying down general rules for applying the supplementary trade mechanism to trade in fresh fruit and vegetables between Portugal and the other Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 249 of the Act of Accession provided for the temporary application of the supplementary trade mechanism, hereinafter referred to as 'the STM', between the Community as constituted on 31 December 1985 and Portugal in order to forestall or, if necessary, react rapidly and appropriately to market disturbance; whereas pursuant to Article 286 (2) of the Act, Council Regulation (EEC) No 3659/90 on products subject to the supplementary trade mechanism during the second stage of Portuguese accession ⁽¹⁾ laid down the list of products subject to transition by stages to which the mechanism is to apply from the beginning of the second stage and included certain fruit and vegetables therein;

Whereas the joint declaration annexed to the Act states that, in their mutual trade in agricultural products, the new Member States are in principle, to apply, with respect to each other, the provisions and transitional mechanisms provided for in the Act of Accession under the arrangements applicable to their respective trade with the Community as constituted on 31 December 1985; whereas this declaration was implemented by means of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal ⁽²⁾, as last amended by Commission Regulation (EEC) No 3296/88 ⁽³⁾; whereas the supplementary trade mechanism is thereby applicable to trade between Spain and Portugal;

Whereas experience of the operation of the existing supplementary trade mechanism and considerations

pertaining to fruit and vegetables, namely short production periods, short sensitive periods and the nature of marketing structures in the country of consignment, indicate that a specific mechanism should be introduced for products covered by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽⁴⁾, as last amended by Regulation (EEC) No 1193/90 ⁽⁵⁾; whereas this mechanism should apply only to the list of products drawn up pursuant to Article 286 (2) of Act of Accession;

Whereas during non-sensitive periods for the Portuguese market action should be confined to statistical monitoring; whereas on the other hand, during periods considered sensitive, to be determined in principle before the beginning of the marketing year by application of defined criteria, entry into Portugal of products from the other Member States should be subject to presentation of an 'STM licence' issued in Portugal;

Whereas the Commission should be able, during sensitive periods for the Portuguese market, to introduce a specific arrangement applicable to fruit and vegetables from non-member countries in order to prevent products from the other Member States being treated less favourably than those from such countries; whereas for imperative reasons of management and surveillance the import document required under such an arrangement should be issued by the Portuguese authorities and be valid for release for free circulation in Portugal alone; whereas, likewise, if the Portuguese market is disturbed or threatened with disturbance suitable action should be taken,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for applying the STM to imports into Portugal from the Community as

⁽¹⁾ See page 38 of this Official Journal

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽³⁾ OJ No L 293, 27. 10. 1988, p. 7

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 119, 11. 5. 1990, p. 43.

constituted on 31 December 1985 and Spain, of fruit and vegetables covered by Regulation (EEC) No 1035/72 that are subject to that mechanism pursuant to Article 286 (2) of the Act of Accession.

Article 2

1. The period or periods during which the Portuguese market is to be considered sensitive shall be determined for each product before the beginning of the marketing year in accordance with the procedure laid down in Article 8. The periods may be adjusted during the marketing year in accordance with the same procedure.

2. The sensitive market period for each product shall be determined on the basis of:

- production and marketing periods for Portuguese produce,
- the outlook for consumption,
- the likely volume of consignments from the other Member States and its impact of the balance of the Portuguese market.

Article 3

The target ceiling provided for in Article 251 of the Act of Accession need be fixed solely for the sensitive periods of the Portuguese market. It may be split up to cover sub-periods of the sensitive periods.

Article 4

1. During the sensitive periods, release for consumption in Portugal of products covered by Article 1 shall be subject to presentation of an STM licence.

2. An STM licence shall be issued to each applicant irrespective of the place of his establishment in the Community.

3. An STM licence shall be issued against security that the product will be released for consumption during the period of validity of the document. The security shall be forfeit wholly or in part if the transaction is not or is only partly completed within the period.

4. Applications for an STM licence shall be made in Portugal and the licence issued by the Portuguese authorities.

The detailed rules of application may make provision for a period of reflection before an STM licence is issued.

5. During the period under consideration, the issuing of an STM licence shall be without prejudice to the adoption of measures under Article 252 of the Act of Accession.

Article 5

Outside the sensitive periods, the Portuguese authorities shall, by procedures to be determined, monitor the entry of products covered by Article 1 from the other Member States and imports from non-member countries and transmit the relevant data to the Commission.

Article 6

1. During periods of application of Article 4, release for free circulation in Portugal of products covered by Article 1 from non-member countries may be made subject to presentation of an STM import licence.

2. An STM import licence shall be issued to each applicant irrespective of the place of his establishment in the Community.

3. An STM import licence shall be issued against security that the product will be released for free circulation during the period of validity of the document. The security shall be forfeit wholly or in part if the transaction is not or is only partly completed within the period.

4. Applications for an STM import licence shall be made in Portugal and the licence issued by the Portuguese authorities. It shall be valid solely for release for free circulation in Portugal.

Article 7

If the Portuguese market in one or more of the products covered by Article 1 is disturbed or is threatened with disturbance from imports of non-member countries, and also during any period in which Article 252 of the Act of Accession applies, the Commission may restrict or, if necessary, suspend the issuing of STM import licences during the minimum necessary period, in accordance with the procedure laid down in Article 8.

Article 8

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure set out in Article 33 of Regulation (EEC) No 1035/72.

Article 9

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

It shall apply from 1 January 1991 to 31 December 1995.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3652/90

of 11 December 1990

amending Regulation (EEC) No 1200/88 establishing a surveillance mechanism for imports of sour cherries, fresh, originating in Yugoslavia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Article 1 of Regulation (EEC) No 1200/88 is hereby replaced by the following:

Having regard to the proposal from the Commission,

'Article 1

Whereas the Additional Protocol⁽¹⁾ to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽²⁾, concluded consequent on the accession of Spain and Portugal, provides that Yugoslavia is to limit its exports to the Community of sour cherries, referred to in the Additional Protocol as 'morello cherries', fresh or chilled; whereas, in accordance with Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾, as last amended by Regulation (EEC) No 3274/90⁽⁴⁾, chilled cherries are to be classified under the same heading as fresh cherries;

1. Imports into the Community of sour cherries, fresh, falling within CN codes ex 0809 20 10 or ex 0809 20 90 and originating in Yugoslavia shall be subject to production of an import licence which shall be issued by the Member States concerned to any applicant for such a licence irrespective of the place of his establishment in the Community.

2. The issue of an import licence shall be conditional on the lodging of a deposit guaranteeing that import will be effected during the period of validity of the licence; except in cases of *force majeure*, the deposit shall be forfeit in whole or in part if the transaction is not effected, or is only partially effected, within that period.'

Whereas, as from the second stage of the transitional period, Portugal has to apply to imports the preferences granted by the Community to certain third countries; whereas Regulation (EEC) No 1200/88⁽⁵⁾ should be amended accordingly,

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

(1) OJ No L 389, 31. 12. 1987, p. 73.

(2) OJ No L 41, 14. 2. 1983, p. 2.

(3) OJ No L 256, 7. 9. 1987, p. 1.

(4) OJ No L 315, 15. 11. 1990, p. 2.

(5) OJ No L 115, 3. 5. 1988, p. 7.

COUNCIL REGULATION (EEC) No 3653/90

of 11 December 1990

introducing transitional measures governing the common organization of the market in cereals and rice in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the price policy followed by the Community since accession and, in particular, the introduction of the system of stabilizers make impossible the process provided for in Article 285 of the Act of Accession as regards alignment of cereals prices in Portugal on the common price; whereas the European Council in February 1988 recognized that the recent adjustments to the common agricultural policy create difficulties which were not foreseen and which necessitate an amplification of the transitional arrangements, particularly as regards aid and timetables;

Whereas the provision of aid which is temporary and reduced in phases, the initial amount of which is determined on the basis of the income guaranteed to Portuguese producers at the end of the first stage, would make it possible to reduce feedgrain prices in Portugal to the level of common prices and thereby facilitate the integration of the Portuguese market into the common organization of the markets;

Whereas, in the case of durum wheat, the same result can be achieved by granting to Portuguese producers the total aid provided for in Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1340/90 ⁽³⁾, which, under Article 323 of the Act of Accession, was to be progressively introduced as from the beginning of the second stage;

Whereas, in the case of common wheat, the difference between the price applicable in Portugal and the common price is such that, in spite of the provision of aid, alignment cannot be achieved in one single operation; whereas a price

higher than the common price must therefore be set in respect of this product and its alignment on the common price must be programmed over several marketing years;

Whereas, in the case of rice, a product in respect of which the difference between Portuguese prices and the common price does not warrant the provision of aid, a price based on that applicable in Portugal at the end of the first stage should be applied at the beginning of the second stage and this price subsequently aligned on the common price:

Whereas, in the case of both common wheat and rice, the Community's recent policy makes unlikely any alignment resulting from the development in common prices as stipulated in Article 285 (4) (a) of the Act of Accession; whereas the method and timing of future alignments should therefore be determined, with particular reference to the difference between the prices of such products and the common prices;

Whereas, as regards the phased reduction of aid, a system should be introduced enabling account to be taken of variations in the buying-in price from one marketing year to the next and, in particular, of reductions due to the stabilizers; whereas this phased reduction should also be spread over a sufficiently long period and aligned on that envisaged for the alignment of common wheat prices;

Whereas, with regard to the provisions of aid, the length of the marketing year should be fixed with reference to the season of the harvest in Portugal;

Whereas the Community's interest in a rapid integration of the Portuguese cereals market into the common organization of the market justifies a partial financing of the aid by the EAGGF, Guarantee Section, the remainder being financed by Portugal;

Whereas the application of common prices for the majority of cereals makes it appropriate to apply to Portuguese producers the supplementary co-responsibility levy applicable to the other Member States;

Whereas, in order to ease the transition from the intervention system existing in Portugal prior to the beginning of the second stage to the system based on the common organization of markets, it is appropriate that, for the marketing year 1991/92, intervention in Portugal should take place from the beginning of the marketing year and that triticale, an important cereal in the context of Portuguese agriculture, should be eligible for intervention over a three-year period;

(1) Opinion delivered on 23 November 1990 (not yet published in the Official Journal).

(2) OJ No L 281, 1. 11. 1975, p. 1.

(3) OJ No L 134, 28. 5. 1990, p. 1.

Whereas, in view of the problems of the processing industry in Portugal, ten years is an appropriate period for the progressive abolition of the measures intended to ensure the protection of that industry as referred to in Article 286 (3) of the Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the special transitional arrangements applicable in Portugal in respect of the common organization of the markets in cereals and rice.

I. Price system

Article 2

1. As from 1 January 1991, the common prices shall apply in Portugal to all the cereals referred to in Article 1 (a) and (b) of Regulation (EEC) No 2727/75, with the exception of common wheat.

2. The intervention price for common wheat shall be ECU 210,8 per tonne for the period 1 January 1991 to the end of the 1990/91 marketing year. For the following marketing years, the intervention price for common wheat shall, without prejudice to Article 4b (3) of Regulation (EEC) No 2727/75, be:

- fixed according to the rules of the common organization of the markets and in such a way as not to increase the difference between it and the common prices for the 1991/92 marketing year,

- aligned on the common price at the beginning of each marketing year from 1992/93 to 1999/2000, successively by 1/9, 1/8, 1/7, 1/6, 1/5, 1/4, 1/3 and 1/2 of the difference between these two prices.

3. The intervention price for paddy rice shall be:

- fixed at ECU 344,57 per tonne for the period from 1 January 1991 to the beginning of the 1991/92 marketing year,

- aligned on the common price at the beginning of each marketing year from 1991/92 to 1994/95, successively by 1/5, 1/4, 1/3 and 1/2 of the difference between these two prices.

II. Aid for Portuguese producers

Article 3

1. From the beginning of the 1991/92 marketing year to the end of the 1990/2000 marketing year, aid

shall be granted to producers of common wheat, maize, barley, rye, triticale and grain sorghum, as referred to in Article 1 of Regulation (EEC) No 2727/75 and placed on the market by the producer or sold by the producer to an intervention agency in accordance with Articles 7 and 8 of that Regulation.

2. For the 1991/92 marketing year, the amount of aid for cereals shall be as follows:

— common wheat	ECU 70,74 per tonne
— maize	ECU 60,00 per tonne
— barley, triticale and rye	ECU 77,49 per tonne
— grain sorghum	ECU 51,77 per tonne.

3. In subsequent marketing years, the aid shall be fixed by the Council, acting by a qualified majority on a proposal from the Commission, on the basis of the difference between:

- the amount resulting from the sum of the buying-in price and the aid applicable in Portugal during the previous marketing year,
- and
- the buying-in price applicable in Portugal during the marketing year in question.

This difference shall, for each marketing year, be reduced respectively by 1/9, 1/8, 1/7, 1/6, 1/5, 1/4, 1/3 and 1/2.

Article 4

In the context of the provision of the aid referred to in Article 3, 'marketing year' shall mean the period from 1 June to 31 May in the case of common wheat, barley, triticale and rye.

Article 5

The aid referred to in Article 3 shall be considered as intervention within the meaning of Article 1 (2) of Regulation (EEC) No 729/70⁽¹⁾; 65 % of the aid shall be financed by the EAGGF, Guarantee Section.

Article 6

As from the 1991/92 marketing year, the aid specified in Article 10 of Regulation (EEC) No 2727/75 shall be fully applicable in Portugal.

III. Other measures

Article 7

By derogation from Article 4b of Regulation (EEC) No 2727/75, the supplementary co-responsibility levy

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

applicable in Portugal shall be the same as for the other Member States.

Article 8

By derogation from Article 7 of Regulation (EEC) No 2727/75:

- (a) during the 1991/92 marketing year, buying-in of cereals harvested in Portugal may take place in Portugal from 1 July to 30 April;
- (b) during the 1991/92 to 1993/94 marketing years, triticale harvested in Portugal may be bought in in Portugal, the buying-in price being the price applicable to barley.

Article 9

The fixed components in respect of products referred to in Article 286 (3) of the Act of Accession shall be progressively abolished before 1 January 2000 according to a timetable to be determined.

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

Done at Brussels, 11 December 1990.

IV. General and final provisions

Article 10

The detailed rules for implementing this Regulation shall be adopted in accordance with the procedure specified in Article 26 of Regulation (EEC) No 2727/75.

This procedure shall also be used to adopt the transitional arrangements necessary to facilitate the transition from the system existing in Portugal to that resulting from the application of the common organization of markets, under the terms specified in this Regulation and in particular those relating to compensation for any stocks of cereals affected by a late harvest.

Article 11

This Regulation shall enter into force on 1 January 1991.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3654/90

of 11 December 1990

laying down general rules for the system of accession compensatory amounts applicable to cereals and rice during the second stage of the accession of Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3653/90 laying down transitional provisions for the common organization of the market in cereals and rice in Portugal ⁽¹⁾ provides for the price of common wheat and of rice in Portugal to be different from the common price; whereas, pursuant to Article 240 of the Act of Accession, these price differences are to be offset by a system of accession compensatory amounts;

Whereas accession compensatory amounts are intended to prevent disturbances to trade resulting from price differences; whereas the application of compensatory amounts is therefore not required where such disturbances are unlikely to occur;

Whereas, in the cereals and rice sector, the prices to be taken into consideration are the intervention prices; whereas, however, following the amendments to the intervention arrangements provided for in Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽²⁾, as last amended by Regulation (EEC) No 1340/90 ⁽³⁾, and in Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽⁴⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁵⁾, buying-in is to be carried out at a level lower than the intervention price; whereas that level, which henceforth constitutes the actual guarantee to the producer, must accordingly serve as the basis for calculating the accession compensatory amounts;

Whereas, in the case of products processed from cereals, the accession compensatory amounts must be calculated in

accordance with Article 322 (2) of the Act of Accession as rectified ⁽⁶⁾; whereas the coefficients should be determined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75;

Whereas a certain amount of deflection of trade and distortion of competition may, in particular, occur in the final period of price alignment and when common prices are applied throughout the Community; whereas it is therefore justified that measures intended to prevent such deflection and distortion should apply for such time as is necessary,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

- 'accession compensatory amounts' means compensatory amounts applicable to trade between:
 - Portugal and the other Member States,
 - Portugal and third countries.

Article 2

1. For each marketing year the accession compensatory amount shall be:

- for common wheat, equal to the difference between the buying-in price applicable in Portugal and the buying-in price applicable in the other Member States,
- for paddy rice, equal to the difference between the buying-in price applicable in Portugal and the buying-in price applicable in the other Member States; this difference may be corrected in order to ensure comparability of the products taken into consideration,
- for husked rice, that applicable to paddy rice converted by means of the conversion rate referred to in Article 1 of Commission Regulation No 467/67/EEC ⁽⁷⁾,

⁽¹⁾ See page 28 of this Official Journal.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁵⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁶⁾ OJ No L 116, 4. 5. 1988, p. 27.

⁽⁷⁾ OJ No L 204, 24. 8. 1967, p. 1.

- for wholly milled rice, that applicable to husked rice converted by means of the conversion rate referred to in Article 1 of Regulation No 467/67/EEC,
- for semi-milled rice, that applicable to wholly milled rice converted by means of the conversion rate referred to in Article 1 of Regulation No 467/67/EEC,
- for broken rice, equal to the difference between the price of broken rice recorded on the Portuguese market and the threshold price fixed for this product in the Community.

2. For the products referred to in Article 1 (c) and (d) of Regulation (EEC) No 2727/75, the accession compensatory amounts shall be derived from those applicable to the cereals to which they relate, with the help of coefficients to be determined on the basis of the impact on the price of the product concerned, of the application of the compensatory amount to the price of the corresponding basic product.

3. For the products referred to in Article 1 (c) of Regulation (EEC) No 1418/76, the accession compensatory amounts shall be derived from those applicable to broken rice with the help of coefficients to be determined on the basis of the impact on the price of the product concerned of the application of the compensatory amount to the price of broken rice.

Article 3

In trade between Portugal and the other Member States, the accession compensatory amounts shall be charged or granted by Portugal.

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

Done at Brussels, 11 December 1990.

Article 4

1. The accession compensatory amount applicable shall be that in force on the date of acceptance of the import or export declaration.
2. However, where necessary, a decision may be taken in accordance with the procedure laid down in Article 5 to introduce a system for the advance fixing of the accession compensatory amount.

Article 5

1. The following shall be determined in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or, as appropriate, Article 27 of Regulation (EEC) No 1418/76:

- (a) detailed rules for the granting and levying of accession compensatory amounts, particularly with a view to preventing deflection of trade and distortion of competition;
- (b) the coefficients provided for in Article 2 (2) and (3);
- (c) detailed rules for the application of this Regulation and in particular the fixing of accession compensatory amounts.

2. Measures to prevent deflections of trade and distortion of competition may be applied, for the period deemed necessary, after the abolition of the accession compensatory amounts.

Article 6

This Regulation shall enter into force on 1 January 1991.

For the Council

The President

V. SACCOMANDI

COUNCIL REGULATION (EEC) No 3655/90

of 11 December 1990

amending Regulation (EEC) No 1009/86 establishing general rules applying to production refunds in the cereals and rice sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular Article 11a (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾, and in particular Article 9a (3) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1009/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 2779/89 ⁽⁶⁾, provides for refunds to be granted for the use of starch

extracted from wheat, maize, rice, broken rice or potatoes in the manufacture of certain products to allow Community products to compete with products from third countries;

Whereas, in calculating these refunds, account is taken of Community prices; whereas, however, in the new Member States of the Community, the price level of starch may be different from that in the Community; whereas account must be taken of this difference when granting the refund in question,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 3 of Regulation (EEC) No 1009/86:

‘The refund fixed in accordance with the preceding subparagraph shall, where necessary, be corrected by the accession compensatory amount applicable for the type of starch in question.’

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 6.⁽⁶⁾ OJ No L 268, 15. 9. 1989, p. 20.

COUNCIL REGULATION (EEC) No 3656/90

of 11 December 1990

amending Regulation (EEC) No 3103/76 as regards the list of regions producing durum wheat in which aid for such wheat is to be granted in Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the aid provided for in Article 3 of Council Regulation (EEC) No 3653/90 of 11 December 1990 introducing transitional measures governing the common organization of the market in cereals and rice in Portugal ⁽¹⁾ to compensate for the fall in revenue resulting from the alignment of the Portuguese support price on that applicable in the Community is not granted for durum wheat; whereas, in the absence of such aid, the relationship between the support granted for the production of durum wheat in Portugal and that granted for common wheat produces an opposite effect from the relationship existing in the rest of the Community; whereas, in order to make for a better balance in Portugal between these two cereals, it is appropriate that production aid for durum wheat be granted in its entirety in all the traditional production areas covered by this Regulation;

Whereas Council Regulation (EEC) No 3103/76 ⁽²⁾, as last amended by Regulation (EEC) No 1216/89 ⁽³⁾, defines the regions producing durum wheat in which aid for such wheat is granted; whereas it is therefore necessary to supplement the list of those regions,

HAS ADOPTED THIS REGULATION:

Article 1

The following is hereby inserted in the list of regions in the Annex to Regulation (EEC) No 3103/76:

'PORTUGAL:

Distritos: Santarém
Lisboa
Setúbal
Portalegre
Évora
Beja
Faro.'

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall apply from the 1991/92 marketing year.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ See page 28 of this Official Journal.

⁽²⁾ OJ No. L 351, 21. 12. 1976, p. 1.

⁽³⁾ OJ No. L 128, 11. 5. 1989, p. 5.

COUNCIL REGULATION (EEC) No 3657/90

of 11 December 1990

on the application in Portugal of the common price for pig carcasses

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas the common price for pig carcasses, which largely depends on the price of feed-grains, should therefore also be applied to Portugal from the same date,

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 234 (3) thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

Having regard to the opinion of the European Parliament ⁽¹⁾,

The basic price for pig carcasses applicable in Portugal shall be the common price.

Whereas Article 2 (1) of Council Regulation (EEC) No 3653/90 introducing transitional measures governing the common organization of the market in cereals and rice in Portugal ⁽²⁾ provides for the application in Portugal of the common price for all feed grains from the beginning of the second stage of accession;

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ Opinion delivered on 23 November 1990 (not yet published in the Official Journal).

⁽²⁾ See page 28 of this Official Journal.

COUNCIL REGULATION (EEC) No 3658/90

of 11 December 1990

amending Regulation (EEC) No 3774/85 concerning certain national aids in the agricultural sector which are incompatible with the common market but which the Portuguese Republic is authorized to maintain on a transitional basis

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 234 (2) and 247 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 3774/85 ⁽¹⁾, as amended by Regulation (EEC) No 1890/87 ⁽²⁾, lists, pursuant to Article 247 of the Act of Accession, the incompatible aids which Portugal is authorized to maintain on a transitional basis in the agricultural sector and lays down the arrangements to apply thereto;

Whereas, with a view to the beginning of the second stage, the said Regulation should be supplemented as regards aids in respect of the products covered by Article 259 of the Act of Accession to which, in accordance with Article 286, the arrangements laid down in Article 247 only apply with effect from the second stage;

Whereas the rate at which the aids set out in points IV and V.1 of the Annex to Regulation (EEC) No 3774/85 are to be progressively reduced can be determined only on the basis of the outcome of the structural measures brought in by the Portuguese authorities for the period 1991 to 1995, including those carried out under Community programmes; whereas it would seem appropriate for this purpose for the

Portuguese authorities to draw up an annual report setting out the progress made during each financial year and to send it to the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3774/85 is hereby amended as follows:

1. The following Article 3a is inserted:

'Article 3a

The rate at which the aids set out in points IV and V.1 of the Annex are to be progressively reduced shall be determined in accordance with the procedure laid down in Article 5 on the basis of the outcome of the structural measures brought in by the Portuguese authorities, including those carried out under Community programmes.

For this purpose, an annual report setting out the progress made in the course of each financial year shall be drawn up by the Portuguese authorities and sent to the Commission during the first two months of the following year.'

2. The Annex shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990.

*For the Council**The President*

V. SACCOMANDI

⁽¹⁾ OJ No L 362, 31. 12. 1985, p. 37.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 4.

ANNEX

ANNEX

Description of aid	Initial amount of aid = maximum amount during the period up to the date of first reduction	Rate of reduction of aid, applicable on 1 January for the following years, as a percentage of the initial amount									
		1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
I. <i>Sugar:</i>											
1. Aid granted in the Azores for transporting sugar-beet from the place of production to factory	ECU 2,38 tonne/km	—	—	—	—	10	20	40	60	80	100
2. Aid for the consumption of sugar in the Azores	ECU 0,2124/kg	—	—	—	—	10	20	40	60	80	100
II. <i>Vegetable oils:</i>											
1. Aid for the safflower crushing industry	ECU 29,80/tonne	—	—	—	—	—	20	40	60	80	100
2. Aid for the consumption of olive oil	ECU 0,1490 /litre	10	20	30	40	50	60	70	80	90	100
III. <i>Seeds:</i>											
1. Aid for the purchase of hybrid maize seeds	— ECU 0,1118/kg for mainland Portugal — ECU 0,4471/kg for the Azores	—	—	—	—	—	20	40	60	80	100
		—	—	—	—	—	20	40	60	80	100
2. Aid for the purchase of imported seed potatoes for propagation	ECU 0,2270/kg	10	20	30	40	50	60	70	80	90	100
IV. <i>Wheat:</i>											
— Aid granted in the Azores for transporting flour from island production centres to islands with no mills	ECU 174 546 (total annual budget)					—	—	—	—	—	100
V. <i>Milk:</i>											
1. Aid for collecting and concentrating milk on Madeira	ECU 0,1364/litre					—	—	—	—	—	100
2. Aid for the consumption of milk in the Azores:											
São Miguel	ECU 0,1038/litre					—	20	40	60	80	100
Terceira	ECU 0,1255/litre					—	20	40	60	80	100
Faial	ECU 0,0928/litre					—	20	40	60	80	100

COUNCIL REGULATION (EEC) No 3659/90

of 11 December 1990

on products subject to the supplementary trade mechanism during the second stage of Portuguese accession

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 286 (2) of the Act of Accession provides that the supplementary trade mechanism (STM) may be applied from 1 January 1991 until 31 December 1995 to products subject to transition by stages; whereas Article 286 (2) also stipulates that the list of products subject to the STM must be drawn up before the end of the first stage;

Whereas the STM should be applied to exports of certain products to Portugal; whereas to that end the aforementioned list should include live bovines, production of which in the Azores makes it advisable to monitor imports, and products of the pigmeat sector for the period needed to eradicate African swine fever, in view of the market consequences of the presence of the disease in Portugal; whereas imports of a number of products in the poultry sector and in the beef and veal sector should also be subject to monitoring under the STM, until Portuguese production has reached the same level of profitability as in other Member States;

Whereas the difficulties in the fruit and vegetables sector caused by the over-rapid increase in exports to the Portuguese market from other Member States make it advisable to apply the STM to these products as well; whereas the sensitivity of the Portuguese market to certain milk products also justifies their inclusion in the said list;

Whereas, bearing in mind the structural situation and the localization of the production and processing of common wheat, barley, maize and rice in Portugal, application of the STM to these products, limited to the periods which are sensitive as regards the marketing of Portuguese production, is likely to make it easier, when Council Regulation (EEC) No 3653/90 introducing transitional

provisions for the common organization of the market in cereals and rice in Portugal ⁽¹⁾ is applied, to dispose of national production,

HAS ADOPTED THIS REGULATION:

Article 1

The supplementary trade mechanism provided for in Article 249 of the Act of Accession shall apply from 1 January 1991 to 31 December 1995 to the products listed in the Annex hereto and imported into Portugal, on the terms set out in Articles 250, 251 and 252 of the Act.

However, with regard to common wheat, barley, maize and rice, the supplementary trade mechanism shall apply only during those periods which are sensitive as regards the marketing of Portuguese production, as determined according to the procedure provided for in Article 26 of Regulation (EEC) 2727/75 ⁽²⁾, as last amended by Regulation (EEC) No 1340/90 ⁽³⁾, or in Article 27 of Regulation (EEC) No 1418/76 ⁽⁴⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁵⁾.

Article 2

As part of the annual report on the operation of the supplementary trade mechanism, the Commission will examine any amendments which, as a result of developments in trade, may be made to the list of the products listed in the Annex and will present, should this prove appropriate, the necessary proposals to the Council.

Article 3

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

(1) See p. 28 of this Official Journal.

(2) OJ No L 281, 1. 11. 1975, p. 1.

(3) OJ No L 134, 28. 5. 1990, p. 1.

(4) OJ No L 166, 25. 6. 1976, p. 1.

(5) OJ No L 177, 24. 6. 1989, p. 1.

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

Done at Brussels, 11 December 1990

For the Council

The President

V. SACCOMANDI

ANNEX

1. MILK AND MILK PRODUCTS

CN code	Description
	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:
0401 10 10	Of a fat content, by weight, not exceeding 1 %, in immediate packings of a net content not exceeding two litres
0401 20 11	Of a fat content, by weight, exceeding 1 %, but not exceeding 3 %, in immediate packings of a net content not exceeding two litres
0401 20 91	Of a fat content, by weight, exceeding 3 %, but not exceeding 6 %, in immediate packings of a net content not exceeding two litres
0406 90 21	Cheddar
0406 90 23	Edam
0406 90 77	Danbo, fontal, ontina, fynbo, gouda, havarti, maribo, samso
0406 90 79	Esrom, italico, kernhem, saint-nectaire, saint-paulin en taleggio

2. BOVINES

CN code	Description
ex 0102 90	Live domestic bovine animals, other than pure-bred breeding animals and animals for bull-fighting (carcase weight in tonnes)
0201	Meat of bovine animales, fresh or chilled (carcase weight in tonnes)
0202	Meat of bovine animals, frozen (carcase weight in tonnes)

3. FRUIT AND VEGETABLES

CN code	Description
0703 10 19	Onions
0703 20 00	Garlic
0805 10	Oranges
ex 0808 10	Apples other than cider apples

4. PIGS AND PIGMEAT

CN code	Description
0103	Live swine:
	— Other:
ex 0103 91	— — Weighing less than 50 kg:
0103 91 10	— — — Domestic species
ex 0103 92	— — Weighing 50 kg or more:
	— — — Domestic species:
0103 92 11	— — — — Sows having farrowed at least once, of a weight of not less than 160 kg
0103 92 19	— — — — Other
0203	Meat of swine, fresh, chilled or frozen
	— Fresh or chilled:
ex 0203 11	— — Carcases and half-carcases:
0203 11 10	— — — Of domestic swine
ex 0203 12	— — Hams, shoulders and cuts thereof, with bone in:
	— — — Of domestic swine:
0203 12 11	— — — — Hams and cuts thereof
0203 12 19	— — — — Shoulders and cuts thereof
ex 0203 19	— — Other:
	— — — Of domestic swine:
0203 19 11	— — — — Fore-ends and cuts thereof
0203 19 13	— — — — Loins and cuts thereof
0203 19 15	— — — — Bellies (streaky) and cuts thereof
	— — — — Other:
0203 19 55	— — — — — Boneless
0203 19 59	— — — — — Other
	— Frozen:
ex 0203 21	— — Carcases and half-carcases:
0203 21 10	— — — Of domestic swine
ex 0203 22	— — Hams, shoulders and cuts thereof, with bone in:
	— — — Of domestic swine:
0203 22 11	— — — — Hams and cuts thereof
0203 22 19	— — — — Shoulders and cuts thereof
ex 0203 29	— — Other:
	— — — Of domestic swine:
0203 29 11	— — — — Fore-ends and cuts thereof
0203 29 13	— — — — Loins and cuts thereof
0203 29 15	— — — — Bellies (streaky) and cuts thereof
	— — — — Other:
0203 29 55	— — — — — Boneless
0203 29 59	— — — — — Other

5. EGGS

CN code	Description
0407 00 11	Eggs for hatching, of hens, turkeys or geese
ex 0407 00 19	Eggs for hatching, hens
0407 00 30	Eggs other than for hatching, hens

6. POULTRY

CN code	Description
0105 11 00	Live fowls of the species <i>Gallus domesticus</i> , weighing not more than 185 grams
0105 19 10	Live geese and turkeys, of domestic species, weighing not more than 185 grams
0105 91 00	Live fowls of the species <i>Gallus domesticus</i> , weighing more than 185 grams
0207 10 15	Poultry of heading No 0105, not cut in pieces, fresh or chilled, known as '70 % chickens', '65 % chickens' or 'chickens otherwise presented'
0207 10 19	
0207 21 10	
0207 21 90	
0207 10 31	Turkeys, not cut in pieces, fresh or chilled, known as '80 % turkeys', '73 % turkeys' or 'turkeys otherwise presented'
0207 10 39	
0207 22 10	
0207 21 90	
0207 39 13	Halves or quarters of fowls of the species <i>Gallus domesticus</i> , fresh, chilled or frozen
0207 41 11	
0207 39 33	Halves or quarters of turkeys, fresh, chilled or frozen
0207 42 11	

7. RICE

CN code	Description
1006 10	Rice in the husk (paddy):
	— — — Other
1006 10 21	— — — — Round grain
1006 10 23	— — — — Medium grain
	— — — — Long grain:
1006 10 25	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 10 27	— — — — — Of a length/width ratio equal to or greater than 3
	— — — — Other:
1006 10 92	— — — — — Round grain:
1006 10 94	— — — — — Medium grain:
	— — — — — Long grain:
1006 10 96	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 10 98	— — — — — Of a length/width ratio equal to or greater than 3
1006 20	— Husked (brown) rice:
	— — Parboiled:
1006 20 11	— — — Round grain
1006 20 13	— — — Medium grain
	— — — Long grain:
1006 20 15	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 20 17	— — — — — Of a length/width ratio equal to or greater than 3
	— — — Other:
1006 20 92	— — — — Round grain
1006 20 94	— — — — Medium grain
	— — — — Long grain

CN code	Description
1006 20 96	— — — — Of a length/width ratio greater than 2 but less than 3
1006 20 98	— — — — Of a length/width ratio equal to or greater than 3
1006 30	— Semi-milled or wholly milled rice, whether or not polished or glazed: — — Semi-milled rice: — — — Parboiled:
1006 30 21	— — — — Round grain
1006 30 23	— — — — Medium grain
	— — — — Long grain:
1006 30 25	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 30 27	— — — — — Of a length/width ratio equal to or greater than 3
	— — — — Other:
1006 30 42	— — — — Round grain
1006 30 44	— — — — Medium grain
	— — — — Long grain:
1006 30 46	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 30 48	— — — — — Of a length/width ratio equal to or greater than 3
	— — Wholly milled rice: — — — Parboiled:
1006 30 61	— — — — Round grain
1006 30 63	— — — — Medium grain
	— — — — Long grain:
1006 30 65	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 30 67	— — — — — Of a length/width ratio equal to or greater than 3
	— — — — Other:
1006 30 92	— — — — Round grain
1006 30 94	— — — — Medium grain
	— — — — Long grain:
1006 30 96	— — — — — Of a length/width ratio greater than 2 but less than 3
1006 30 98	— — — — — Of a length/width ratio equal to or greater than 3

8. CEREALS

CN code	Description
1001	Wheat and meslin:
1001 90	— Other:
	— — Other spelt, common wheat and meslin
1001 90 99	— — — Other
1003 00	Barley:
1003 00 90	— Other
1005	Maize:
1005 90 00	— Other

COUNCIL REGULATION (EEC) No 3660/90

of 11 December 1990

amending, as regards Portugal, Regulation (EEC) No 1079/77 on a co-responsibility levy
and on measures for expanding the markets in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal, and in particular Article 234 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1079/77⁽¹⁾, as last
amended by Regulation (EEC) No 1181/90⁽²⁾, introduces
a co-responsibility levy in the milk and milk products sector
and exempts from the said levy the Community regions
referred to in Article 3 (3), (4) and (5) of Directive
75/268/CEE⁽³⁾, as last amended by Regulation (EEC)
No 797/85⁽⁴⁾;

Whereas, under the terms of Protocol 25, from the moment
all common agricultural policy rules enter into force in
Portugal, the Community production disciplines will be
applied in that Member State under the same conditions as
those applied to the least-favoured regions in the
Community; whereas the said Protocol therefore indicates

that, as regards the co-responsibility levy in the milk sector,
Portugal must enjoy the same treatment reserved for the
regions set out in Article 3 (3), (4) and (5) of Directive
75/268/EEC;

Whereas Regulation (EEC) No 1079/77 should therefore
be amended for this purpose and its provisions updated,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (2) and (3) of Regulation (EEC) No 1079/77 is
hereby replaced by the following:

'2. However, the levy shall not be collected in
mountain and hill regions and in the less-favoured
zones described or defined pursuant to Article 3 (3), (4)
and (5) of Directive 75/268/EEC.

3. The levy shall not be collected anywhere in
Portugal.'

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 11 December 1990

*For the Council**The President*

V. SACCOMANDI

(1) OJ No L 131, 26. 5. 1977, p. 6.

(2) OJ No L 119, 11. 5. 1990, p. 25

(3) OJ No L 128, 19. 5. 1975, p. 1.

(4) OJ No L 95, 30. 3. 1985, p. 1.