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# Legislation

Contents

I *Acts whose publication is obligatory*



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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.
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# I

*(Acts whose publication is obligatory)*

## COMMISSION REGULATION (EEC) No 3586/90
## of 13 December 1990
## fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 1340/90 (2), and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (3), as last amended by Regulation (EEC) No 2205/90 (4), and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 12 December 1990;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1801/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 134, 28. 5. 1990, p. 1.
(3) OJ No L 164, 24. 6. 1985, p. 1.
(4) OJ No L 201, 31. 7. 1990, p. 9.
(5) OJ No L 167, 30. 6. 1990, p. 8.

*ANNEX*

**to the Commission Regulation of 13 December 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal**

*(ECU/tonne)*

| CN code | Levies | |
|---|---|---|
| | Portugal | Third country |
| 0709 90 60 | 29,58 | 142,64 (2) (3) |
| 0712 90 19 | 29,58 | 142,64 (2) (3) |
| 1001 10 10 | 24,85 | 199,74 (1) (5) |
| 1001 10 90 | 24,85 | 199,74 (1) (5) |
| 1001 90 91 | 29,99 | 167,45 |
| 1001 90 99 | 29,99 | 167,45 |
| 1002 00 00 | 55,10 | 156,16 (6) |
| 1003 00 10 | 46,40 | 149,84 |
| 1003 00 90 | 46,40 | 149,84 |
| 1004 00 10 | 38,04 | 145,90 |
| 1004 00 90 | 38,04 | 145,90 |
| 1005 10 90 | 29,58 | 142,64 (2) (3) |
| 1005 90 00 | 29,58 | 142,64 (2) (3) |
| 1007 00 90 | 46,40 | 146,39 (4) |
| 1008 10 00 | 46,40 | 64,22 |
| 1008 20 00 | 46,40 | 128,48 (4) |
| 1008 30 00 | 46,40 | 75,10 (5) |
| 1008 90 10 | (7) | (7) |
| 1008 90 90 | 46,40 | 75,10 |
| 1101 00 00 | 55,84 | 247,51 |
| 1102 10 00 | 90,99 | 233,30 |
| 1103 11 10 | 51,84 | 323,40 |
| 1103 11 90 | 59,40 | 266,40 |

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

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

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

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

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

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

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

# COMMISSION REGULATION (EEC) No 3587/90

## of 13 December 1990

## fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (1), as last amended by Regulation (EEC) No 1340/90 (2), and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (3), as last amended by Regulation (EEC) No 2205/90 (4), and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 12 December 1990;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 281, 1. 11. 1975, p. 1.
(2) OJ No L 134, 28. 5. 1990, p. 1.
(3) OJ No L 164, 24. 6. 1985, p. 1.
(4) OJ No L 201, 31. 7. 1990, p. 9.
(5) OJ No L 167, 30. 6. 1990, p. 11.

*ANNEX*

**to the Commission Regulation of 13 December 1990 fixing the premiums to be added to the import levies on cereals, flour and malt**

**A. Cereals and flour**

*(ECU/tonne)*

| CN code | Current<br>12 | 1st period<br>1 | 2nd period<br>2 | 3rd period<br>3 |
|---|---|---|---|---|
| 0709 90 60 | 0 | 0 | 0 | 0 |
| 0712 90 19 | 0 | 0 | 0 | 0 |
| 1001 10 10 | 0 | 0 | 0 | 0 |
| 1001 10 90 | 0 | 0 | 0 | 0 |
| 1001 90 91 | 0 | 24,12 | 24,12 | 24,12 |
| 1001 90 99 | 0 | 24,12 | 24,12 | 24,12 |
| 1002 00 00 | 0 | 0 | 0 | 0 |
| 1003 00 10 | 0 | 0 | 0 | 0 |
| 1003 00 90 | 0 | 0 | 0 | 0 |
| 1004 00 10 | 0 | 0 | 0 | 0 |
| 1004 00 90 | 0 | 0 | 0 | 0 |
| 1005 10 90 | 0 | 0 | 0 | 0 |
| 1005 90 00 | 0 | 0 | 0 | 0 |
| 1007 00 90 | 0 | 0 | 0 | 0 |
| 1008 10 00 | 0 | 0 | 0 | 0 |
| 1008 20 00 | 0 | 0 | 0 | 0 |
| 1008 30 00 | 0 | 0 | 0 | 0 |
| 1008 90 90 | 0 | 0 | 0 | 0 |
| 1101 00 00 | 0 | 33,77 | 33,77 | 33,77 |

**B. Malt**

*(ECU/tonne)*

| CN code | Current<br>12 | 1st period<br>1 | 2nd period<br>2 | 3rd period<br>3 | 4th period<br>4 |
|---|---|---|---|---|---|
| 1107 10 11 | 0 | 42,93 | 42,93 | 42,93 | 42,93 |
| 1107 10 19 | 0 | 32,08 | 32,08 | 32,08 | 32,08 |
| 1107 10 91 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 99 | 0 | 0 | 0 | 0 | 0 |
| 1107 20 00 | 0 | 0 | 0 | 0 | 0 |

# COMMISSION REGULATION (EEC) No 3588/90

## of 13 December 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EEC) No 3499/90 [2], and in particular Article 16 (2) thereof,

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 10 and 11 December 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

This Regulation shall enter into force on 14 December 1990.

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 338, 5. 12. 1990, p. 1.
(3) OJ No L 169, 28. 6. 1976, p. 24.
(4) OJ No L 358, 27. 12. 1988, p. 1.
(5) OJ No L 169, 28. 6. 1976, p. 43.
(6) OJ No L 358, 27. 12. 1988, p. 2.
(7) OJ No L 169, 28. 6. 1976, p. 9.
(8) OJ No L 48, 26. 2. 1986, p. 1.
(9) OJ No L 142, 9. 6. 1977, p. 10.
(10) OJ No L 358, 27. 12. 1988, p. 3.
(11) OJ No L 181, 21. 7. 1977, p. 4.
(12) OJ No L 370, 30. 12. 1978, p. 60.
(13) OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## *ANNEX I*

### Minimum import levies on olive oil

*(ECU/100 kg)*

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

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

(a) Lebanon: ECU 0,60 per 100 kg;

(b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

## *ANNEX II*

### Import levies on other olive oil sector products

*(ECU/100 kg)*

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

# COMMISSION REGULATION (EEC) No 3589/90

## of 13 December 1990

## adopting interim protective measures in regard to applications for STM licences for milk and milk products lodged between 3 and 8 December 1990

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas applications for STM licences for cheese of category 1 lodget between 3 and 8 December 1990 relate to quantities higher than the ceiling set for the fourth quarter;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the initiative ceiling will be attained or exceeded; whereas to this end it is necessary, for the products concerned, to refuse all requests lodget and to suspend all further issuing of licences,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86 lodged between 3 and 8 December 1990 and notified to the Commission for milk products falling within category 1 of CN code ex 0406 are hereby rejected.

2. The issuing of STM licences is hereby provisionally suspended for products falling with category 1.

*Article 2*

This Regulation shall enter into force on 14 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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(1) OJ No L 58, 1. 3. 1986, p. 28.
(2) OJ No L 296, 27. 10. 1990, p. 24.

## COMMISSION REGULATION (EEC) No 3590/90
## of 13 December 1990
## fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 3117/90 [2], and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 3278/90 [3], as amended by Regulation (EEC) No 3449/90 [4];

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3278/90 to the prices known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

*Article 2*

This Regulation shall enter into force on 16 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 303, 31. 10. 1990, p. 5.
(3) OJ No L 315, 15. 11. 1990, p. 11.
(4) OJ No L 333, 30. 11. 1990, p. 52.

*ANNEX*

**to the Commission Regulation of 13 December 1990 fixing the import levies on milk and milk products**

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

| CN code | Note | Import levy |
|---|---|---|
| 0401 10 10 | | 19,41 |
| 0401 10 90 | | 18,20 |
| 0401 20 11 | | 26,59 |
| 0401 20 19 | | 25,38 |
| 0401 20 91 | | 32,15 |
| 0401 20 99 | | 30,94 |
| 0401 30 11 | | 82,05 |
| 0401 30 19 | | 80,84 |
| 0401 30 31 | | 157,22 |
| 0401 30 39 | | 156,01 |
| 0401 30 91 | | 263,07 |
| 0401 30 99 | | 261,86 |
| 0402 10 11 | (4) | 140,98 |
| 0402 10 19 | (4) | 133,73 |
| 0402 10 91 | (1) (4) | 1,3373/kg + 29,61 |
| 0402 10 99 | (1) (4) | 1,3373/kg + 22,36 |
| 0402 21 11 | (4) | 206,45 |
| 0402 21 17 | (4) | 199,20 |
| 0402 21 19 | (4) | 199,20 |
| 0402 21 91 | (4) | 240,58 |
| 0402 21 99 | (4) | 233,33 |
| 0402 29 11 | (1) (3) (4) | 1,9920/kg + 29,61 |
| 0402 29 15 | (1) (4) | 1,9920/kg + 29,61 |
| 0402 29 19 | (1) (4) | 1,9920/kg + 22,36 |
| 0402 29 91 | (1) (4) | 2,3333/kg + 29,61 |
| 0402 29 99 | (1) (4) | 2,3333/kg + 22,36 |
| 0402 91 11 | (4) | 30,28 |
| 0402 91 19 | (4) | 30,28 |
| 0402 91 31 | (4) | 37,85 |
| 0402 91 39 | (4) | 37,85 |
| 0402 91 51 | (4) | 157,22 |
| 0402 91 59 | (4) | 156,01 |
| 0402 91 91 | (4) | 263,07 |
| 0402 91 99 | (4) | 261,86 |
| 0402 99 11 | (4) | 49,85 |
| 0402 99 19 | (4) | 49,85 |
| 0402 99 31 | (1) (4) | 1,5359/kg + 25,99 |
| 0402 99 39 | (1) (4) | 1,5359/kg + 24,78 |
| 0402 99 91 | (1) (4) | 2,5944/kg + 25,99 |
| 0402 99 99 | (1) (4) | 2,5944/kg + 24,78 |

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

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

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

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

(1) The levy on 100 kg of product falling within this subheading is equal to the sum of the following:

(a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product; and

(b) the other amount indicated.

(2) The levy on 100 kg of product falling within this subheading is equal to:

(a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,

(b) the other amount indicated.

(3) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.

(4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

# COMMISSION REGULATION (EEC) No 3591/90
## of 13 December 1990
## fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fixing regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 3117/90 [2], and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds [3], as last amended by Regulation (EEC) No 1344/86 [4], provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,

— the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3 (1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

(a) prices ruling on third country markets;

(b) the most favourable prices in third countries of destination for third country imports;

(c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and

(d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5 (1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products [5], as last amended by Regulation (EEC) No 222/88 [6], the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 303, 31. 10. 1990, p. 5.
(3) OJ No L 155, 3. 7. 1968, p. 1.
(4) OJ No L 119, 8. 5. 1986, p. 36.
(5) OJ No L 184, 29. 7. 1968, p. 10.
(6) OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector (1), as last amended by Regulation (EEC) No 1069/89 (2);

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (3), as last amended by Regulation (EEC) No 2205/90 (4),

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

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 (5), as last amended by Regulation (EEC) No 222/88, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.

2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

3. There shall be no refunds for exports to Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

*Article 2*

This Regulation shall enter into force on 14 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 114, 27. 4. 1989, p. 1.
(3) OJ No L 164, 24. 6. 1985, p. 1.
(4) OJ No L 201, 31. 7. 1990, p. 9.

(5) OJ No L 91, 1. 4. 1984, p. 71.

*ANNEX*

**to the Commission Regulation of 13 December 1990 fixing the export refunds on milk and milk products**

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0401 10 10 000 | | 6,36 |
| 0401 10 90 000 | | 6,36 |
| 0401 20 11 100 | | 6,36 |
| 0401 20 11 500 | | 9,61 |
| 0401 20 19 100 | | 6,36 |
| 0401 20 19 500 | | 9,61 |
| 0401 20 91 100 | | 12,65 |
| 0401 20 91 500 | | 14,67 |
| 0401 20 99 100 | | 12,65 |
| 0401 20 99 500 | | 14,67 |
| 0401 30 11 100 | | 18,72 |
| 0401 30 11 400 | | 28,65 |
| 0401 30 11 700 | | 42,84 |
| 0401 30 19 100 | | 18,72 |
| 0401 30 19 400 | | 28,65 |
| 0401 30 19 700 | | 42,84 |
| 0401 30 31 100 | | 50,94 |
| 0401 30 31 400 | | 79,31 |
| 0401 30 31 700 | | 87,41 |
| 0401 30 39 100 | | 50,94 |
| 0401 30 39 400 | | 79,31 |
| 0401 30 39 700 | | 87,41 |
| 0401 30 91 100 | | 99,57 |
| 0401 30 91 400 | | 146,17 |
| 0401 30 91 700 | | 170,49 |
| 0401 30 99 100 | | 99,57 |
| 0401 30 99 400 | | 146,17 |
| 0401 30 99 700 | | 170,49 |
| 0402 10 11 000 | | 70,00 |
| 0402 10 19 000 | | 70,00 |
| 0402 10 91 000 | | 0,7000 |
| 0402 10 99 000 | | 0,7000 |
| 0402 21 11 200 | | 70,00 |
| 0402 21 11 300 | | 99,72 |
| 0402 21 11 500 | | 106,00 |
| 0402 21 11 900 | | 115,00 |
| 0402 21 17 000 | | 70,00 |
| 0402 21 19 300 | | 99,72 |
| 0402 21 19 500 | | 106,00 |
| 0402 21 19 900 | | 115,00 |
| 0402 21 91 100 | | 115,96 |
| 0402 21 91 200 | | 116,87 |
| 0402 21 91 300 | | 118,53 |
| 0402 21 91 400 | | 128,15 |
| 0402 21 91 500 | | 131,43 |
| 0402 21 91 600 | | 143,96 |
| 0402 21 91 700 | | 151,51 |
| 0402 21 91 900 | | 159,88 |
| 0402 21 99 100 | | 115,96 |
| 0402 21 99 200 | | 116,87 |
| 0402 21 99 300 | | 118,53 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0402 21 99 400 | | 128,15 |
| 0402 21 99 500 | | 131,43 |
| 0402 21 99 600 | | 143,96 |
| 0402 21 99 700 | | 151,51 |
| 0402 21 99 900 | | 159,88 |
| 0402 29 15 200 | | 0,7000 |
| 0402 29 15 300 | | 0,9972 |
| 0402 29 15 500 | | 1,0600 |
| 0402 29 15 900 | | 1,1500 |
| 0402 29 19 200 | | 0,7000 |
| 0402 29 19 300 | | 0,9972 |
| 0402 29 19 500 | | 1,0600 |
| 0402 29 19 900 | | 1,1500 |
| 0402 29 91 100 | | 1,1596 |
| 0402 29 91 500 | | 1,2815 |
| 0402 29 99 100 | | 1,1596 |
| 0402 29 99 500 | | 1,2815 |
| 0402 91 11 110 | | 6,36 |
| 0402 91 11 120 | | 12,65 |
| 0402 91 11 310 | | 19,53 |
| 0402 91 11 350 | | 24,42 |
| 0402 91 11 370 | | 30,28 |
| 0402 91 19 110 | | 6,36 |
| 0402 91 19 120 | | 12,65 |
| 0402 91 19 310 | | 19,53 |
| 0402 91 19 350 | | 24,42 |
| 0402 91 19 370 | | 30,28 |
| 0402 91 31 100 | | 24,60 |
| 0402 91 31 300 | | 35,78 |
| 0402 91 39 100 | | 24,60 |
| 0402 91 39 300 | | 35,78 |
| 0402 91 51 000 | | 28,65 |
| 0402 91 59 000 | | 28,65 |
| 0402 91 91 000 | | 99,57 |
| 0402 91 99 000 | | 99,57 |
| 0402 99 11 110 | | 0,0636 |
| 0402 99 11 130 | | 0,1265 |
| 0402 99 11 150 | | 0,1967 |
| 0402 99 11 310 | | 22,53 |
| 0402 99 11 330 | | 27,52 |
| 0402 99 11 350 | | 37,32 |
| 0402 99 19 110 | | 0,0636 |
| 0402 99 19 130 | | 0,1265 |
| 0402 99 19 150 | | 0,1967 |
| 0402 99 19 310 | | 22,53 |
| 0402 99 19 330 | | 27,52 |
| 0402 99 19 350 | | 37,32 |
| 0402 99 31 110 | | 0,2663 |
| 0402 99 31 150 | | 38,94 |
| 0402 99 31 300 | | 0,5094 |
| 0402 99 31 500 | | 0,8741 |
| 0402 99 39 110 | | 0,2663 |
| 0402 99 39 150 | | 38,94 |
| 0402 99 39 300 | | 0,5094 |
| 0402 99 39 500 | | 0,8741 |
| 0402 99 91 000 | | 0,9957 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0402 99 99 000 | | 0,9957 |
| 0403 10 11 100 | | 6,36 |
| 0403 10 11 300 | | 9,61 |
| 0403 10 13 000 | | 12,65 |
| 0403 10 19 000 | | 18,72 |
| 0403 10 31 100 | | 0,0636 |
| 0403 10 31 300 | | 0,0961 |
| 0403 10 33 000 | | 0,1265 |
| 0403 10 39 000 | | 0,1872 |
| 0403 90 11 000 | | 70,00 |
| 0403 90 13 200 | | 70,00 |
| 0403 90 13 300 | | 99,72 |
| 0403 90 13 500 | | 106,00 |
| 0403 90 13 900 | | 115,00 |
| 0403 90 19 000 | | 115,96 |
| 0403 90 31 000 | | 0,7000 |
| 0403 90 33 200 | | 0,7000 |
| 0403 90 33 300 | | 0,9972 |
| 0403 90 33 500 | | 1,0600 |
| 0403 90 33 900 | | 1,1500 |
| 0403 90 39 000 | | 1,1596 |
| 0403 90 51 100 | | 6,36 |
| 0403 90 51 300 | | 9,61 |
| 0403 90 53 000 | | 12,65 |
| 0403 90 59 110 | | 18,72 |
| 0403 90 59 140 | | 28,65 |
| 0403 90 59 170 | | 42,84 |
| 0403 90 59 310 | | 50,94 |
| 0403 90 59 340 | | 79,31 |
| 0403 90 59 370 | | 87,41 |
| 0403 90 59 510 | | 99,57 |
| 0403 90 59 540 | | 146,17 |
| 0403 90 59 570 | | 170,49 |
| 0403 90 61 100 | | 0,0636 |
| 0403 90 61 300 | | 0,0961 |
| 0403 90 63 000 | | 0,1265 |
| 0403 90 69 000 | | 0,1872 |
| 0404 90 11 100 | | 70,00 |
| 0404 90 11 910 | | 6,36 |
| 0404 90 11 950 | | 19,53 |
| 0404 90 13 120 | | 70,00 |
| 0404 90 13 130 | | 99,72 |
| 0404 90 13 140 | | 106,00 |
| 0404 90 13 150 | | 115,00 |
| 0404 90 13 911 | | 6,36 |
| 0404 90 13 913 | | 12,65 |
| 0404 90 13 915 | | 18,72 |
| 0404 90 13 917 | | 28,65 |
| 0404 90 13 919 | | 42,84 |
| 0404 90 13 931 | | 19,53 |
| 0404 90 13 933 | | 24,42 |
| 0404 90 13 935 | | 30,28 |
| 0404 90 13 937 | | 35,78 |
| 0404 90 13 939 | | 37,44 |
| 0404 90 19 110 | | 115,96 |
| 0404 90 19 115 | | 116,87 |
| 0404 90 19 120 | | 118,53 |
| 0404 90 19 130 | | 128,15 |
| 0404 90 19 135 | | 131,43 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0404 90 19 150 | | 143,96 |
| 0404 90 19 160 | | 151,51 |
| 0404 90 19 180 | | 159,88 |
| 0404 90 19 900 | | — |
| 0404 90 31 100 | | 70,00 |
| 0404 90 31 910 | | 6,36 |
| 0404 90 31 950 | | 19,53 |
| 0404 90 33 120 | | 70,00 |
| 0404 90 33 130 | | 99,72 |
| 0404 90 33 140 | | 106,00 |
| 0404 90 33 150 | | 115,00 |
| 0404 90 33 911 | | 6,36 |
| 0404 90 33 913 | | 12,65 |
| 0404 90 33 915 | | 18,72 |
| 0404 90 33 917 | | 28,65 |
| 0404 90 33 919 | | 42,84 |
| 0404 90 33 931 | | 19,53 |
| 0404 90 33 933 | | 24,42 |
| 0404 90 33 935 | | 30,28 |
| 0404 90 33 937 | | 35,78 |
| 0404 90 33 939 | | 37,44 |
| 0404 90 39 110 | | 115,96 |
| 0404 90 39 115 | | 116,87 |
| 0404 90 39 120 | | 118,53 |
| 0404 90 39 130 | | 128,15 |
| 0404 90 39 150 | | 131,43 |
| 0404 90 39 900 | | — |
| 0404 90 51 100 | | 0,7000 |
| 0404 90 51 910 | | 0,0636 |
| 0404 90 51 950 | | 22,53 |
| 0404 90 53 110 | | 0,7000 |
| 0404 90 53 130 | | 0,9972 |
| 0404 90 53 150 | | 1,0600 |
| 0404 90 53 170 | | 1,1500 |
| 0404 90 53 911 | | 0,0636 |
| 0404 90 53 913 | | 0,1265 |
| 0404 90 53 915 | | 0,1872 |
| 0404 90 53 917 | | 0,2865 |
| 0404 90 53 919 | | 0,4284 |
| 0404 90 53 931 | | 22,53 |
| 0404 90 53 933 | | 27,52 |
| 0404 90 53 935 | | 37,32 |
| 0404 90 53 937 | | 38,94 |
| 0404 90 53 939 | | — |
| 0404 90 59 130 | | 1,1596 |
| 0404 90 59 150 | | 1,2815 |
| 0404 90 59 930 | | 0,6107 |
| 0404 90 59 950 | | 0,8741 |
| 0404 90 59 990 | | 0,9957 |
| 0404 90 91 100 | | 0,7000 |
| 0404 90 91 910 | | 0,0636 |
| 0404 90 91 950 | | 22,53 |
| 0404 90 93 110 | | 0,7000 |
| 0404 90 93 130 | | 0,9972 |
| 0404 90 93 150 | | 1,0600 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0404 90 93 170 | | 1,1500 |
| 0404 90 93 911 | | 0,0636 |
| 0404 90 93 913 | | 0,1265 |
| 0404 90 93 915 | | 0,1872 |
| 0404 90 93 917 | | 0,2865 |
| 0404 90 93 919 | | 0,4284 |
| 0404 90 93 931 | | 22,53 |
| 0404 90 93 933 | | 27,52 |
| 0404 90 93 935 | | 37,32 |
| 0404 90 93 937 | | 38,94 |
| 0404 90 93 939 | | — |
| 0404 90 99 130 | | 1,1596 |
| 0404 90 99 150 | | 1,2815 |
| 0404 90 99 930 | | 0,6107 |
| 0404 90 99 950 | | 0,8741 |
| 0404 90 99 990 | | 0,9957 |
| 0405 00 10 100 | | — |
| 0405 00 10 200 | | 132,32 |
| 0405 00 10 300 | | 166,46 |
| 0405 00 10 500 | | 170,73 |
| 0405 00 10 700 | | 175,00 |
| 0405 00 90 100 | | 175,00 |
| 0405 00 90 900 | | 220,00 |
| 0406 10 10 000 | | — |
| 0406 10 90 000 | | — |
| 0406 20 90 100 | | — |
| 0406 20 90 913 | 028 | — |
| | 032 | — |
| | 400 | 87,74 |
| | 404 | — |
| | *** | 84,94 |
| 0406 20 90 915 | 028 | — |
| | 032 | — |
| | 400 | 116,99 |
| | 404 | — |
| | *** | 113,25 |
| 0406 20 90 917 | 028 | — |
| | 032 | — |
| | 400 | 124,30 |
| | 404 | — |
| | *** | 120,33 |
| 0406 20 90 919 | 028 | — |
| | 032 | — |
| | 400 | 138,92 |
| | 404 | — |
| | *** | 134,49 |
| 0406 20 90 990 | | — |
| 0406 30 10 100 | | — |
| 0406 30 10 150 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 20,03 |
| | 404 | — |
| | *** | 22,83 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 30 10 200 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | — |
| | *** | 48,68 |
| 0406 30 10 250 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | — |
| | *** | 48,68 |
| 0406 30 10 300 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 63,88 |
| | 404 | — |
| | *** | 71,42 |
| 0406 30 10 350 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | — |
| | *** | 48,68 |
| 0406 30 10 400 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 63,88 |
| | 404 | — |
| | *** | 71,42 |
| 0406 30 10 450 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 93,03 |
| | 404 | — |
| | *** | 103,95 |
| 0406 30 10 500 | | — |
| 0406 30 10 550 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | 20,00 |
| | *** | 48,68 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 30 10 600 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 63,88 |
| | 404 | 28,00 |
| | *** | 71,42 |
| 0406 30 10 650 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 93,03 |
| | 404 | — |
| | *** | 103,95 |
| 0406 30 10 700 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 93,03 |
| | 404 | — |
| | *** | 103,95 |
| 0406 30 10 750 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,54 |
| | 404 | — |
| | *** | 126,87 |
| 0406 30 10 800 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,54 |
| | 404 | — |
| | *** | 126,87 |
| 0406 30 10 900 | | — |
| 0406 30 31 100 | | — |
| 0406 30 31 300 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 20,03 |
| | 404 | — |
| | *** | 22,83 |
| 0406 30 31 500 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | — |
| | *** | 48,68 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 30 31 710 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | — |
| | *** | 48,68 |
| 0406 30 31 730 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 63,88 |
| | 404 | — |
| | *** | 71,42 |
| 0406 30 31 910 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | — |
| | *** | 48,68 |
| 0406 30 31 930 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 63,88 |
| | 404 | — |
| | *** | 71,42 |
| 0406 30 31 950 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 93,03 |
| | 404 | — |
| | *** | 103,95 |
| 0406 30 39 100 | | — |
| 0406 30 39 300 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 43,52 |
| | 404 | 20,00 |
| | *** | 48,68 |
| 0406 30 39 500 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 63,88 |
| | 404 | 28,00 |
| | *** | 71,42 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 30 39 700 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 93,03 |
| | 404 | — |
| | *** | 103,95 |
| 0406 30 39 930 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 93,03 |
| | 404 | — |
| | *** | 103,95 |
| 0406 30 39 950 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,54 |
| | 404 | — |
| | *** | 126,87 |
| 0406 30 90 000 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,54 |
| | 404 | — |
| | *** | 126,87 |
| 0406 40 00 100 | | — |
| 0406 40 00 900 | 028 | — |
| | 032 | — |
| | 038 | — |
| | 400 | 120,00 |
| | 404 | — |
| | *** | 126,51 |
| 0406 90 13 000 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,00 |
| | 404 | — |
| | *** | 159,34 |
| 0406 90 15 100 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,00 |
| | 404 | — |
| | *** | 159,34 |
| 0406 90 15 900 | | — |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 17 100 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 113,00 |
| | 404 | — |
| | *** | 159,34 |
| 0406 90 17 900 | | — |
| 0406 90 21 100 | | — |
| 0406 90 21 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 130,00 |
| | 404 | — |
| | 732 | 139,68 |
| | *** | 151,68 |
| 0406 90 23 100 | | — |
| 0406 90 23 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 65,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 25 100 | | — |
| 0406 90 25 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 65,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 27 100 | | — |
| 0406 90 27 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 56,14 |
| | 404 | — |
| | *** | 114,71 |
| 0406 90 31 111 | | — |
| 0406 90 31 119 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | 15,00 |
| | 400 | 62,48 |
| | 404 | 16,00 |
| | *** | 89,96 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 31 151 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 58,40 |
| | 404 | 14,96 |
| | *** | 83,83 |
| 0406 90 31 159 | | — |
| 0406 90 31 900 | | — |
| 0406 90 33 111 | | — |
| 0406 90 33 119 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | 15,00 |
| | 400 | 62,48 |
| | 404 | 16,00 |
| | *** | 89,96 |
| 0406 90 33 151 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 58,40 |
| | 404 | 14,96 |
| | *** | 83,83 |
| 0406 90 33 159 | | — |
| 0406 90 33 911 | | — |
| 0406 90 33 919 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | 15,00 |
| | 400 | 62,48 |
| | 404 | 16,00 |
| | *** | 89,96 |
| 0406 90 33 951 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 58,40 |
| | 404 | 14,96 |
| | *** | 83,83 |
| 0406 90 33 959 | | — |
| 0406 90 35 110 | | — |
| 0406 90 35 190 | 028 | — |
| | 032 | — |
| | 036 | 42,66 |
| | 400 | 160,00 |
| | 404 | 90,00 |
| | *** | 158,54 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 35 910 | | — |
| 0406 90 35 990 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 130,00 |
| | 404 | — |
| | *** | 130,00 |
| 0406 90 61 000 | 028 | — |
| | 032 | — |
| | 036 | 90,00 |
| | 400 | 190,00 |
| | 404 | 140,00 |
| | *** | 185,00 |
| 0406 90 63 100 | 028 | — |
| | 032 | — |
| | 036 | 105,03 |
| | 400 | 220,00 |
| | 404 | 160,00 |
| | *** | 212,12 |
| 0406 90 63 900 | 028 | — |
| | 032 | — |
| | 036 | 70,00 |
| | 400 | 150,00 |
| | 404 | 80,00 |
| | *** | 165,00 |
| 0406 90 69 100 | | — |
| 0406 90 69 910 | 028 | — |
| | 032 | — |
| | 036 | 70,00 |
| | 400 | 150,00 |
| | 404 | 80,00 |
| | *** | 165,00 |
| 0406 90 69 990 | | — |
| 0406 90 71 100 | | — |
| 0406 90 71 930 | 028 | 13,50 |
| | 032 | 13,50 |
| | 036 | — |
| | 038 | — |
| | 400 | 87,23 |
| | 404 | — |
| | *** | 89,49 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 71 950 | 028 | 20,00 |
| | 032 | 20,00 |
| | 036 | — |
| | 038 | — |
| | 400 | 96,18 |
| | 404 | — |
| | *** | 98,13 |
| 0406 90 71 970 | 028 | 24,00 |
| | 032 | 24,00 |
| | 036 | — |
| | 038 | — |
| | 400 | 109,31 |
| | 404 | — |
| | *** | 110,79 |
| 0406 90 71 991 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 130,00 |
| | 404 | — |
| | *** | 130,00 |
| 0406 90 71 995 | 028 | 27,50 |
| | 032 | 27,50 |
| | 036 | — |
| | 038 | — |
| | 400 | 65,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 71 999 | | — |
| 0406 90 73 100 | | — |
| 0406 90 73 900 | 028 | — |
| | 032 | — |
| | 036 | 42,66 |
| | 400 | 160,00 |
| | 404 | 120,00 |
| | *** | 151,00 |
| 0406 90 75 100 | | — |
| 0406 90 75 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 400 | 65,00 |
| | 404 | — |
| | *** | 125,96 |
| 0406 90 77 100 | 028 | 24,00 |
| | 032 | 24,00 |
| | 036 | — |
| | 038 | — |
| | 400 | 58,77 |
| | 404 | — |
| | *** | 110,79 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 77 300 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 65,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 77 500 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 75,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 79 100 | | — |
| 0406 90 79 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 56,14 |
| | 404 | — |
| | *** | 114,71 |
| 0406 90 81 100 | | — |
| 0406 90 81 900 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 130,00 |
| | 404 | — |
| | *** | 130,00 |
| 0406 90 83 100 | | — |
| 0406 90 83 910 | | — |
| 0406 90 83 950 | 028 | — |
| | 032 | — |
| | 400 | 39,03 |
| | 404 | — |
| | *** | 47,97 |
| 0406 90 83 990 | 028 | — |
| | 032 | — |
| | 400 | 39,03 |
| | 404 | — |
| | *** | 47,97 |
| 0406 90 85 100 | | — |
| 0406 90 85 910 | 028 | — |
| | 032 | — |
| | 036 | 42,67 |
| | 400 | 160,00 |
| | 404 | 90,00 |
| | *** | 158,54 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 85 991 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 130,00 |
| | 404 | — |
| | *** | 130,00 |
| 0406 90 85 995 | 028 | 27,50 |
| | 032 | 27,50 |
| | 036 | — |
| | 038 | — |
| | 400 | 65,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 85 999 | | — |
| 0406 90 89 100 | 028 | 13,50 |
| | 032 | 13,50 |
| | 036 | — |
| | 038 | — |
| | 400 | 87,23 |
| | 404 | — |
| | *** | 89,49 |
| 0406 90 89 200 | 028 | 20,00 |
| | 032 | 20,00 |
| | 036 | — |
| | 038 | — |
| | 400 | 96,18 |
| | 404 | — |
| | *** | 98,13 |
| 0406 90 89 300 | 028 | 24,00 |
| | 032 | 24,00 |
| | 036 | — |
| | 038 | — |
| | 400 | 109,31 |
| | 404 | — |
| | *** | 110,79 |
| 0406 90 89 910 | | — |
| 0406 90 89 951 | 028 | — |
| | 032 | — |
| | 036 | 42,66 |
| | 400 | 160,00 |
| | 404 | 90,00 |
| | *** | 151,00 |
| 0406 90 89 959 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 130,00 |
| | 404 | — |
| | *** | 130,00 |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 0406 90 89 971 | 028 | 27,50 |
| | 032 | 27,50 |
| | 036 | — |
| | 038 | — |
| | 400 | 74,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 89 972 | 028 | — |
| | 032 | — |
| | 400 | 39,03 |
| | 404 | — |
| | *** | 47,97 |
| 0406 90 89 979 | 028 | 27,50 |
| | 032 | 27,50 |
| | 036 | — |
| | 038 | — |
| | 400 | 74,00 |
| | 404 | — |
| | *** | 135,35 |
| 0406 90 89 990 | | — |
| 0406 90 91 100 | | — |
| 0406 90 91 300 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 21,46 |
| | 404 | — |
| | *** | 21,06 |
| 0406 90 91 510 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 37,62 |
| | 404 | — |
| | *** | 35,97 |
| 0406 90 91 550 | 028 | — |
| | 032 | — |
| | 036 | — |
| | 038 | — |
| | 400 | 45,81 |
| | 404 | — |
| | *** | 43,62 |
| 0406 90 91 900 | | — |
| 0406 90 93 000 | | — |
| 0406 90 97 000 | | — |
| 0406 90 99 000 | | — |
| 2309 10 15 010 | | — |
| 2309 10 15 100 | | — |
| 2309 10 15 200 | | — |
| 2309 10 15 300 | | — |
| 2309 10 15 400 | | — |
| 2309 10 15 500 | | — |
| 2309 10 15 700 | | — |

*(in ECU/100 kg net weight unless otherwise indicated)*

| Product code | Destination (*) | Amount of refund |
|---|---|---|
| 2309 10 15 900 | | — |
| 2309 10 19 010 | | — |
| 2309 10 19 100 | | — |
| 2309 10 19 200 | | — |
| 2309 10 19 300 | | — |
| 2309 10 19 400 | | — |
| 2309 10 19 500 | | — |
| 2309 10 19 600 | | — |
| 2309 10 19 700 | | — |
| 2309 10 19 800 | | — |
| 2309 10 19 900 | | — |
| 2309 10 70 010 | | — |
| 2309 10 70 100 | | 21,00 |
| 2309 10 70 200 | | 28,00 |
| 2309 10 70 300 | | 35,00 |
| 2309 10 70 500 | | 42,00 |
| 2309 10 70 600 | | 49,00 |
| 2309 10 70 700 | | 56,00 |
| 2309 10 70 800 | | 61,60 |
| 2309 10 70 900 | | — |
| 2309 90 35 010 | | — |
| 2309 90 35 100 | | — |
| 2309 90 35 200 | | — |
| 2309 90 35 300 | | — |
| 2309 90 35 400 | | — |
| 2309 90 35 500 | | — |
| 2309 90 35 700 | | — |
| 2309 90 35 900 | | — |
| 2309 90 39 010 | | — |
| 2309 90 39 100 | | — |
| 2309 90 39 200 | | — |
| 2309 90 39 300 | | — |
| 2309 90 39 400 | | — |
| 2309 90 39 500 | | — |
| 2309 90 39 600 | | — |
| 2309 90 39 700 | | — |
| 2309 90 39 800 | | — |
| 2309 90 39 900 | | — |
| 2309 90 70 010 | | — |
| 2309 90 70 100 | | 21,00 |
| 2309 90 70 200 | | 28,00 |
| 2309 90 70 300 | | 35,00 |
| 2309 90 70 500 | | 42,00 |
| 2309 90 70 600 | | 49,00 |
| 2309 90 70 700 | | 56,00 |
| 2309 90 70 800 | | 61,60 |
| 2309 90 70 900 | | — |

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 420/90 (OJ No L 44, 20. 2. 1990, p. 15).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '***'.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

# COMMISSION REGULATION (EEC) No 3592/90

**of 12 December 1990**

**concerning the stopping of fishing for whiting by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished (3), as last amended by Regulation (EEC) No 1887/90 (4), provides for whiting quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of whiting in the waters of ICES division VII b, c, d, e, f, g, h, j and k by vessels flying the flag of France or registered in France have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of whiting in the waters of ICES division VII b, c, d, e, f, g, h. j and k by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1990.

Fishing for whiting in the waters of ICES division VII b, c, d, e, f, g, h, j and k by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*

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

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

Done at Brussels, 12 December 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

(1) OJ No L 207, 29. 7. 1987, p. 1.
(2) OJ No L 306, 11. 11. 1988, p. 2.
(3) OJ No L 389, 30. 12. 1989, p. 1.
(4) OJ No L 172, 5. 7. 1990, p. 1.

# COMMISSION REGULATION (EEC) No 3593/90
## of 12 December 1990
## concerning the stopping of fishing for hake by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished (3), as last amended by Regulation (EEC) No 1887/90 (4), provides for hake quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of hake in the waters of ICES divisions II a (EC zone) and IV (EC zone) by vessels flying the flag of France or registered in France have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

*Article 2*

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

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

Done at Brussels, 12 December 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

(1) OJ No L 207, 29. 7. 1987, p. 1.
(2) OJ No L 306, 11. 11. 1988, p. 2.
(3) OJ No L 389, 30. 12. 1989, p. 1.
(4) OJ No L 172, 5. 7. 1990, p. 1.

# COMMISSION REGULATION (EEC) No 3594/90

## of 12 December 1990

## concerning the stopping of fishing for horse mackerel by vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished (3), as last amended by Regulation (EEC) No 1887/90 (4), provides for horse mackerel quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of horse mackerel in the waters of ICES division VIII c by vessels flying the flag of Spain or registered in Spain have reached the quota allocated for 1990; whereas Spain has prohibited fishing for this stock as from 8 December 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of horse mackerel in the waters of ICES division VIII c by vessels flying the flag of Spain or registered in Spain are deemed to have exhausted the quota allocated to Spain for 1990.

Fishing for horse mackerel in the waters of ICES division VIII c by vessels flying the flag of Spain or registered in Spain is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply with effect from 8 December 1990.

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

Done at Brussels, 12 December 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

(1) OJ No L 207, 29. 7. 1987, p. 1.
(2) OJ No L 306, 11. 11. 1988, p. 2.
(3) OJ No L 389, 30. 12. 1989, p. 1.
(4) OJ No L 172, 5. 7. 1990, p. 1.

# COMMISSION REGULATION (EEC) No 3595/90

**of 12 December 1990**

**concerning the stopping of fishing for megrim by vessels flying the flag of Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished [3], as last amended by Regulation (EEC) No 1887/90 [4], provides for megrim quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of megrim in the waters of ICES divisions VIII c, IX, X and CECAF 34.1.1 (EC zone) by vessels flying the flag of Portugal or registered in Portugal have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of megrim in the waters of ICES divisions VIII c, IX, X and CECAF 34.1.1 (EC zone) by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1990.

Fishing for megrim in the waters of ICES divisions VIII c, IX, X and CECAF 34.1.1 (EC zone) by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*

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

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

Done at Brussels, 12 December 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

(1) OJ No L 207, 29. 7. 1987, p. 1.
(2) OJ No L 306, 11. 11. 1988, p. 2.
(3) OJ No L 389, 30. 12. 1989, p. 1.
(4) OJ No L 172, 5. 7. 1990, p. 1.

# COMMISSION REGULATION (EEC) No 3596/90

## of 12 December 1990

## laying down quality standards for peaches and nectarines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables [1], as last amended by Regulation (EEC) No 1193/90 [2], and in particular Article 2 (3) thereof,

Whereas Annex II 4 to Council Regulation No 23 [3], as last amended by Regulation (EEC) No 74/88 [4], lays down common quality standards for peaches; whereas the text already includes provisions relating to nectarines;

Whereas there have been developments in the production and marketing of these products, particularly in the requirements of the wholesale and consumer markets; whereas the quality standards should be amended accordingly; whereas the current market situation does not require the definition of the supplementary quality class as defined in Council Regulation 211/66/EEC [5], as last amended by Regulation (EEC) No 1730/87 [6];

Whereas the standards apply to all marketing stages; whereas long-distance transport, storage over a certain period and the various processes which the products undergo may cause certain alterations owing to the biological development of the products or to their relatively perishable nature; whereas such alterations should be taken into account in applying the standards to the marketing stages which follow the dispatch stage; whereas products of the 'Extra' class are particularly carefully sorted and packed and therefore the only factor that should be taken into account is a deterioration in their freshness and turgidity;

Whereas, for reasons of clarity and legal certainty, and for the convenience of those concerned, the said rules should be thoroughly revised when they are next amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The quality standards relating to peaches and nectarines falling within CN code 0809 30 00 shall be as indicated in the Annex hereto.

These standards shall apply to all marketing stages under the conditions provided for in Regulation (EEC) No 1035/72.

Nevertheless, in the stages following that of dispatch the products may, by comparison with the requirements of the standards:

— show a slight reduction in freshness and turgidity,

— for products in classes other than 'Extra', exhibit slight alterations owing to their development and their relatively perishable nature.

*Article 2*

1. In Article 2 of Regulation No 23 and Article 1 of Regulation No 211/66/EEC, 'peaches' is hereby deleted.

2. Annex II 4 to Regulation No 23 and Annex IV to Regulation No 211/66/EEC are hereby deleted.

*Article 3*

This Regulation shall enter into force on 1 May 1990.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 119, 11. 5. 1990, p. 43.
(3) OJ No 30, 20. 4. 1962, p. 965/62.
(4) OJ No L 10, 14. 1. 1988, p. 8.
(5) OJ No 233, 20. 12. 1966, p. 3939/66.
(6) OJ No L 163, 23. 6. 1987, p. 25.

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

Done at Brussels, 12 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*ANNEX*

## QUALITY STANDARD FOR PEACHES AND NECTARINES

### I. DEFINITION OF PRODUCE

This standard applies to peaches and nectarines ([1]) grown from varieties (cultivars) or *Prunus persica Sieb.* and *Zucc.*, to be supplied fresh to the consumer, peaches for industrial processing being excluded.

### II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for peaches and nectarines after preparation and packaging.

#### A. **Minimum requirements**

In all classes, subject to the special provisions for each class and the tolerances allowed, the peaches and nectarines must be :

— intact,

— sound ; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,

— clean, practically free of any visible foreign matter,

— free of abnormal external moisture,

— free of any foreign smell and/pr taste,

— practically free from pests,

— practically free from damage caused by pests.

The peaches and nectarines must have been carefully picked. The development and the state of ripeness of the peaches must be such as to enable them :

— to withstand transport and handling, and

— to arrive in satisfactory condition at the place of destination.

#### B. **Classification**

The peaches and the nectarines are classified into three classes defined below :

(i) *'Extra' class*

The peaches and the nectarines in this class must be of a superior quality. In shape, development and colouring they must be typical of the variety allowing for the district in which they are grown. They must be free from defects with the exception of very slight superficial defects, provided that these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) *Class I*

The peaches and the nectarines in this class must be of good quality. They must have the characteristics typical of the variety, allowing for the district in which the fruit is grown. However, a slight defect in shape, development or colouring may be allowed.

The flesh must be perfectly sound.

Peaches spilt where the stem is joined to the fruit are excluded.

Slight skin defects however may be allowed provided that these do not affect the general appearance of the produce, the quality, the keeping quality and the presentation in the package and do not exceed :

— 1 cm in length for defects of elongated shape,

— 0,5 $cm^2$ of the total area for other defects.

([1]) This text applies to all varieties grown from *Prunus persica Sieb. and Zucc.*, being peaches or nectarines or similar with attached or unattached stone and smooth or rough skin.

(iii) *Class II*

This class includes peaches and the nectarines which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The flesh should not show any serious defects. Peaches spilt where the stem is jointed to the fruit are allowed only in connection with the quality tolerances.

Skin defects may be allowed provided that the fruit retain their essential characteristics as regards the quality, the keeping quality and presentation and do not exceed:

— 2 cm in length for defects of elongated shape, and
— 1,5 $cm^2$ in total area for all other defects.

III. PROVISIONS CONCERNING SIZING

Sizing is determined by:

— circumference, or
— maximum diameter of the equatorial section.

The peaches and the nectarines must be graded according to the following scale:

| Diameter | Size (code) | Circumference |
|---|---|---|
| 90 mm and over | AAAA | 28 cm and over |
| 80 mm and over but under 90 mm | AAA | 25 cm and over but under 28 cm |
| 73 mm and over but under 80 mm | AA | 23 cm and over but under 25 cm |
| 67 mm and over but under 73 mm | A | 21 cm and over but under 23 cm |
| 61 mm and over but under 67 mm | B | 19 cm and over but under 21 cm |
| 56 mm and over but under 61 mm | C | 17,5 cm and over but under 19 cm |
| 51 mm and over but under 56 mm | D | 16 cm and over but under 17,5 cm |

The minimum size allowed for the 'Extra' class is 17,5 cm (circumference) and 56 mm (diameter).

Sizing is compulsory for all classes.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements for the class indicated.

A. **Quality tolerances**

(i) *'Extra' class*

5 % by number or weight of peaches or nectarines not satisfying the requirement for the class, but meeting the requirements for class I or, exceptionally, coming within the tolerances for that class.

(ii) *Class I*

10 % by number or weight of peaches or nectarines not satisfying the requirements for the class, but meeting the requirements for class II or, exceptionally, coming within the tolerances for that class.

(iii) *Class II*

10 % by number or weight of peaches or nectarines not satisfying the requirements for the class or the minimum requirements, excluding, fruit affected by rotting, pronounced bruising or any other deterioration rendering it unfit for consumption.

B. **Size tolerances**

For all classes, 10 % by number or weight of peaches up to 1 cm larger or smaller than the size stated on the package in the case of sizing by circumference and up to 3 mm larger or smaller in the case of sizing by diameter.

However, for fruit in the smallest class, this tolerance shall apply only to peaches or nectarines of a size smaller by not more than 6 mm (circumference) or 2 mm (diameter) than the specified minimum size.

V. PROVISIONS CONCERNING PRESENTATION

A. **Uniformity**

The contents of each package must be uniform and contain only peaches or nectarines of the same origin, variety, quality, degree of ripeness and size, and for 'Extra' class, the contents must also be uniform in colour.

The visible part of the contents of each package must be representative of the entire contents.

B. **Packaging**

The peaches or nectarines must be packed in such a way as to ensure that they are suitably protected.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials and particularily of paper or stamps bearing trade specifications is allowed provided that the printing or labelling has been done with a non-toxic ink or glue. Packages must be free from all foreign matter.

C. **presentation**

The peaches and the nectarines may be presented in one of the following ways:

— *in small packages,*

— *in a single layer, in the case of 'Extra' class*; each individual fruit in this category must be separated from its neighbours,

— in classes I and II

  — in on or two layers, or

  — not more than four layers where the fruit is placed in rigid pockets so arranged that they do not rest on the fruit in the layer immediately below.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. **Identification**

| | |
|---|---|
| Packer<br>and/or<br>Despatcher | Name and address or officially issued or accepted code mark. |

B. **Nature of produce**

— name of the product, if the contents of the package are not visible from the outside,

— name of the variety for classes 'Extra' and I.

C. **Origin of produce**

— country of origin and, optionally, district where grown, or national, regional or local place name.

D. **Commercial specifications**

— class,

— size expressed as minimum and maximum diameter or minimum and maximum circumference or according to the coding set out in Section III 'Sizing',

— Number of units (optional).

E. **Official control mark** (optional).

# COMMISSION REGULATION (EEC) No 3597/90

## of 12 December 1990

## on the accounting rules for intervention measures involving the buying in, storage and sale of agricultural products by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3492/90 of 27 November 1990 laying down the factors to be taken into consideration in the annual accounts for the financing of intervention measures in the form of public storage by the European Agricultural Guidance and Guarantee Fund, Guarantee Section (1), and in particular Article 8 thereof,

Whereas certain movements of funds take place after the physical stock operations which gave rise to them; whereas it is not possible to determine *a priori* the amounts to be entered in the accounts; whereas, therefore, it is necessary to make provision for accounting at a different moment from the physical operation in order to avoid *a posteriori* corrections to accounts which have already been closed;

Whereas rules should be laid down for evaluating missing quantities exceeding the tolerances for preservation or processing, losses during transfers or identifiable causes and deteriorated or destroyed quantities;

Whereas operations excluded from the calculation of entry or removal costs should be specified;

Whereas in the case of the non-application of the tolerance limits, the Member States should stand guarantee for the total quantities of the product taken over, whereas this option must cover the entire financial year;

Whereas, in order to avoid retroactive corrections to the accounts, accounting rules must be laid down for cases where it is found that quantities taken into storage do not meet the conditions laid down for storage;

Whereas it is necessary to provide simple accounting rules to apply in case of changes during a month in the factors used for calculation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to the measures provided for in Article 1 (2) of Regulation (EEC) No 3492/90:

1. costs not covered by standard amounts may be entered in the accounts of public storage as material operations of the month of actual payment;

2. amounts collected or recovered in accordance with Article 6 of Regulation (EEC) No 3492/90 shall be entered in the accounts of public storage as material operations of the month of actual collection;

3. the payments and collection provided for in points 1 and 2 shall be considered to have been done at the time provided for in Article 9 (2) (c) of Commission Regulation (EEC) No 2776/88 (2);

4. the financing costs to the end of the financial year as provided for in Article 2 (3) and (4) of Commission Regulation (EEC) No 411/88 (3) shall be entered in the accounts for that financial year for the number of days to be considered until that date and the remainder shall be entered under the following year.

   The calculation of those financial costs must be subdivided according to the validity periods of the interest rates.

*Article 2*

1. Unless special provisions in the Annex provide otherwise, the value of missing quantities:

   — exceeding the tolerance for preservations and processing,

   or

   — due to theft or other identifiable causes,

   shall be calculated by multiplying these quantities by the basic intervention price in force for the standard quality on the first day of the current financial year, increased by 5 %.

2. Where no specific value has been fixed by Community regulations, the value of missing quantities due to transfer or transport shall be determined in accordance with paragraph 1.

3. In cases of deterioration or destruction of the product as a result of:

(1) OJ No L 337, 4. 12. 1990, p. 3.

(2) OJ No L 249, 8. 9. 1988, p. 9.

(3) OJ No L 40, 13. 2. 1988, p. 25.

(a) accidents, unless special provisions in the Annex provide otherwise, the value of quantities affected shall be calculated by multiplying the quantities in question by the basic intervention price in force for the standard quality on the first day of the current financial year, reduced by 5 %;

(b) natural disasters, the value of the affected quantities shall be subject to a specific decision;

(c) bad conservation conditions especially due to unsuitable storage methods, the value of the product shall be accounted for in accordance with paragraph 1;

(d) too long a period of storage, the value of the product shall be determined at the time of the immediate sale of the product in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 (1) or, as appropriate, in accordance with the procedure laid down in the corresponding Article of the other Regulations establishing common organizations of agricultural markets; in which case the receipts from sales shall be taken into account for the month during which removal occured.

4. Member States shall inform the Commission without delay of cases where prolongation of the storage period for a product is likely to result in the deterioration of that product.

The decision on the sale of the product shall be taken in accordance with the Regulations applicable to the product in question.

5. For the purpose of fixing the value of the quantities referred to in paragraphs 1, 2 and 3 (a) and (c):

— any increases, premiums, reductions, percentages and coefficients applicable to the intervention price at the time of purchase shall not be taken into consideration,

— the conversion rate to be applied shall be the agricultural rate in force on the first day of the financial year for the product in question.

*Article 3*

1. For the missing or deteriorated quantities referred to in Article 2, removal costs shall be taken into account only where products have been sold in accordance with paragraphs (d) and 4 of that Article.

2. Quantities lost during transfer from one Member State to another shall not be deemed to have entered storage and therefore do not qualify for standard entry costs.

3. Where a product is transported or transferred, entry and removal costs, established at fixed rates for this purpose, shall be entered in the accounts if these costs do not rank as an integral part of transport costs under Community rules.

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

*Article 4*

The standard amounts may be increased provided that the Member State, in respect of the whole period involved and for the whole stock of the product in question, submits a declaration that it will not apply the tolerance and will stand guarantee for the quantity.

This declaration shall be addressed to the Commission and should be forwarded before receipt by the Commission of the first monthly declaration of the financial year concerned or, if the product in question is not in intervention storage at the beginning of the financial year, not later than the month following that in which the product first enters storage.

*Article 5*

Any transport costs paid or levied in accordance with Community rules at the time of buying in of the products shall be entered in the accounts as technical costs, separate from the buying-in price.

*Article 6*

1. Samples other than those taken by the purchasers shall be valued in accordance with Article 2 (3) (a).

2. If, following the visual inspection in the framework of the annual inventory, it is not possible to re-pack the product, the intervention organization may sell the remaining quantity by private contract. This quantity shall be accounted for, as a removal, on the day of the taking of samples and the receipts realized shall be credited to the EAGGF for the same month.

*Article 7*

1. Quantities entering storage which are found not to meet the conditions laid down for storage, shall be entered in the accounts at the time of removal from storage as a sale at the price at which they were purchased.

2. Unless special provisions in the Community rules provide otherwise, entry, removal, storage and financing costs already entered in the accounts in respect of each of the rejected quantities shall be deducted and taken into account separately.

(a) The entry and removal costs to be deducted shall be calculated by multiplying the rejected quantities by the sum of the respective standard amounts and by the agricultural conversion rate of the month of removal.

(b) Storage costs to be deducted shall be calculated by multiplying the rejected quantities by the number of months which elapse between entry and removal, by the standard amount and by the agricultural conversion rate of the month of removal.

(c) Financing costs to be deducted shall be calculated by multiplying the rejected quantities by the number of months which elapse between entry and removal after deduction of the number of months of delay in payment applicable at the time of entry, by the rate of financing applicable during the month of removal divided by 12 and by the average book value of the stocks carried over at the beginning of the accounting year.

3. The costs referred to in paragraph 2 shall be booked under the physical operations in the month of removal.

*Article 8*

Where there is a change in the agricultural rates, the standard amounts, the payment terms, the interest rates or other factors used for calculation after the first of the month, the new factors shall apply starting at the material operations of the following month.

*Article 9*

The value of the quantities bought in and sold shall be equal to the sum of the payments (buying in) and receipts (sales) made or to be made for operations relevant to the financial year in question.

*Article 10*

Any surplus quantities which may be established shall be booked as negative amounts in the stock records with the missing quantities in the month when they were recorded. These quantities shall be added to the determination of the quantities passing the limit of tolerance.

*Article 11*

For the purposes of this Regulation, the financial year shall be defined in accordance with Article 3 (7) and 6 (2) of Regulation (EEC) No 2776/88.

*Article 12*

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

It shall apply with effect from 1 October 1990.

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

Done at Brussels, 12 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*ANNEX*

## DETAILS REGARDING THE DIFFERENT PRODUCTS, CONCERNING EXPENDITURE AND REVENUE ITEMS (1).

I. CEREALS

**Drying**

The additional cost of drying designed to lower the moisture content below that fixed for the standard quality shall be entered in the accounts, provided that this operation has been shown to have been necessary in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

Quantity losses due to drying shall not be included when calculating the tolerance for preservation.

II. SUGAR

1. **Reimbursement of storage costs**

   Reimbursement of storage costs under Article 8 of Regulation (EEC) No 1785/81 and received by the intervention agencies shall be entered on the credit side of the accounts.

2. **Levies**

   When sugar is sold, the levy referred to in Article 8 of Regulation (EEC) No 1785/81 shall be included in the price paid by the buyer; it must be declared separately.

III. ETHYL ALCOHOL OF VINOUS ORIGIN

1. **Value of quantities bought in**

   In the case of alcohol bought in under Article 40 of Regulation (EEC) No 822/87, an amount equal to the aid to the distiller shall be deducted from the buying-in price of the alcohol by intervention agencies and entered in the accounts under the budget item for distillation. The value of the alcohol bought in, after deduction of the aid, shall be booked under the heading designated for the taking over of alcohol. The aid to be deducted shall be that applying to the quality of alcohol sent for intervention.

2. For the purposes of Article 2 (1), (2) and (3) (a) and (c), the price to be used shall be the price payable to the distiller after deduction of the aid referred to in paragraph 1 instead of the intervention price.

IV. TOBACCO

1. **Value of quantities bought in**

   For quantities bought in, the amount of the premium included in the amount paid shall be deducted from the amount paid at the time of buying in and booked under the budget item for this premium. The amount paid, less the premium, shall be entered in the accounts. For this purpose, where baled tobacco is bought in, the amount of the premium, expressed in terms of leaf tobacco, shall be multiplied by the processing coefficient to be fixed in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 727/70.

2. For the purposes of Article 2 (1), (2) and (3) (a) and (c), the intervention price to be used shall be the intervention price for Variety No 7 in the case of leaf tobacco and the derived intervention price for the same variety in the case of processed and baled tobacco, without deduction of the premium in either case.

V. SHEEPMEAT

For the purposes of Article 2 (1), (2) and (3) (a) and (c), the intervention price to be used shall not be seasonally adjusted nor derived.

VI. PIGMEAT

For the purposes of Article 2 (1), (2) and (3) (a) and (c), the basic price, multiplied by the coefficient 0,92, shall be used, rather than the intervention price.

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(1) For products not specifically mentioned in this Annex, the general rule applies.

# COMMISSION REGULATION (EEC) No 3598/90

**of 13 December 1990**

**on the arrangements applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1991)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories [1], and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by that Regulation and originating in those countries, the progressive reduction, subject to reference quantities laid down within a set timetable, of the customs duties;

Whereas, under the provisions of Council Regulation (EEC) No 486/85 [2], as last amended by Regulation (EEC) No 3530/89 [3], when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1991;

Whereas by Commission Regulation (EEC) No 2573/90 of 5 September 1990 totally suspending certain customs duties applicable by the Community of Ten to imports from Spain and Portugal [4] of the products listed in Annex II to the Treaty, the said duties shall be totally suspended when they reach a level of 2 % or less; whereas the same rates of duties should be applied to imports of these products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention [5] consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, the said reference quantities shall be applied in Spain and Portugal;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the abovementioned Regulation (EEC) No 715/90, these products are subject to a statistical surveillance in accordance with Council Regulations (EEC) No 2658/87 [6] and (EEC) No 1736/75 [7];

Whereas imports of the products in question are charged against the reference quantities at Community level within pre-established timetables, as and when the products are entered with the customs authorities for free circulation; whereas, therefore, it is appropriate to establish reference quantities for those products listed in the Annex;

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

HAS ADOPTED THIS REGULATION:

### *Article 1*

1. Imports into the Community of certain products originating in the African, Carribean and Pacific States or in the overseas countries and territories shall be subject to reference quantities and to a statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is

(1) OJ No L 84, 30. 3. 1990, p. 85.
(2) OJ No L 61, 1. 3. 1985, p. 2.
(3) OJ No L 347, 28. 11. 1989, p. 3.
(4) OJ No L 243, 6. 9. 1990, p. 19.
(5) OJ No L 172, 30. 6. 1987, p. 1.
(6) OJ No L 256, 7. 9. 1987, p. 1.
(7) OJ No L 183, 14. 7. 1975, p. 3.

submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statistical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

*Article 2*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 3*

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, 13 December 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

*ANNEX*

*(tonnes)*

| Order No | CN code | Taric code (1) | Description | Period | Reference quantities |
|---|---|---|---|---|---|
| 12.0020 | ex 0703 10 19 | 0703 10 19 * 91<br>0703 10 19 * 92<br>0703 10 19 * 93 | Onions, fresh or chilled | 1. 2 — 15. 5. 1991 | 800 |
| 12.0040 | ex 0703 20 00 | 0703 20 00 * 10<br>0703 20 00 * 20<br>0703 20 00 * 30 | Garlic, fresh or chilled | 1. 2 — 31. 5. 1991 | 500 |
| 12.0010 | ex 0706 10 00 | 0706 10 00 * 11 | Carrots, fresh or chilled | 1. 1 — 31. 3. 1991 | 800 |
| 12.0120 | ex 0706 90 90 | 0706 90 90 * 20 | Salad beetroot, fresh or chilled | 1. 1 — 31. 12. 1991 | 100 |
| 12.0130 | ex 0707 00 11<br>ex 0707 00 19 | 0707 00 11 * 11<br>0707 00 11 * 18<br>0707 00 19 * 10 | Small cucumbers | 1. 1 — 31. 12. 1991 | 100 |
| 12.0070 | 0802 31 00<br>0802 32 00 | 0802 31 00 * 00<br>0802 32 00 * 00 | Walnuts, in shell or shelled | 1. 1 — 31. 12. 1991 | 700 |
| 12.0140 | ex 0805 10 21<br>ex 0805 10 25<br>ex 0805 10 29<br>ex 0805 10 31<br>ex 0805 10 35<br>ex 0805 10 39<br>ex 0805 10 70 | 0805 10 21 *<br>0805 10 25 *<br>0805 10 29 *<br>0805 10 31 * 10<br>0805 10 35 * 10<br>0805 10 39 * 10<br>0805 10 70 * 12<br>0805 10 70 * 92 | Oranges, fresh or dried | 15. 5 — 30. 9. 1991 | 25 000 |
| 12.0160 | 0809 40 90 | 0809 40 90 * 00 | Sloes | 1. 1 — 31. 12. 1991 | 500 |

(1) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

# COMMISSION REGULATION (EEC) No 3599/90
## of 13 December 1990
## remedying the prejudice caused by the halting of fishing for common sole by vessels flying the flag of a Member State in 1989

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities (1), as amended by Regulation (EEC) No 3483/88 (2), and in particular the third subparagraph of Article 11 (4) thereof,

Whereas fishing for common sole in the waters of ICES division VIII a and b in 1989 by vessels flying the flag of a Member State or registered in a Member State was stopped by Commission Regulation (EEC) No 3718/89 (3); whereas at the time that fishing for that species was stopped certain Member States had not exhausted their quotas; whereas the prejudice suffered by these Member States was not wholly made good by a quota exchange or by any other measure;

Whereas, in accordance with Commission Regulation (EEC) No 493/87 of 18 February 1987 establishing detailed rules for remedying the prejudice caused on the halting of certain fisheries (4), it is necessary to determine, on the basis of the figures and other information available to the Commission:

(a) which Member States suffered prejudice which has not been wholly removed by a quota exchange or by any other action as a result of the halting of these fisheries and the amount of the prejudice;

(b) which Member States overfished their quotas and the amount of the overfishing;

(c) the deductions to be made from the quotas of the overfishing Member States;

(d) the additions to be made to the quotas of the prejudiced Member States;

and

(e) the date or dates on which the deductions and additions are to take effect;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex sets out:

(a) the Member States which suffered prejudice as a result of the halting of the fishing for common sole in the waters of ICES division VIII a and b in 1989 and the amount of the prejudice suffered;

(b) the Member States which overfished their quota of common sole in the waters of ICES division VIII a and b in 1989 and the amount of the overfishing;

(c) the additions to be made to the quotas of the Member States referred to at (a), the deductions to be made from the quotas of the Member States referred to at (b) and the dates on which these additions and deductions take effect.

*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, 13 December 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

(1) OJ No L 207, 29. 7. 1987, p. 1.
(2) OJ No L 306, 11. 11. 1988, p. 2.
(3) OJ No L 363, 13. 12. 1989, p. 21.
(4) OJ No L 50, 19. 2. 1987, p. 13.

*ANNEX*

| Prejudiced Member States | Amount of prejudice | Overfishing Member States | Amount of overfishing | Additions to 1990 quota | Deductions from 1990 quota | Date of effect |
|---|---|---|---|---|---|---|
| Belgium | 50 tonnes common sole | — | — | 48 tonnes common sole ICES divisions II and IV | — | The day specified in Article 2 |
| — | — | France | 1 013 tonnes common sole | — | 48 tonnes common sole ICES divisions II and IV | The day specified in Article 2 |

# COMMISSION REGULATION (EEC) No 3600/90

## of 13 December 1990

## remedying the prejudice caused by the halting of fishing for cod by vessels flying the flag of a Member State in 1989

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities [1], as amended by Regulation (EEC) No 3483/88 [2], and in particular the third subparagraph of Article 11 (4) thereof,

Whereas fishing for cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) in 1989 by vessels flying the flag of a Member State or registered in a Member State was stopped by Commission Regulation (EEC) No 3860/89 [3]; whereas at the time that fishing for that species was stopped certain Member States had not exhausted their quotas; whereas the prejudice suffered by these Member States was not wholly made good by a quota exchange or by any other measure;

Whereas, in accordance with Commission Regulation (EEC) No 493/87 of 18 February 1987 establishing detailed rules for remedying the prejudice caused on the halting of certain fisheries [4], it is necessary to determine, on the basis of the figures and other information available to the Commission:

(a) which Member States suffered prejudice which has not been wholly removed by a quota exchange or by any other action as a result of the halting of these fisheries and the amount of the prejudice;

(b) which Member States overfished their quotas and the amount of the overfishing;

(c) the deductions to be made from the quotas of the overfishing Member States;

(d) the additions to be made to the quotas of the prejudiced Member States;

and

(e) the date or dates on which the deductions and additions are to take effect;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex sets out:

(a) the Member States which suffered prejudice as a result of the halting of the fishing for cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) in 1989 and the amount of the prejudice suffered;

(b) the Member States which overfished their quota of cod in the waters of ICES divisions I and II (Norwegian waters north of 62° N) in 1989 and the amount of the overfishing;

(c) the additions to be made to the quotas of the Member States referred to at (a), the deductions to be made from the quotas of the Member States referred to at (b) and the dates on which these additions and deductions take effect.

*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, 13 December 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

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[1] OJ No L 207, 29. 7. 1987, p. 1.
[2] OJ No L 306, 11. 11. 1988, p. 2.
[3] OJ No L 374, 22. 12. 1989, p. 41.
[4] OJ No L 50, 19. 2. 1987, p. 13.

*ANNEX*

| Prejudiced Member States | Amount of prejudice | Overfishing Member States | Amount of overfishing | Additions to 1991 quota | Deductions from 1991 quota | Date of effect |
|---|---|---|---|---|---|---|
| Germany | 284 tonnes cod | — | — | 131 tonnes cod ICES divisions I and II (Norwegian waters) | — | 1. 1. 1991 |
| | | | | 61 tonnes cod ICES division II b | | 1. 1. 1991 |
| — | — | France | 171 tonnes cod | — | 131 tonnes cod ICES divisions I and II (Norwegian waters) | 1. 1. 1991 |
| — | — | Portugal | 80 tonnes cod | — | 61 tonnes cod ICES division II b | 1. 1. 1991 |

# COMMISSION REGULATION (EEC) No 3601/90

## of 13 December 1990

## amending Regulation (EEC) No 626/85 on the purchasing, selling and storage of unprocessed dried grapes and figs by storage agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables (1), as last amended by Regulation (EEC) No 2201/90 (2), and in particular Articles 8 (7) and 20 thereof,

Whereas Article 6 of Council Regulation (EEC) No 1206/90 of 7 May 1990 laying down general rules for the system of production aid for processed fruit and vegetables (3), as amended by Regulation (EEC) No 2202/90 (4), set requirements for approval of storage agencies; whereas the provisions on this matter of Commission Regulation (EEC) No 626/85 (5), as last amended by Regulation (EEC) No 862/90 (6), should be adjusted accordingly; whereas the requirements pertaining to physical stocktaking should be made clearer and the frequency of certain communications to the Commission rerduced;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 626/85 is hereby amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

For the purposes of application of Article 8 of Regulation (EEC) No 426/86 Member States shall grant approval to storage agencies:

(a) which have clean storage facilities of a minimum size such as to guarantee satisfactory preservation of the products purchased, and

(b) undertake in writing to comply with the provisions adopted by the Community or laid down by the national authorities in regard to their activities as storage agencies; this undertaking shall include a commitment to store separately in a specific establishment products purchased under Article 8 of Regulation (EEC) No 426/86 and to keep separate records for these products.

Approval shall be withdrawn if the requirements indicated at (a) are no longer met or the storage agency fails to meet the commitments indicated at (b).

Member States shall set the storage capacity and minimum hygiene requirements as mentioned at (a) and other requirements for approval of agencies covering in particular conditions of storage, handling of stored products and technical equipment.'

2. Article 2 (1) is replaced by the following:

'1. Storage agencies shall purchase, as provided for in Article 8 (1) and (2) of Regulation (EEC) No 426/86:

— unprocessed dried figs offered to them between 1 May and 30 June each year,

— unprocessed dried grapes offered to them between 1 July and 31 August each year, up to a maximum quantity of 68 000 tonnes of currants and 93 000 tonnes of sultanas; from the 1994/95 marketing year the total volume of sultanas and currants purchased may not exceed 27 370 tonnes.'

3. Article 3 (3) and (4) are replaced by the following:

'3. Contracts for currants and sultanas shall be accompanied by the written undertaking specified in Article 3 (2) of Regulation (EEC) No 426/86.

However, if the seller is not the producer of the dried grapes, the undertaking may be replaced by a declaration by him stating that he has bought the currants from named producers and possesses the undertakings given by them. Proof of the accuracy of the declaration shall be given to the satisfaction of the competent authorities.

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 201, 31. 7. 1990, p. 1.
(3) OJ No L 119, 11. 5. 1990, p. 74.
(4) OJ No L 201, 31. 7. 1990, p. 4.
(5) OJ No L 72, 13. 3. 1985, p. 7.
(6) OJ No L 90, 5. 4. 1990, p. 12.

4. If the seller is the storage agency, the contract indicated in paragraph 1 shall be considered as concluded when a document giving the details specified in that paragraph other than at (e) has been drawn up. In such cases the purchase price shall be considered to be the minimum price indicated in Article 2 (3).

These dried grapes must be accompanied by a declaration that it has been found impossible to dispose of them on the market. Weighing and quality control shall be carried out in the presence of the inspectors delegated for this purpose by the competent authorities. The results of weighing and quality control shall be entered in the stock records provided for.'

4. In Article 7 (2) point (c) is replaced by the following:

'(c) specify the quantity applied for and the price fixed; the quantity may not be greater than that available.'

5. In Article 8 (2) the second subparagraph is replaced by the following:

'If, taken together, the applications submitted on the same day exceed the quantity available, the storage agency shall allocate that quantity in proportion to the quantities applied for.'

6. Article 15 is replaced by the following:

'*Article 15*

In the light of the tenders received minimum selling prices shall be set or a decision taken to make no award. Decisions fixing minimum selling prices shall be immediately communicated to the Member State.'

7. In Article 21 (2) point (b) is replaced by:

'(b) when the purchaser has paid the purchase price and removed the goods and that the security required in order to guarantee that the goods will go to the prescribed use and/or destination has been lodged as provided for in Article 9 of Commission Regulation (EEC) No 569/88 (*).

(*) OJ No L 55, 1. 3. 1988, p. 1.'

8. Article 26 (2) is replaced by the following:

'2. Storage agencies shall carry out a first physical stocktaking of products in storage on the last day of February in the year following that in which they were purchased.

Physical stocktaking shall subsequently be carried out on 31 August of each year.

At the time of the physical stocktakings, the quality and the quantity may be checked merely taking of a sample of at least 10 % sample of the various packages in storage.'

9. In Article 29 point (d) is replaced by the following:

'(d) Quantities sold in the course of each month at a price fixed in advance not later than the tenth of the following month.'

*Article 2*

This Regulation shall enter into force on the third 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, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# COMMISSION REGULATION (EEC) No 3602/90

## of 13 December 1990

## amending Regulation (EEC) No 627/85 on storage aid and financial compensation for unprocessed dried grapes and figs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables [1], as last amended by Regulation (EEC) No 2201/90 [2], and in particular Article 8 (7) thereof,

Whereas storage aid is paid for the actual duration of storage but may not, however, be paid after the end of a period of 18 months following the end of the marketing year during which the product was purchased; whereas natural losses occur during storage; whereas the quantities for which storage aid may be paid should be adjusted after the physical stocktaking operations provided for in Article 26 (2) of Commission Regulation (EEC) No 626/85 [3], as last amended by Regulation (EEC) No 3601/90 [4];

Whereas natural losses for which financial compensation may be granted to the storage agencies should not exceed the quantity which normally disappears during handling or by evaporation; whereas this quantity should be fixed on a flat-rate basis; whereas the maximum loss should be fixed at the time of stocktaking; whereas, therefore, the provisions of Commission Regulation (EEC) No 627/85 [5] should be adjusted accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 627/85 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

   '1. Storage aid shall be paid in respect of the actual period of storage but may not, however, be paid after the end of the eighteenth month following the end of the marketing year during which the product was purchased. The day on which the product entered or left storage shall be considered as part of the actual period of storage.'

2. The following paragraph is added to Article 5 (1):

   'The natural losses shall be established on the dates provided for the physical stocktaking referred to in Article 26 (2) of Regulation (EEC) No 626/85.'

3. In Article 5 (3), the phrase 'Article 20 of Regulation (EEC) No 516/77' is replaced by the phrase 'Article 22 of Regulation (EEC) No 426/86'.

*Article 2*

This Regulation shall enter into force on the third 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, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 201, 31. 7. 1990, p. 1.
(3) OJ No L 72, 13. 3. 1985, p. 7.
(4) See page 54 of this Official Journal.
(5) OJ No L 72, 13. 3. 1985, p. 17.

# COMMISSION REGULATION (EEC) No 3603/90
## of 13 December 1990
## amending Regulation (EEC) No 2681/83 laying down detailed rules for the application of the subsidy system for oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the common organization of the market in oils and fats (1), as last amended by Regulation (EEC) No 3499/90 (2), and in particular Article 27 (3) thereof,

Whereas oil seeds may be stored outside the precincts of the establishment where the production takes place; whereas it is permissible to identify such products in external stores provided the store in question is suitable for control purposes and has been previously approved by the Member State in question; whereas the use of stores which can also be used as a means of transport may give rise to control difficulties; whereas it should be specified that only fixed structures should be approved as external stores; whereas only stores which meet this criterion should be approved from the start of the 1990/91 marketing year;

Whereas the glucosinolate content of 'Double Zero' colza or rape seed is specified but the moisture level at which this should be recorded is not specified; whereas this moisture level should be the same as that specified for standard quality colza or rape seed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 of Commission Regulation (EEC) No 2681/83 (3) is hereby amended as follows:

1. paragraph 1 (b) reads as follows:

   '(b) any warehousing unit outside such precincts located in the territory of the Member State where the production establishment is situated (but excluding any unit in which oil seeds may also be transported) in which the stored oil seeds can be properly controlled and which has been approved in advance by the authority responsible for that control.';

2. in paragraph 4 the following is added to the end of the first and second sentences:

   '(expressed at a moisture content of 9 %).'

*Article 2*

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

It shall apply with effect from 1 July 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 338, 5. 12. 1990, p. 1.
(3) OJ No L 266, 28. 9. 1983, p. 1.

# COMMISSION REGULATION (EEC) No 3604/90

## of 13 December 1990

## fixing the quotas applying to imports into Spain of beef and veal products from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 491/86 of 25 February 1986 laying down rules for the application of quantitative restrictions on imports into Spain of certain agricultural products from third countries [1], as last amended by Regulation (EEC) No 3296/88 [2], and in particular Articles 1 (3) and 3 thereof,

Whereas, pursuant to Article 77 of the Act of Accession, Spain may, until 31 December 1995, apply quantitative restrictions on imports from third countries; whereas the said restrictions concern products which are subject to the supplementary trade mechanism in the case of beef and veal; whereas the initial quotas in volume were fixed in respect of each product or group of products by Commission Regulation (EEC) No 1870/86 [3];

Whereas the quotas for 1991 should be fixed for products other than those referred to in Commission Regulation (EEC) No 3913/89 of 20 December 1989 withdrawing certain products in the beefmeat sector from the list of products under the supplementary trade mechanism [4];

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quotas for 1991 applying to imports into Spain of beef and veal products from third countries, referred to in Annex III to Regulation (EEC) No 491/86 under the supplementary trade mechanism, are fixed in the Annex to this Regulation.

2. Articles 1 (3), 2 and 3 of Regulation (EEC) No 1870/86 shall remain applicable.

*Article 2*

This Regulation shall enter into force on the third 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, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 54, 1. 3. 1986, p. 25.
(2) OJ No L 293, 27. 10. 1988, p. 7.
(3) OJ No L 162, 1. 8. 1986, p. 16.

(4) OJ No L 375, 23. 12. 1989, p. 28.

*ANNEX*

| Group | CN code | Description | Quotas 1991 |
|---|---|---|---|
| 1 | 0102 90 | Live animals of the bovine species other than pure-bred breeding animals and animals for bullfights (head) | 546 |
| 2 | 0201 10<br>0201 20 | — Meat of animals of the bovine species, fresh or chilled, bone in | |
| 3 | 0201 30 | — Meat of animals of the bovine species, fresh or chilled, boneless (tonnes equivalent carcase weight) | 864 |

# COMMISSION REGULATION (EEC) No 3605/90

## of 13 December 1990

## amending certain import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (1), as last amended by Regulation (EEC) No 2248/88 (2), and in particular Article 12 (8) thereof,

Whereas levies must be fixed having regard to the obligations arising from international agreements concluded by the Community; whereas account should also be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia (3) and of Council Decision 87/605/EEC of 21 December 1987 on the conclusion of the additional Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia (4);

Whereas that additional Protocol provides in particular for a reduction in the levy applicable on imports into the Community of certain products in the beef and veal sector originating in and coming from Yugoslavia for a first annual quota of 25 000 tonnes from 1 January 1991; whereas, as a consequence, the levies fixed by Commission Regulation (EEC) No 3375/90 (5) should be amended accordingly with retroactive effect for imports from Yugoslavia,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 3375/90 is hereby 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, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 148, 28. 6. 1968, p. 24.
(2) OJ No L 198, 26. 7. 1988, p. 24.
(3) OJ No L 41, 14. 2. 1983, p. 1.
(4) OJ No L 389, 31. 12. 1987, p. 72.
(5) OJ No L 326, 24. 11. 1990, p. 48.

*ANNEX*

**to the Commission Regulation of 13 December 1990 amending the import levies on live cattle and on beef and veal other than frozen**

*(ECU/100 kg)*

| CN code | Yugoslavia (²) | Austria/Sweden/ Switzerland | Other third countries |
|---|---|---|---|
| | | — Live weight — | |
| 0102 90 10 | — | 26,502 | (¹) 124,192 |
| 0102 90 31 | 21,788 | (¹) 26,502 | (¹) 124,192 |
| 0102 90 33 | — | 26,502 | (¹) 124,192 |
| 0102 90 35 | 21,788 | 26,502 | (¹) 124,192 |
| 0102 90 37 | 21,788 | 26,502 | (¹) 124,192 |
| | | — Net weight — | |
| 0201 10 10 | — | 50,353 | (¹) 235,964 |
| 0201 10 90 | 41,397 | 50,353 | (¹) 235,964 |
| 0201 20 21 | — | 50,353 | (¹) 235,964 |
| 0201 20 29 | 41,397 | 50,353 | (¹) 235,964 |
| 0201 20 31 | — | 40,282 | (¹) 188,771 |
| 0201 20 39 | 33,118 | 40,282 | (¹) 188,771 |
| 0201 20 51 | 49,677 | 60,423 | (¹) 283,157 |
| 0201 20 59 | 49,677 | 60,423 | (¹) 283,157 |
| 0201 20 90 | — | 75,530 | (¹) 353,946 |
| 0201 30 00 | — | 86,395 | (¹) 404,864 |
| 0206 10 95 | — | 86,395 | (¹) 404,864 |
| 0210 20 10 | — | 75,530 | 353,946 |
| 0210 20 90 | — | 86,395 | 404,864 |
| 0210 90 41 | — | 86,395 | 404,864 |
| 0210 90 90 | — | 86,395 | 404,864 |
| 1602 50 10 | — | 86,395 | 404,864 |
| 1602 90 61 | — | 86,395 | 404,864 |

(¹) In accordance with Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

(²) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

# COMMISSION REGULATION (EEC) No 3606/90

**of 13 December 1990**

**re-establishing the preferential customs duty on imports of single-flower (standard) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Council Regulation (EEC) No 728/90 [3] opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

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

— of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,

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

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

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

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

— for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [7], as last amended by Regulation (EEC) No 2205/90 [8],

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

Whereas the preferential customs duty fixed for single-flower (standard) carnations originating in Israel by Regulation (EEC) No 728/90 was suspended by Commission Regulation (EEC) No 3054/90 [9];

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for single-flower (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of single-flower (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by Regulation (EEC) No 728/90 is reintroduced.

*Article 2*

This Regulation shall enter into force on 14 December 1990.

(1) OJ No L 382, 31. 12. 1987, p. 22.
(2) OJ No L 311, 17. 11. 1988, p. 1.
(3) OJ No L 81, 28. 3. 1990, p. 7.
(4) OJ No L 299, 30. 10. 1990, p. 26.
(5) OJ No L 72, 18. 3. 1988, p. 16.
(6) OJ No L 311, 17. 11. 1988, p. 8.
(7) OJ No L 164, 24. 6. 1985, p. 1.
(8) OJ No L 201, 31. 7. 1990, p. 9.
(9) OJ No L 294, 25. 10. 1990, p. 9.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# COMMISSION REGULATION (EEC) No 3607/90 of 13 December 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 [6], as last amended by Regulation (EEC) No 2205/90 [7],

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

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

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

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

[1] OJ No L 281, 1. 11. 1975, p. 1.
[2] OJ No L 134, 28. 5. 1990, p. 1.
[3] OJ No L 281, 1. 11. 1975, p. 78.
[4] OJ No 128, 27. 6. 1967, p. 2574/67.
[5] OJ No L 168, 27. 7. 1971, p. 16.
[6] OJ No L 164, 24. 6. 1985, p. 1.
[7] OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

*Article 2*

This Regulation shall enter into force on 14 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*ANNEX*

**to the Commission Regulation of 13 December 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

*(ECU / tonne)*

| Product code | Destination [1] | Amount of refund |
|---|---|---|
| 0709 90 60 000 | — | — |
| 0712 90 19 000 | — | — |
| 1001 10 10 000 | — | — |
| 1001 10 90 000 | 04<br>06<br>02 | 140,00<br>50,00<br>0 |
| 1001 90 91 000 | — | — |
| 1001 90 99 000 | 04<br>05<br>02 | 100,00<br>100,00<br>20,00 |
| 1002 00 00 000 | 03<br>05<br>02 | 100,00<br>100,00<br>20,00 |
| 1003 00 10 000 | 07<br>02 | 87,00<br>0 |
| 1003 00 90 000 | 04<br>02 | 87,00<br>20,00 |
| 1004 00 10 000 | — | — |
| 1004 00 90 000 | — | — |
| 1005 10 90 000 | — | — |
| 1005 90 00 000 | 03<br>02 | 65,00<br>0 |
| 1007 00 90 000 | — | — |
| 1008 20 00 000 | — | — |
| 1101 00 00 100 | 01 | 159,50 |
| 1101 00 00 130 | 01 | 140,50 |
| 1101 00 00 150 | 01 | 130,50 |
| 1101 00 00 170 | 01 | 120,50 |
| 1101 00 00 180 | 01 | 107,50 |
| 1101 00 00 190 | — | — |
| 1101 00 00 900 | — | — |
| 1102 10 00 600 | 01 | 159,50 |
| 1102 10 00 900 | — | — |
| 1103 11 10 100 | 01 | 238,00 |
| 1103 11 10 200 | 01 | 225,00 |
| 1103 11 10 500 | 01 | 201,00 |
| 1103 11 10 900 | 01 | 189,00 |
| 1103 11 90 100 | 01 | 159,50 |
| 1103 11 90 900 | — | — |

(1) The destinations are identified as follows:

01 All third countries,

02 Other third countries,

03 Switzerland, Austria and Liechtenstein,

04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,

05 Zone II (b),

06 The Soviet Union,

07 Poland.

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

# COMMISSION REGULATION (EEC) No 3608/90

## of 13 December 1990

## fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar (1), as last amended by Regulation (EEC) No 1069/89 (2), and in particular Article 16 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the import levy on white sugar and raw sugar must be equal to the threshold price less the cif price; whereas the threshold price for each of these products was fixed by Council Regulation (EEC) No 1313/90 of 14 May 1990 fixing, for the 1990/91 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal (3);

Whereas the prices fixed by the Council have been reduced by Commission Regulation (EEC) No 1738/90 (4) establishing the prices and amounts fixed in ecus by the Council in the sugar sector and reduced as a result of the monetary realignment of 5 January 1990;

Whereas the cif price for raw sugar and white sugar is calculated by the Commission for a Community frontier crossing point which was fixed at Rotterdam by Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar (5);

Whereas this price must be based on the most favourable purchasing opportunities on the world market established for each product on the basis of quotations or prices on that market adjusted for any deviation from the standard quality for which the threshold price is fixed; whereas the standard quality for raw sugar was defined by Regulation (EEC) No 431/68 and that for white sugar by Regulation (EEC) No 793/72 (6);

Whereas, when the most favourable purchasing opportunities on the world market are being established, the Commission must take account of all available information on offers on the world market, on quotations on the exchanges which are important for world trade, on prices recorded on important third-country markets, and on sales concluded in international trade of which it has knowledge either directly or through the agency of the Member States;

Whereas, however, pursuant to Regulation (EEC) No 784/68 of the Commission of 26 June 1968 laying down detailed rules for calculating cif prices for white sugar and raw sugar (6), the Commission must disregard information if the goods concerned are not of sound and fair marketable quality or if the price quoted in an offer relates to small quantities and is not representative of the market; whereas offer prices which can be assumed not to be representative of the actual market trends must also be disregarded;

Whereas any offer or prices taken into consideration which are not for goods delivered in bulk cif Rotterdam must be adjusted; whereas when this adjustment is being made account must be taken of the difference in the cost of transporting the goods between the port of loading and the port of destination and between the port of loading and Rotterdam; whereas, if the price or the offer relates to goods in bags, it must be reduced by ECU 0,73 per 100 kilograms under the terms of Article 4 of Regulation (EEC) No 784/68;

Whereas, if information on sugar of the standard quality is to be comparable, the price increases or reductions fixed pursuant to Article 15 of Regulation (EEC) No 1785/81 must be added to or deducted from the offers taken into consideration in the case of white sugar; whereas, in the case of raw sugar, the corrective factors provided for in Article 5 of Regulation (EEC) No 784/68 must be applied;

(1) OJ No L 177, 1. 7. 1981, p. 4.
(2) OJ No L 114, 27. 4. 1989, p. 1.
(3) OJ No L 132, 23. 5. 1990, p. 3.
(4) OJ No L 161, 27. 6. 1990, p. 27.
(5) OJ No L 89, 10. 4. 1968, p. 3.

(6) OJ No L 94, 21. 4. 1972, p. 1.
(7) OJ No L 145, 27. 6. 1968, p. 10.

Whereas, pursuant to Article 7 of Regulation (EEC) No 784/68, a special cif price may be established for sugar which has been specially treated or specially packed if the offer price for such sugar is lower than the cif price established pursuant to the provisions referred to above;

Whereas a cif price may, by way of exception, be left unchanged for a limited period if the offer price which served as a basis for the previous calculation of the cif price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the cif price;

Whereas the levy is altered only if the variation in the elements used to calculate it would entail an increase or a reduction of not less than ECU 0,24 per 100 kilograms in relation to the levy previously fixed;

Whereas, in accordance with Article 21 (1) of Regulation (EEC) No 1785/81, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (1), as last amended by Regulation (EEC) No 2205/90 (2),

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

Whereas these exchange rates being those recorded on 12 December 1990;

Whereas it follows from applying these provisions that the levies for white sugar and raw sugar should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 December 1990.

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

Done at Brussels, 13 December 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 164, 24. 6. 1985, p. 1.
(2) OJ No L 201, 31. 7. 1990, p. 9.

*ANNEX*

**to the Commission Regulation of 13 December 1990 fixing the import levies on white sugar and raw sugar**

*(ECU/100 kg)*

| CN code | Levy |
|---|---|
| 1701 11 10 | 39,37 (1) |
| 1701 11 90 | 39,37 (1) |
| 1701 12 10 | 39,37 (1) |
| 1701 12 90 | 39,37 (1) |
| 1701 91 00 | 45,27 |
| 1701 99 10 | 45,27 |
| 1701 99 90 | 45,27 (2) |

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

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

II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DIRECTIVE

### of 27 November 1990

### on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables

(90/642/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas crop production plays a very important role in the Community :

Whereas the yield from that production is continually affected by harmful organisms and weeds ;

Whereas it is essential to protect plants and plant products against these organisms, not only to prevent a reduction in yield or damage to the products harvested but also to increase agricultural productivity ;

Whereas one of the most important methods of protecting plants and plant products from the effects of these organisms is the use of chemical pesticides ; whereas, however, mandatory maximum levels should be set as low as is consistent with good agricultural practice ;

Whereas, however, their favourable effect on plant production is not the only effect of these pesticides, since they are generally dangerous substances or preparations with dangerous side-effects ;

Whereas a large number of these pesticides and of their metabolites or breakdown products may have harmful effects on consumers of plant products ; whereas these pesticides should not be used in circumstances which present a risk to human or animal health and to the environment ;

Whereas the Community should encourage the use of alternative, organic farming methods ;

Whereas Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables [4], as last amended by Directive 89/186/EEC [5], fixes maximum levels for the said residues and ensures the free movement throughout the Community of products with levels less than, or equal to, these maximum levels ; whereas, however, the said Directive permits Member States, in cases where they consider this justified, to authorize products containing levels higher than the maximum levels to be put into circulation within their own territories ;

Whereas this last provision leads in some cases to continuing differences between Member States as regards the maximum permissible levels for these pesticide residues, which can help to create barriers to trade and thus hinder the free movement of goods within the Community ; whereas, with a view to achieving the single market in 1992, these barriers should be removed ;

[1] OJ No C 46, 25. 2. 1989, p. 5.
[2] OJ No C 260, 15. 10. 1990, p. 56.
[3] OJ No C 329, 30. 12. 1989, p. 11.

[4] OJ No L 340, 9. 12. 1976, p. 26.
[5] OJ No L 66, 10. 3. 1989, p. 36.

Whereas, for these reasons, the possibility for Member States to authorize higher levels should be withdrawn and maximum levels mandatory in all Member States should be fixed for certain active substances in and on fruit and vegetables, which must be observed when these products are put into circulation;

Whereas, again with a view to ensuring the free movement of goods within the Community, mandatory maximum levels should also be fixed for certain pesticides in and on certain other products of plant origin;

Whereas, moreover, observance of the maximum levels will ensure that products can move freely and that the health of consumers and of animals is properly protected;

Whereas, however, the determination of mandatory maximum levels for pesticide residues requires lengthy technical consideration, so that such levels cannot be imposed immediately upon the pesticide residues regulated by Directive 76/895/EEC;

Whereas it is therefore necessary to adopt separate rules providing for these mandatory maximum levels, with a view to transferring pesticide residues from Directive 76/895/EEC to these separate rules progressively as mandatory levels are determined for them;

Whereas, accordingly, this Directive does not affect Directive 76/895/EEC, which shall continue to apply to certain pesticide residues not subject to this Directive;

Whereas the establishment of a list of pesticide residues and their maximum levels is a matter falling within the competence of the Council; whereas, however, this list should not include pesticide residues still covered by Directive 76/895/EEC;

Whereas it is appropriate to apply this Directive to products intended for export to third countries, except in certain cases where it can be established that importing countries require particular treatments which would necessitate higher maximum levels than those fixed for the Community pursuant to this Directive; whereas, however, it is not appropriate to apply this Directive to products intended for the manufacture of products other than foodstuffs and feedingstuffs, or for sowing or planting;

Whereas, in order to guarantee compliance with this Directive when products are put into circulation, Member States must take suitable control measures; whereas the necessary inspections should be programmed, carried out and their results reported in accordance with Council Directive 89/397/EEC of 14 June 1989 on the official inspection of foodstuffs [1];

Whereas Community methods of sampling and analysis should be established and, in the case of analysis methods, used at least as reference methods; whereas the establishment of these methods is a technical and scientific implementing measure which should be determined by means of a procedure involving close cooperation between the Member States and the Commission within the Standing Committee on Plant Health; whereas the analysis methods should comply with the criteria set out in the Annex to Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption [2];

Whereas future modifications of the list of products of plant origin in or on which pesticide residues may be present must be adopted by the Council;

Whereas Member States should be allowed to reduce temporarily the levels laid down if they subsequently prove dangerous to human or animal health; whereas it is appropriate in these cases also to establish close cooperation between the Member States and the Commission within the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

1. This Directive shall apply to products within the groups specified in column 1 of the Annex, examples of which are given in column 2, in so far as products in these groups, or the parts of product described in column 3, may contain certain pesticide residues.

The list of pesticide residues concerned and their maximum levels shall be established by the Council, acting by a qualified majority on a proposal from the Commission. A pesticide residue shall not be included on the list for as long as a maximum level is fixed for it by Directive 76/895/EEC.

2. This Directive shall apply without prejudice to:

(a) the provisions of Council Directive 64/54/EEC of 5 November 1963 on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption [3], as last amended by Directive 85/585/EEC [4], relating to biphenyl (diphenyl), orthophenylphenol, sodium orthophenyl phenate and 2-(4-thiazolyl)-benzimidazole (thiabendazole), which shall continue to regulate the use of those substances until they and their maximum levels are included in the list referred to in paragraph 1;

[1] OJ No L 186, 30. 6. 1989, p. 23.

[2] OJ No L 372, 31. 12. 1985, p. 50.
[3] OJ No 12, 27. 1. 1964, p. 161/64.
[4] OJ No L 372, 31. 12. 1985, p. 43.

(b) the provisions of Council Directive 74/63/EEC of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs [1], as last amended by Directive 87/519/EEC [2];

(c) the provisions of Directive 76/895/EEC;

(d) the provisions of Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals [3], as last amended by Directive 88/298/EEC [4].

3. This Directive shall also apply to products referred to in paragraph 1 intended for export to third countries. However, maximum pesticide residue levels set in accordance with this Directive shall not apply in the case of products treated before export where it can be satisfactorily proved that:

(a) the third country of destination requires that particular treatment in order to prevent the introduction of harmful organisms into its territory; or

(b) the treatment is necessary in order to protect the products against harmful organisms during transport to the third country of destination and storage there.

4. This Directive shall not apply to the products referred to in paragraph 1 where it can be established by appropriate evidence that they are intended for:

(a) the manufacture of products other than foodstuffs and animal feed; or

(b) sowing or planting.

*Article 2*

For the purposes of this Directive:

(a) 'pesticide residues' shall mean residues of the pesticides and of their metabolites, and breakdown or reaction products, included in the list referred to in Article 1, which are present in or on the products referred to in the said Article;

(b) 'putting into circulation' shall mean any post-harvest handing over, whether or not for a consideration, of the products referred to in Article 1.

*Article 3*

1. The products or, as the case may be, the parts of products referred to in Article 1 shall not contain, from the time they are put into circulation, pesticide residue levels higher than those specified in the list referred to in Article 1.

In the case of dried products for which maximum levels are not fixed, the maximum level applicable shall be that laid down in the list referred to in Article 1, taking into account the residue concentration caused by the drying process.

2. Member States shall ensure, at least by check sampling, compliance with the maximum levels referred to in paragraph 1. The necessary inspections shall be carried out in accordance with Directive 89/397/EEC and in particular Article 4 thereof.

*Article 4*

1. The competent authority or authorities of the Member States shall draw up forward programmes laying down the nature and frequency of the inspections to be carried out in accordance with Article 3 (2) over a specific period.

2. By 1 August each year, the Member States shall send to the Commission all the necessary information on implementation during the previous year of the programmes referred to in paragraph 1, specifying:

— the criteria applied in drawing up these programmes,

— the number and type of inspections carried out,

— the number and type of infringements established.

3. By 1 November each year, and for the first time in 1993, the Commission shall forward to the Member States, after consulting them within the framework of the Standing Committee on Plant Health, a recommendation concerning a coordinated programme of inspections for the following year. This recommendation may be subsequently adjusted as required during implementation of the coordinated programme.

The coordinated programme shall set out in particular the priority criteria to be applied in its implementation.

The information provided for in paragraph 2 shall contain a special, separate section on implementation of the coordinated programme.

4. Five years after the adoption of this Directive the Commission shall forward to the Council a report on the application of this Article, accompanied, if necessary, by any appropriate proposals.

*Article 5*

Member States may not prohibit or impede the putting into circulation within their territories of the products referred to in Article 1 on the grounds that they contain pesticide residues, if the quantity of such residues in and on the products or parts of products concerned does not exceed the maximum levels specified in the list referred to in Article 1.

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(1) OJ No L 38, 11. 2. 1974, p. 31.
(2) OJ No L 304, 27. 10. 1987, p. 38.
(3) OJ No L 221, 7. 8. 1986, p. 37.
(4) OJ No L 126, 20. 5. 1988, p. 53.

*Article 6*

1. The sampling methods necessary for carrying out the checks provided for in Article 3 on fruit and vegetables shall be those laid down by Commission Directive 79/700/EEC [1]. The sampling methods necessary for carrying out such checks on products other than fruit and vegetables, and the methods of analysis for all products, shall be determined in accordance with the procedure laid down in Article 9.

The existence of Community methods of analysis shall not preclude Member States from using other tested and scientifically valid methods provided that this does not hinder the free movement of products recognized by virtue of Community methods as complying with the rules provided for in this Directive. In the event of differences in the interpretation of results, those obtained by the use of Community methods shall prevail.

2. The methods of analysis determined under paragraph 1 shall comply with the criteria set out in the Annex to Directive 85/591/EEC.

3. Member States shall inform the other Member States and the Commission of the other methods used pursuant to paragraph 1.

*Article 7*

Amendments to the Annex as a result of developments in scientific or technical knowledge shall be adopted by the Council acting by a qualified majority on a proposal from the Commission.

*Article 8*

1. Where a Member State, as a result of new information or of a reassessment of existing infomation, considers that a maximum level fixed in the list referred to in Article 1 endangers human or animal health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures, attaching a statement of the reasons therefor.

2. The Commision shall quickly examine the grounds given by the Member State referred to in the first subparagraph and shall consult the Member States within the Standing Committee on Plant Health, hereinafter referred to as 'the Standing Committee'; it shall then deliver its opinion forthwith and take the appropriate measures. The Commission shall immediately notify the Council and the Member States of any measures taken. Any Member State may refer the Commission's measures to the Council within 15 days of such notification. The Council acting by a qualified majority may take a different decision within 15 days of the date on which the matter was referred to it.

3. If the Commission considers that the maximum levels laid down in the list referred to in Article 1 should be amended to resolve the difficulties mentioned in paragraph 1 and to ensure the protection of human health, it shall initiate the procedure laid down in Article 10, with a view to adopting those amendments. In this case, the Member State which has taken measures under paragraph 1 may in that event maintain them until the Council or the Commission has taken a decision in accordance with the said procedure.

*Article 9*

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Standing Committee by its chairman, either on his own initiative or at the request of a Member State.

2. The representative of the Commission shall submit to the Standing Committee a draft of the measures to be taken. The Standing Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is called upon to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Standing Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Standing Committee.

4. If the measures are not in accordance with the opinion of the Standing Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, within three months following the date on which the matter was referred to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 10*

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Standing Committee by its chairman, either on his own initiative or at the request of a Member State.

2. The representative of the Commission shall submit to the Standing Committee a draft of the measures to be taken. The Standing Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is called upon to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Standing Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

(1) OJ No L 207, 15. 8. 1979, p. 26.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Standing Committee.

4. If the measures are not in accordance with the opinion of the Standing Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, within 15 days following the date on which the matter was referred to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 11*

1. Member States shall take the measures necessary to comply with this Directive not later than 31 December 1992.

2. 'When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.'

*Article 12*

This Directive is addressed to the Member States.

Done at Brussels, 27 November 1990.

*For the Council*

*The President*

V. SACCOMANDI

*ANNEX*

**List of products referred to in Article 1 and the portion of the products to which the maximum residue levels apply**

*Note:* The word 'fresh' is taken to extend to products which have been chilled or frozen

| Groups of products | Products included in the groups | Part of product to which maximum residue levels apply |
|---|---|---|
| **1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar ; nuts** | | |
| (i) CITRUS FRUIT | Grapefruit<br>Lemons<br>Limes<br>Mandarins (including clementines and similar hybrids)<br>Oranges<br>Pomelos | Whole product |
| (ii) TREE NUTS (SHELLED OR UNSHELLED) | Almonds<br>Brazil nuts<br>Cashew nuts<br>Chestnuts<br>Coconuts<br>Hazelnuts<br>Macadamia nuts<br>Pecans<br>Pine nuts<br>Pistachios<br>Walnuts | Whole product after removal of shell |
| (iii) POME FRUIT | Apples<br>Pears<br>Quinces | Whole product after removal of stems |
| (iv) STONE FRUIT | Apricots<br>Cherries<br>Peaches (including nectarines and similar hybrids)<br>Plums | Whole product after removal of stems |
| (v) BERRIES AND SMALL FRUIT | (a) *Table and wine grapes*<br>(b) *Strawberries* (other than wild)<br>(c) *Cane fruit* (other than wild):<br>Blackberries<br>Loganberries<br>Raspberries<br>(d) *Other small fruit and berries* (other than wild):<br>Bilberries<br>Cranberries<br>Currants (red, black and white)<br>Gooseberries<br>(e) *Wild berries and wild fruit* | Whole product after removal of caps and stems (if any) and, in the case of currants, fruits with stems |

| Groups of products | Products included in the groups | Part of product to which maximum residue levels apply |
|---|---|---|
| (vi) MISCELLANEOUS FRUIT | Avocados<br>Bananas<br>Dates<br>Figs<br>Kiwi fruit<br>Kumquats<br>Litchis<br>Mangoes<br>Olives<br>Passion fruit<br>Pineapples<br>Pomegranates | Whole fruit after removal of stems (if any) and in the case of pineapple after removal of the crown |

2. **Vegetables, fresh or uncooked, frozen or dry**

| | | |
|---|---|---|
| (i) ROOT AND TUBER VEGETABLES | Beetroot<br>Carrots<br>Celeriac<br>Horseradish<br>Jerusalem artichokes<br>Parsnips<br>Parsley root<br>Radishes<br>Salsify<br>Sweet potatoes<br>Swedes<br>Turnips<br>Yams | Whole product after removal of tops and adhering soil (if any) (removal of soil by rinsing in running water or by gentle brushing of the dry product) |
| (ii) BULB VEGETABLES | Garlic<br>Onions<br>Shallots<br>Spring onions | Onions (dry), shallots (dry), garlic (dry): whole product after removal of easily detachable skin and soil (if any). Onions, shallots and garlic other than dry, spring onions: whole product after removal of roots and soil (if any) |
| (iii) FRUITING VEGETABLES | (a) *Solanacea*<br>Tomatoes<br>Peppers<br>(b) *Cucurbits — edible peel*<br>Cucumbers<br>Gherkins<br>Courgettes<br>(c) *Cucurbits — inedible peel*<br>Melons<br>Squashes<br>Watermelons | Whole product after removal of stems |
| | (d) *Sweet corn* | Kernels or cobs without husks |

| Groups of products | Products included in the groups | Part of product to which maximum residue levels apply |
|---|---|---|
| (iv) BRASSICA VEGETABLES | (a) *Flowering brassicas*<br>Broccoli<br>Cauliflower | Cauliflower and broccoli : curd only |
| | (b) *Head brassicas*<br>Brussels sprouts<br>Head cabbage<br>(c) *Leafy brassicas*<br>Chinese cabbage<br>Kale | Product after removal of decayed leaves (if any) |
| | (d) *Kohlrabi* | Whole product after removal of tops and adhering soil (if any) (removal of soil by rinsing in running water or by gentle brushing of the dry product) |
| (v) LEAF VEGETABLES AND FRESH HERBS | (a) *Lettuce and similar*<br>Cress<br>Lamb's lettuce<br>Lettuce<br>Broad-leaf endive<br>(b) *Spinach and similar*<br>Beet leaves (chard)<br>(c) *Watercress*<br>(d) *Witloof*<br>(e) *Herbs*<br>Chervil<br>Chives<br>Parsley | Whole product after removal of decayed outer leaves, root and soil (if any) |
| (vi) LEGUME VEGETABLES (FRESH) | Beans<br>Peas | Whole product after removal of pods or with pods if they are intended to be eaten |
| (vii) STEM VEGETABLES | Asparagus<br>Cardoons<br>Celery<br>Fennel<br>Globe artichokes<br>Leeks<br>Rhubarb | Whole product after removal of decayed tissue and soil (if any); leeks and fennel: whole product after removal of roots and soil (if any) |
| (viii) FUNGI | Mushrooms (other than wild)<br>Wild mushrooms | Whole product after removal of soil or growing medium |

3. **Pulses**

| | | |
|---|---|---|
| | Beans<br>Lentils<br>Peas | Whole product |

| Groups of products | Products included in the groups | Part of product to which maximum residue levels apply |
|---|---|---|
| 4. **Oil seeds** | | |
| | Linseed<br>Peanuts<br>Poppy seed<br>Rape seed<br>Sesame seed<br>Sunflower seed<br>Colza seed<br>Soya bean | Whole seed or kernel after removal of shell or husk, when possible |
| 5. **Potatoes** | | |
| | Early and ware potatoes | Whole product after removal of soil (if any) (removal of soil by rinsing in running water or by gentle brushing of the dry product) |
| 6. **Tea (dried leaves and stalks, fermented or otherwise,** ***Camellia sinensis*****)** | | |
| | | Whole product |
| 7. **Hops (dried), including hop pellets and unconcentrated powder** | | |
| | | Whole product |

# COMMISSION

## COMMISSION DIRECTIVE

### of 26 November 1990

### amending the Annexes to Council Directive 70/524/EEC concerning additives in animal feedingstuffs

(90/643/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs [1], as last amended by Commission Directive 90/412/EEC [2], and in particular Article 7 thereof,

Whereas Directive 70/524/EEC provides for regular amendment of the content of its Annexes to take account of advances in scientific and technical knowledge; whereas the Annexes were consolidated by Commission Directive 85/429/EEC [3];

Whereas the investigation of various additives currently listed in Annex II and therefore authorizable at national level has not yet been completed; whereas, therefore, the period of authorization of these substances should be extended for a specific period;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex II to Directive 70/524/EEC is hereby amended as set out in the Annex hereto.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Then Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 26 November 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 270, 14. 12. 1970, p. 1.
(2) OJ No L 209, 8. 8. 1990, p. 25.
(3) OJ No L 245, 12. 9. 1985, p. 1.

*ANNEX*

In Annex II:

1. under part A, 'Antibiotics', the date '30. 11. 1990' in the column 'Period of authorization' is replaced by the date '30. 11. 1991' against the following items:
   - No 22 'Avoparcin' (species or category of animal 'Lambs from the beginning of rumination with the exception of pasture-grazed lambs' and 'Dairy cows'),
   - No 27 'Salinomycin sodium',
   - No 28 'Avilamycin' (species or category of animal 'Pigs' and 'Piglets');

2. under part D, 'Coccidiostats and other medicinal substances',

   the date '30. 11. 1990' in the column 'Period of authorization' is replaced the date '30. 11. 1991' against the following items:
   - No 16 'Meticlorpindol/Methylbenzoquate' (species or category of animal 'Rabbits'),
   - No 20 'Lasalocid sodium',
   - No 21 'Maduramicin ammonium',
   - No 22 'Robenidin',
   - No 23 'Narasin/Nicarbazin';

3. under part G, 'Preservatives', the date '30. 11. 1990' in the column 'Period of authorization' is replaced by the date '30. 11. 1991' against item No 20 'Methylproplonic Acid'.

## COMMISSION DECISION

### of 30 November 1990

### on the clearance of the accounts presented by the Member States in respect of the expenditure for 1988 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund

(90/644/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (1), as last amended by Regulation (EEC) No 2048/88 (2), and in particular Article 5 (2) thereof,

After consulting the Fund Committee,

Whereas, pursuant to Article 5 (2) (b) of Regulation (EEC) No 729/70, the Commission, on the basis of the annual accounts presented by the Member States, clears the accounts of the authorities and bodies referred to in Article 4 of that Regulation;

Whereas the Member States have transmitted to the Commission the documents required to clear the accounts for 1988; whereas Council Regulation (EEC) No 3183/87 of 19 October 1987, setting out specific rules on the financing of the common agricultural policy (3), provides that the 1988 financial year began in November 1987 after the Community's financial resources made available to the Member States had been exhausted; whereas Regulation (EEC) No 2048/88 provides that this financial year ends on 15 October 1988;

Whereas the Commission has carried out on-the-spot inspections as provided for in Article 9 (2) of Regulation (EEC) No 729/70;

Whereas Article 8 of Commission Regulation (EEC) No 1723/72 of 26 July 1972 on the clearance of accounts of the European Agricultural Guidance and Guarantee Fund, Guarantee Section (4), as last amended by Regulation (EEC) No 295/84 (5), provides that the decision to clear the accounts must include the determination of the amount of expenditure incurred in each Member State during the financial year in question recognized as chargeable to the Guarantee Section of the Fund; whereas Article 102 of the Financial Regulation of 21 December 1977 (6), as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 (7), provides that the outcome of the clearance decision, i.e. any discrepancy which may exist between the total expenditure booked to the accounts for a financial year pursuant to Articles 100 and 101 and the total expenditure recognized as allowable by the Commission when clearing the accounts is to be booked, under a single article, as additional expenditure or a reduction in expenditure;

Whereas, pursuant to Articles 2 and 3 of Regulation (EEC) No 729/70, only refunds on exports to third countries and intervention to stabilize agricultural markets, respectively granted and undertaken according to Community rules within the framework of the common organization of the agricultural markets, may be financed; whereas the inspections carried out show that a part of the expenditure declared by the Member States does not meet these conditions and therefore must be disallowed; whereas the amounts declared by each of the Member States concerned, those recognized as chargeable to the EAGGF Guarantee Section and the differences between the two amounts and the differences between the expenditure recognized as chargeable to the EAGGF Guarantee Section and that charged in respect of the year are shown in the Annex to this Decision;

Whereas the Member States have been fully informed of the corrections made to their accounts and have been able to give their views thereon;

Whereas the expenses declared by Italy relating to aid for the consumption of olive oil amounting to Lit 183 369 315 937 and by Greece relating to aid for the production of cotton amounting to Drs 48 065 056 733 are not covered by the present Decision, given that further examination of these cases is necessary; whereas these amounts have therefore been deducted from the expenditure declared by the Member States in respect of the year under consideration and will be cleared subsequently; whereas, in addition, as regards the premiums paid by Greece for leaf tobacco for the 1981 to 1985 crops, the securities lodged under Commission Regulation (EEC) No 1726/70 (8) as last amended by Regulation (EEC) No 4263/88 (9), will also be cleared subsequently; whereas these cases will be cleared on the basis of supple-

(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 185, 15. 7. 1988, p. 1.
(3) OJ No L 304, 27. 10. 1987, p. 1.
(4) OJ No L 186, 16. 8. 1972, p. 1.
(5) OJ No L 30, 2. 2. 1988, p. 7.

(6) OJ No L 356, 31. 12. 1977, p. 1.
(7) OJ No L 70, 16. 3. 1990, p. 1.
(8) OJ No L 191, 27. 8. 1970, p. 1.
(9) OJ No L 376, 31. 12. 1988, p. 34.

mentary information to be submitted by the Member States within a time limit which will be notified to them by the Commission;

Whereas the expenditure disallowed for Germany comprises an amount of DM 27 510 204, for the Netherlands an amount of HFl 125 403 941, for France an amount of FF 547 383 456 and for Denmark an amount of Dkr 45 027 353 in respect of export refunds paid in the cereals and sugar sectors; whereas these amounts must be charged to these Member States pursuant to this Decision; whereas, the special circumstances of these cases, however, justify re-examination by the Commission of the disallowance during the present clearance, provided these Member States provide the necessary evidence within six months of notification of this decision; whereas this Decision is none-the-less immediately applicable;

Whereas the expenditure disallowed for Germany comprises an amount of DM 104 418 850 in respect of the supplementary levy which should have been collected in the milk and milk products sector; whereas this amount must be charged to this Member State pursuant to this Decision; whereas, however, the special circumstances of this case justify re-examination by the Commission of the disallowance as and when expenditure is declared by this Member State before 31 March 1991 within the framework of a programme for buying back reference quantities which may no longer be redistributed consequently; whereas this Decision is none-the-less immediately applicable;

Whereas the expenditure disallowed for Italy comprises an amount of Lit 13 953 883 351 in respect of premia to producers of sheep and goat meat; whereas this amount must be charged to this Member State pursuant to this Decision; whereas, the special circumstances of this case, however, justify re-examination by the Commission of the disallowance during the present clearance, provided this Member State provides the necessary evidence within a time-limit which will be notified to it by the Commission; whereas this Decision is none-the-less immediately applicable;

Whereas the amount disallowed for France comprises an amount of FF 446 472 537 in respect of the additional levy in the milk sector; whereas, this amount must be charged to this Member State pursuant to this Decision; whereas, the special circumstances of this case, however, justify re-examination by the Commission of the disallowance during the present clearance, provided this Member State provides the necessary evidence within a time-limit which will be notified to it by the Commission; whereas this Decision is none-the-less immediately applicable;

Whereas, monetary compensatory amounts in respect of exports to third countries have been declared by Greece as own resources; whereas the Commission has asked for further details of these and reserves it's position to apply the necessary corrections in a future clearance decision where these details indicate that, on the basis of the regulations in force, the monetary compensatory amounts should have been deducted from the refunds;

Whereas the Court of Justice, by it's Judgment in Case C-10/88, annulled the accounts clearance Decision in respect of Italy for 1985, because of the disallowance of expenditure declared by that Member State relating to premiums for calf breeding; whereas, as a result, in accordance with Article 176 of the Treaty, an amount of Lit 19 045 553 222 in respect of 1985 must be accepted in the present clearance; whereas in the present clearance, it is also necessary to accept claims which were disallowed, for the same reason, in respect of years 1986 and 1987, namely a total of Lit 57 665 488 647 in the case of Italy, £ 173 871,44 in the case of the United Kingdom and £ Irl 7 683 in the case of Ireland;

Whereas the Court of Justice, by it's Judgment in Case C-8/88, annulled the accounts clearance Decision in respect of Germany for 1984, because of the disallowance for certain amounts relating to premiums for the maintenance of suckler cows; whereas, as a result, in accordance with Article 176 of the Treaty, an amount of DM 42 585,88 for 1984 must be accepted in the present clearance; whereas, in the present clearance, it is also necessary to accept a claim which was disallowed, for the same reason, in respect of 1986, namely DM 40 324,06;

Whereas the Court of Justice, by it's decision in Case C-259/87, annulled the accounts clearance Decision in respect of Greece for 1983, because of the disallowance of expenditure declared by that Member State relating to the sale of two lots of 30 000 tonnes of common wheat from public stocks; whereas, as a result, in accordance with Article 176 of the Treaty, an amount of Drs 596 040 000, in respect of 1983, must be accepted in the present clearance;

Whereas the Court of Justice, by it's Judgement in Case C-334/87, annulled the clearance of accounts Decision in respect of Greece for 1984, because of the disallowance of expenditure declared by that Member State relating to the cost of storage of a quantity of olive-pomace oil for the period from 14 March to 7 August 1984; whereas, as a result, in accordance with Article 176 of the Treaty, an amount of Drs 9 389 270, in respect of 1984, must be accepted in the present clearance;

Whereas, in the case of Italy, the inquiries regarding the quality and origin of intervention stocks of olive oil, the premium for suckler cows, aid for the processing of soya, production aid for durum wheat and the quality of intervention stocks of tobacco are now closed; whereas in the case of France, the inquiry regarding the private storage of veal is also closed; whereas this Decision rules as to further action to be taken with regard to these cases;

Whereas, pursuant to Council Regulation (EEC) No 1078/77 of 17 May 1977 setting up a system of milk non-marketing and dairy herd conversion premiums (1), as last amended by Regulation (EEC) No 1300/84 (2), 60 % of the expenditure relating to these schemes is chargeable to the EAGGF Guarantee Section and 40 % to the Guidance Section; whereas these schemes rank as intervention within the meaning of Article 3 of Regulation (EEC) No 729/70 and constitute a common measure within the meaning of Article 6 (1) of that Regulation; whereas it is therefore necessary to include Guidance Section expenditure when clearing the accounts in respect of expenditure financed by the EAGGF;

Whereas this Decision is without prejudice to any financial consequences which may be drawn in any subsequent clearance of accounts in respect of national aid or infringements for which the procedures started under Articles 93 and 169 of the Treaty are now being implemented or were terminated after 18 July 1989 or to any consequences relating to infringements committed in 1988 or to national aid incompatible with the Treaty paid in 1988 and liable to affect EAGGF expenditure during a year subsequent to 1988.

Whereas this Decision is without prejudice to any financial consequences resulting, during a subsequent accounts clearance procedure taken by the Commission, from current investigations underway at the time of this Decision, from irregularities within the meaning of Article 8 of Regulation (EEC) No 729/70 or from judgments of the Court of Justice in cases now pending and relating to matters covered by this Decision;

Whereas, as the clearance of accounts concerning food aid operations had not yet been concluded, the financial consequences for the Guarantee Section will be determined during a subsequent clearance of accounts,

HAS ADOPTED THIS DECISION:

*Article 1*

The Member States' accounts concerning expenditure financed by the EAGGF Guarantee Section in respect of 1988 are hereby cleared as indicated in the Annex of this Decision.

*Article 2*

The amounts arising under point 3 in column (c) of the Annex are to be taken into account as part of the expenditure referred to in Article 3 of Commission Regulation (EEC) No 2773/88 (3) as last amended by Regulation (EEC) No 775/90 (4), for the month following that of the notification of this Decision.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 30 November 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 131, 26. 5. 1977, p. 1.
(2) OJ No L 125, 12. 5. 1984, p. 3.
(3) OJ No L 249, 8. 9. 1988, p. 9.
(4) OJ No L 83, 30. 9. 1990, p. 85.

ANNEX

*(in German marks)*

| Member State : Germany 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 10 152 712 681,85 | – 258 321,22 | 10 152 454 360,63 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure declared, excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Expenditure declared, coming under the present clearance (a + b – c) | 10 152 712 681,85 | – 258 321,22 | 10 152 454 360,63 |
| e) Expenditure disallowed | – 168 222 311,94 | 0,— | – 168 222 311,94 |
| f) Financial consequences of previous years | 82 909,94 | 0,— | 82 909,94 |
| g) Total expenditure recognized (d – e + f) | 9 984 573 279,85 | – 258 321,22 | 9 984 314 958,63 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 10 165 885 067,92 | – 258 321,22 | 10 165 626 746,70 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Total expenditure charged, coming under the present clearance (a + b – c) | 10 165 885 067,92 | – 258 321,22 | 10 165 626 746,70 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d – 1 g)** | 181 311 788,07 | 0,— | 181 311 788,07 |

*(in Belgian francs)*

| Member State : Belgium 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| **1. Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 31 242 058 323 | 0 | 31 242 058 323 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 0 | 0 | 0 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 31 242 058 323 | 0 | 31 242 058 323 |
| e) Expenditure disallowed | − 161 656 793 | 0 | − 161 656 793 |
| f) Financial consequences of previous years | 0 | 0 | 0 |
| g) Total expenditure recognized (d − e + f) | 31 080 401 530 | 0 | 31 080 401 530 |
| **2. Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 31 240 513 681 | 0 | 31 240 513 681 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0 | 0 | 0 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 31 240 513 681 | 0 | 31 240 513 681 |
| **3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | 160 112 151 | 0 | 160 112 151 |

*(in Danish kroner)*

| Member State : Denmark 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| **1. Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 9 726 589 690,69 | 26 130,85 | 9 726 615 821,54 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure declared, excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 9 726 589 690,69 | 26 130,85 | 9 726 615 821,54 |
| e) Expenditure disallowed | − 91 652 563,05 | 0,— | − 91 652 563,05 |
| f) Financial consequences of previous years | 0,— | 0,— | 0,— |
| g) Total expenditure recognized (d − e + f) | 9 634 937 127,64 | 26 130,85 | 9 634 963 258,49 |
| **2. Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 9 622 771 637,98 | 26 130,85 | 9 622 797 768,83 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 9 622 771 637,98 | 26 130,85 | 9 622 797 768,83 |
| **3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | − 12 165 489,66 | 0,— | − 12 165 489,66 |

*(in Spanish pesetas)*

| Member State : Spain 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 258 919 719 589 | 0 | 258 919 719 589 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 0 | 0 | 0 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 258 919 719 589 | 0 | 258 919 719 589 |
| e) Expenditure disallowed | − 2 122 861 793 | 0 | − 2 122 861 793 |
| f) Financial consequences of previous years | 0 | 0 | 0 |
| g) Total expenditure recognized (d − e + f) | 256 796 857 796 | 0 | 256 796 857 796 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 260 123 221 533 | 0 | 260 123 221 533 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0 | 0 | 0 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 260 123 221 533 | 0 | 260 123 221 533 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | 3 326 363 737 | 0 | 3 326 363 737 [1] |

[1] Of which an amount of Ptas 2 049 388 719 has already been paid in August 1990.

*(in French francs)*

| Member State: France 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 43 548 342 550,09 | – 275 304,45 | 43 548 067 245,64 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure declared, excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Expenditure declared, coming under the present clearance (a + b – c) | 43 548 342 550,09 | – 275 304,45 | 43 548 067 245,64 |
| e) Expenditure disallowed | – 1 316 172 541,71 | 0,— | – 1 316 172 541,71 |
| f) Financial consequences of previous years | – 6 531 932,— | 0,— | – 6 531 932,— |
| g) Total expenditure recognized (d – e + f) | 42 225 638 076,38 | – 275 304,45 | 42 225 362 771,93 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 43 464 461 989,71 | – 275 304,45 | 43 464 186 685,26 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Total expenditure charged, coming under the present clearance (a + b – c) | 43 464 461 989,71 | – 275 304,45 | 43 464 186 685,26 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d – 1 g)** | 1 238 823 913,33 | 0,— | 1 238 823 913,33 |

*(in Greek drachmas)*

| Member State : Greece 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 217 122 444 928 | 0 | 217 122 444 928 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 48 065 056 733 | 0 | 48 065 056 733 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 169 057 388 195 | 0 | 169 057 388 195 |
| e) Expenditure disallowed | − 2 258 331 903 | 0 | − 2 258 331 903 |
| f) Financial consequences of previous years | 605 429 270 | 0 | 605 429 270 |
| g) Total expenditure recognized (d − e + f) | 167 404 485 562 | 0 | 167 404 485 562 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 217 122 477 146 | 0 | 217 122 477 146 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 48 065 056 733 | 0 | 48 065 056 733 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 169 057 420 413 | 0 | 169 057 420 413 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | 1 652 934 851 | 0 | 1 652 934 851 |

*(in Irish pounds)*

| Member State : Ireland 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| **1. Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 829 429 582,40 | – 15 671,16 | 829 413 911,24 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure declared, excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Expenditure declared, coming under the present clearance (a + b – c) | 829 429 582,40 | – 15 671,16 | 829 413 911,24 |
| e) Expenditure disallowed | – 936 345,59 | 0,— | – 936 345,59 |
| f) Financial consequences of previous years | 7 683,— | 0,— | 7 683,— |
| g) Total expenditure recognized (d – e + f) | 828 500 919,81 | – 15 671,16 | 828 485 248,65 |
| **2. Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 835 156 327,19 | – 15 671,16 | 835 140 656,03 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Total expenditure charged, coming under the present clearance (a + b – c) | 835 156 327,19 | – 15 671,16 | 835 140 656,03 |
| **3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d – 1 g)** | 6 655 407,38 | 0,— | 6 655 407,38 |

*(in Italian lira)*

| Member State: Italy 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 6 714 737 597 462 | 0 | 6 714 737 597 462 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 183 369 315 937 | 0 | 183 369 315 937 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 6 531 368 281 525 | 0 | 6 531 368 281 525 |
| e) Expenditure disallowed | − 239 185 286 586 | 0 | − 239 185 286 586 |
| f) Financial consequences of previous years | − 107 666 614 137 | 0 | − 107 666 614 137 |
| g) Total expenditure recognized (d − e + f) | 6 184 516 380 802 | 0 | 6 184 516 380 802 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 6 640 451 024 338 | 0 | 6 640 451 024 338 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 183 369 315 937 | 0 | 183 369 315 937 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 6 457 081 708 401 | 0 | 6 457 081 708 401 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | 272 565 327 599 | 0 | 272 565 327 599 |

*(in Luxembourg francs)*

| Member State : Luxembourg 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 129 368 606 | 371 101 | 129 739 707 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 0 | 0 | 0 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 129 368 606 | 371 101 | 129 739 707 |
| e) Expenditure disallowed | 803 459 | 0 | 803 459 |
| f) Financial consequences of previous years | 0 | 0 | 0 |
| g) Total expenditure recognized (d − e + f) | 130 172 065 | 371 101 | 130 543 166 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 129 368 721 | 371 101 | 129 739 822 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0 | 0 | 0 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 129 368 721 | 371 101 | 129 739 822 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | − 803 344 | 0 | − 803 344 |

*(in Dutch guilders)*

| Member State : Netherlands 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 8 894 749 689,45 | 0 | 8 894 749 689,45 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 0 | 0 | 0 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 8 894 749 689,45 | 0 | 8 894 749 689,45 |
| e) Expenditure disallowed | − 163 747 892,57 | 0 | − 163 747 892,57 |
| f) Financial consequences of previous years | 0 | 0 | 0 |
| g) Total expenditure recognized (d − e + f) | 8 731 001 796,88 | 0 | 8 731 001 796,88 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 8 894 547 000,63 | 0 | 8 894 547 000,63 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0 | 0 | 0 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 8 894 547 000,63 | 0 | 8 894 547 000,63 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | 163 545 203,75 | 0 | 163 545 203,75 |

*(in Portuguese escudos)*

| Member State : Portugal<br>1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total<br>(a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 26 595 095 149 | 0 | 26 595 095 149 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure declared, excluded from the present clearance | 0 | 0 | 0 |
| d) Expenditure declared, coming under the present clearance (a + b − c) | 26 595 095 149 | 0 | 26 595 095 149 |
| e) Expenditure disallowed | − 92 007 104 | 0 | − 92 007 104 |
| f) Financial consequences of previous years | 0 | 0 | 0 |
| g) Total expenditure recognized (d − e + f) | 26 503 088 045 | 0 | 26 503 088 045 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 26 593 912 176 | 0 | 26 593 912 176 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0 | 0 | 0 |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0 | 0 | 0 |
| d) Total expenditure charged, coming under the present clearance (a + b − c) | 26 593 912 176 | 0 | 26 593 912 176 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d − 1 g)** | 90 824 131 | 0 | 90 824 131 |

*(in pounds sterling)*

| Member State : United Kingdom 1988 | EAGGF Guarantee Section expenditure, except expenditure relating to Regulation (EEC) No 1078/77 | Expenditure relating to Regulation (EEC) No 1078/77 | Total (a + b) |
|---|---|---|---|
| | (a) | (b) | (c) |
| 1. **Expenditure recognized** | | | |
| a) Expenditure declared by the Member State in respect of the present clearance | 1 348 124 078,79 | – 15 080,28 | 1 348 108 998,51 |
| b) Expenditure declared during the preceding year but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure declared, excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Expenditure declared, coming under the present clearance (a + b – c) | 1 348 124 078,79 | – 15 080,28 | 1 348 108 998,51 |
| e) Expenditure disallowed | – 7 543 602,08 | 0,— | – 7 543 602,08 |
| f) Financial consequences of previous years | 173 871,44 | 0,— | 173 871,44 |
| g) Total expenditure recognized (d – e + f) | 1 340 754 348,15 | – 15 080,28 | 1 340 739 267,87 |
| 2. **Expenditure charged** | | | |
| a) Expenditure charged in respect of the present year | 1 351 452 421,45 | – 15 080,28 | 1 351 437 341,17 |
| b) Expenditure charged in respect of the preceding year, but excluded from that clearance | 0,— | 0,— | 0,— |
| c) Expenditure charged in respect of the present year, but excluded from the present clearance | 0,— | 0,— | 0,— |
| d) Total expenditure charged, coming under the present clearance (a + b – c) | 1 351 452 421,45 | – 15 080,28 | 1 351 437 341,17 |
| 3. **Expenditure chargeable to or payable to the Member State following clearance of the accounts (2 d – 1 g)** | 10 698 073,30 | 0,— | 10 698 073,30 |