

English edition

## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 737/90**

of 22 March 1990

**on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, following the accident at the Chernobyl nuclear power-station on 26 April 1986, considerable quantities of radioactive elements were released into the atmosphere;

Whereas 3955/87<sup>(1)</sup>, as amended by 4003/89<sup>(2)</sup>, fixed maximum permitted levels of radioactivity for agricultural products originating in third countries and intended for human consumption with which imports of the products concerned must comply and in connection with which checks are carried out by the Member States; whereas that Regulation applies only until 31 March 1990;

Whereas, without prejudice to the possibility of resorting, where necessary, in the future to the provisions of Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted radioactivity levels for foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency<sup>(3)</sup>, as amended by Regulation (Euratom) No 2218/89<sup>(4)</sup>, the Community must continue to ensure, with regard to the specific effects of the accident at Chernobyl, that agricultural products and processed agricultural products intended for human consumption and likely to be contaminated are introduced into the Community only according to common arrangements;

Whereas these common arrangements should safeguard the health of consumers, maintain, without having unduly adverse effects on trade between the Community and third countries, the unified nature of the market and prevent deflections of trade;

Whereas the reasons prevailing when Regulation (EEC) No 3955/87 was adopted are still valid, particularly on

account of the fact that radioactive contamination in certain agricultural products originating in the third countries affected by the accident still exceed the maximum permitted levels of radioactivity laid down in that Regulation;

Whereas compliance with the maximum permitted levels must be the subject of appropriate checks, which may lead to prohibiting imports in cases of non-compliance;

Whereas radioactive contamination in many agricultural products has decreased and will continue to decrease to the levels existing before the Chernobyl accident; whereas a procedure should therefore be established enabling such products to be excluded from the scope of the abovementioned Regulation;

Whereas, since this Regulation covers all agricultural products and processed agricultural products intended for human consumption, there is no need, in the present case, to apply the procedure provided for in Article 29 of Directive 72/462/EEC<sup>(5)</sup>;

Whereas, in order to clarify or adjust, as necessary, the measures provided for by this Regulation, a simplified procedure should be established,

HAS ADOPTED THIS REGULATION:

*Article 1*

With the exception of the products unfit for human consumption listed in Annex I and those products which may come to be excluded from the scope of this Regulation pursuant to the procedure laid down in Article 7, this Regulation shall apply to the products originating in third countries covered by:

- Annex II to the Treaty,
- Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose<sup>(6)</sup>, as amended by Commission Regulation (EEC) No 222/88<sup>(7)</sup>,

<sup>(1)</sup> OJ No L 371, 30. 12. 1987, p. 14.

<sup>(2)</sup> OJ No L 382, 30. 12. 1989, p. 4.

<sup>(3)</sup> OJ No L 371, 30. 12. 1987, p. 11.

<sup>(4)</sup> OJ No L 211, 27. 7. 1989, p. 1.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(7)</sup> OJ No L 28, 1. 2. 1988, p. 1.

- Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin<sup>(1)</sup>, as amended by Commission Regulation (EEC) No 4001/87<sup>(2)</sup>,
- Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(3)</sup>, as amended by Commission Regulation (EEC) No 3743/87<sup>(4)</sup>,
- Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds<sup>(5)</sup>, as last amended by Regulation (EEC) No 3209/88<sup>(6)</sup>.

#### Article 2

Without prejudice to other provisions in force, the release for free circulation of the products referred to in Article 1 shall be subject to compliance with the maximum permitted levels laid down in Article 3.

#### Article 3

The maximum permitted levels referred to in Article 2 shall be as follows:

the accumulated maximum radioactive level in terms of caesium-134 and -137 shall be:

- 370 Bq/kg for milk and milk products listed in Annex II and for foodstuffs intended for the special feeding of infants during the first four to six months of life, which meet, in themselves, the nutritional requirements of this category of person and are put up for retail sale in packages which are clearly identified and labelled 'food preparation for infants'<sup>(7)</sup>,
- 600Bq/kg for all other products concerned.

#### Article 4

1. Member States shall check compliance with the maximum permitted levels set in Article 3 in respect of the products referred to in Article 1, taking into account

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 104.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 44.

<sup>(3)</sup> OJ No L 323, 29. 11. 1980, p. 1.

<sup>(4)</sup> OJ No L 352, 15. 12. 1987, p. 29.

<sup>(5)</sup> OJ No L 323, 29. 11. 1980, p. 27.

<sup>(6)</sup> OJ No L 286, 20. 10. 1988, p. 6.

<sup>(7)</sup> The level applicable to concentrated or dried products shall be calculated on the basis of the reconstituted product as ready for consumption.

contamination levels in the country of origin. Checking may also include the presentation of export certificates. Depending on the results of the checks carried out, Member States shall take the measures required for Article 2 to apply, including the prohibition of release for free circulation, taking each case individually or generally for a given product.

2. Each Member State shall provide the Commission with all information concerning the application of this Regulation, notably cases of non-compliance with the maximum permitted levels. The Commission shall circulate such information to the other Member States.

#### Article 5

Where cases of repeated non-compliance with the maximum permitted levels have been recorded, the necessary measures may be taken in accordance with the procedure laid down in Article 7. Such measures may even include the prohibition of the import of products originating in the third country concerned.

#### Article 6

The arrangements for applying this Regulation, any amendments to be made to the products in Annex I, and the list of products excluded from this Regulation shall be adopted in accordance with the procedure laid down in Article 7.

#### Article 7

1. The Commission shall be assisted by an *ad hoc* committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a 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 required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt measures which shall apply immediately.

However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event :

- the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

*Article 8*

This Regulation shall enter into force on 1 April 1990.

It shall expire on 31 March 1995, unless the Council decides otherwise at an earlier date, particularly should the list of excluded products referred to in Article 6 cover all the products fit for human consumption to which this Regulation applies.

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

Done at Brussels, 22 March 1990.

*For the Council*

*The President*

P. FLYNN

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## ANNEX I

## Products unfit for human consumption

CN code	Description
ex 0101 19 90	Racehorses
ex 0106 00 99	Other (live animals, excluding domestic rabbits and pigeons : not for human consumption)
ex 03 01	Live ornamental fish
0408 11 90	Eggs, not in shell, and egg yolks, unfit for human consumption (a)
0408 19 90	
0408 91 90	
0408 99 90	
ex 0504	Non-edible guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
0511 10 00	Animal products not elsewhere specified or included, excluding edible animal blood ;
ex 0511 91 90	dead animals of Chapter 1 or Chapter 3, unfit for human consumption
0511 99 10	
0511 99 90	
0713 20 10	Dried leguminous vegetables, shelled, whether or not skinned or split, for sowing
0713 31 10	
0713 32 10	
0713 33 10	
0713 39 10	
0713 40 10	
0713 50 10	
0713 90 10	
1001 90 10	Spelt for sowing (a)
1005 10 11	Hybrid maize for sowing (a)
1005 10 13	
1005 10 15	
1005 10 19	
1006 10 10	Rice for sowing (a)
ex 1007 00 00	Hybrid sorghum for sowing (a)
1201 00 10	Oil seeds and oleaginous fruit, whole or broken, for sowing (a)
1202 10 10	
1204 00 10	
1205 00 10	
1206 00 10	
1207 10 10	
1207 20 10	
1207 30 10	
1207 40 10	
1207 50 10	
1207 60 10	
1207 91 10	
1207 92 10	
1207 99 10	
1209 11 00	Seeds, fruit and spores, of a kind used for sowing
1209 19 00	
1209 21 00	
1209 23 10	
1209 24 00	
1209 26 00	
1209 30 00	
1209 91	
1209 99	
1501 00 11	Lard and other pig fat for industrial uses other than the manufacture of foodstuffs for human consumption (a)
1502 00 10	Fats of bovine animals, sheep or goats, raw or rendered, whether or not pressed or solvent-extracted, for industrial uses other than the manufacture of foodstuffs for human consumption (a)

CN code	Description
1503 00 11	Lard stearin and oleostearin for industrial uses (a)
1503 00 30	Tallow oil for industrial uses other than the manufacture of foodstuffs for human consumption (a)
1505 10	Wool grease and fatty substances derived therefrom (including lanolin)
1507 10 10	Soya bean oil and its fractions, whether or not refined; but not chemically modified, for technical uses other than the manufacture of foodstuffs for human consumption (a)
1507 90 10	
1508 10 10	Ground-nut oil and its fractions, whether or not refined but not chemically modified, for technical or industrial uses other than the manufacture of foodstuffs for human consumption (a)
1508 90 10	
1511 10 10	Crude palm oil and its fractions, whether or not refined, but not chemically modified, for technical or industrial uses other than the manufacture of foodstuffs for human consumption (a)
1515 30 10	Castor oil and its fractions for the production for the production of aminoundecanoic acid for use in the manufacture of synthetic textile fibres or of artificial plastic materials (a)
1515 40 00	Tung oil and its fractions
1515 90 10	Oiticica oils, myrtle wax and Japan wax; their fractions
1511 90 91	Other oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption (a)
1512 11 90	
1512 19 10	
1512 19 90	
1512 21 10	
1512 29 10	
1513 11 10	
1513 19 30	
1513 21 11	
1513 21 19	
1513 29 30	
1514 10 10	
1514 90 10	
1515 11 00	
1515 19 10	
1515 21 10	
1515 29 10	
1515 50 11	
1515 50 91	
1515 90 21	
1515 90 31	
1515 90 40	
1515 90 60	
1516 20 91	
1516 20 99	
1518 00 31	Fixed vegetables oils, fluid, mixed, for technical or industrial uses other than the manufacture of foodstuffs for human consumption (a)
1518 00 39	
2207 20 00	Ethyl alcohol and other spirits; denatured, of any strength
3823 10 00	Prepared binders for foundry moulds or cores
4501	Natural cork, raw or simply prepared; waste cork; crushed granulated or ground cork
5301 10 00	Flax, raw or processed but not spun
5301 21 00	
5301 29 00	
5302	True hemp ( <i>Cannabis sativa</i> L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock)
ex Chapter 6	Live trees and other plants; bulbs, roots and the like, cut flowers and ornamental foliage, excluding plants and roots of chicory of subheading 0601 20 10

(a) Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

*ANNEX II*

**Milk and milk products to which a maximum permitted level of 370 Bq/kg applies**

CN codes 0401  
0402  
0403 10 11 to 39  
0403 90 11 to 69  
0404

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**COUNCIL REGULATION (EEC) No 738/90**  
of 22 March 1990

**amending Regulation (EEC) No 4047/89 fixing, for certain fish stock and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas, under the terms of Article 3 of Regulation (EEC) No 170/83, it is for the Council to establish the total allowable catches (TACs) by stock or group of stocks, the share available for the Community and the specific conditions under which these catches must be taken; whereas, under Article 4 of the same Regulation, the share available to the Community is allocated among the Member States;

Whereas Regulation (EEC) No 4047/89<sup>(2)</sup>, fixes, for certain fish stocks and groups of fish stocks, the TACs for 1990 and certain conditions under which they may be fished;

Whereas, in accordance with the procedure provided for in Article 2 of the Agreement on fisheries between the European Economic Community and the Kingdom of Norway<sup>(3)</sup> and Article 2 of the Agreement on fisheries between the European Economic Community and the Government of Sweden<sup>(4)</sup>, the parties have consulted on their reciprocal fishing rights for 1990 in the Skagerrak and Kattegat; whereas these consultations have been concluded and it is possible, as a result, to fix definitively the TACs and the Community shares available for the stocks in these areas,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to this Regulation shall replace the corresponding elements of the Annex to Regulation (EEC) No 4047/89.

*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, 22 March 1990.

*For the Council*

*The President*

P. FLYNN

<sup>(1)</sup> OJ No L 24, 27. 1. 1983, p. 1.  
<sup>(2)</sup> OJ No L 389, 30. 12. 1989, p. 1.

<sup>(3)</sup> OJ No L 226, 29. 8. 1980, p. 48.  
<sup>(4)</sup> OJ No L 226, 29. 8. 1980, p. 2.

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

TAC en 1990 por especie y zona y la distribución, entre los Estados miembros, de la parte asignada a la Comunidad (en toneladas peso vivo)

TAC for 1990 pr. bestand og pr. område og fordelingen blandt medlemsstaterne af Fællesskabets andel (tons levende vægt)

TAC für 1990 je Bestand und Bereich und die Aufteilung des für die Gemeinschaft verfügbaren Anteils auf die Mitgliedstaaten (in Tonnen Lebendgewicht)

TAC ανά απόθεμα και ζώνη για το 1990 καθώς και η κατανομή μεταξύ των κρατών μελών του χορηγουμένου στην Κοινότητα μεριδίου (σε τόνους ζωντανού βάρους)

TACs by stock and by area for 1990 and the allocation among the Member States of the share available to the Community (in tonnes live weight)

TAC pour 1990 par stock et par zone ainsi que la répartition entre les États membres de la part attribuée à la Communauté (en tonnes poids vif)

TAC per il 1990 per popolazione e per zona e la ripartizione tra gli Stati membri della parte disponibile per la Comunità (in tonnellate peso vivo)

TAC voor 1990, per bestand en per gebied en de verdeling over de Lid-Staten van het voor de Gemeenschap beschikbare aandeel (in ton levend gewicht)

TAC para 1990, por existência e por zona e a repartição, entre os Estados-membros, da parte atribuída à Comunidade (em toneladas peso vivo)

Especies / Art / Art / Είδος / Species / Espèces / Specie / Soort / Espécie	Zona / Område / Bereich / Ζώνη / Zone / Zone / Zona / Sector / Zona	TAC	Estado miembro / Medlemsstat / Mitgliedstaat / Κράτος μέλος / Member State / État membre / Stato membro / Lid-Staat / Estado-membro	Cuota / Kvote / Quote / Ποσόστωση / Quota / Quota / Contingente / Quota / Quota
(1)	(2)	(3)	(4)	(5)
Arenque / Sild / Hering / Πέγγα / Herring / Hareng / Aringa / Haring / Arenque ( <i>Clupea harengus</i> )	III a	120 000	België/Belgique Danmark Deutschland Ελλάδα España France Ireland Italia Luxembourg Nederland Portugal United Kingdom	49 800 (*) 800 (*)
			CEE/EØF/EWG/EOK/EEC/EEG	50 600
Espadín / Brisling / Sprotte / Σαρδελόρεγγα / Sprat / Sprat / Spratto / Sprot / Espadilha ( <i>Sprattus sprattus</i> )	III a	65 000 (*) <sup>(13)</sup>	België/Belgique Danmark Deutschland Ελλάδα España France Ireland Italia Luxembourg Nederland Portugal United Kingdom	42 660 (*) <sup>(14)</sup> 90 (*) <sup>(14)</sup>
			CEE/EØF/EWG/EOK/EEC/EEG	42 750 (*) <sup>(14)</sup>



**COMMISSION REGULATION (EEC) No 739/90**  
of 28 March 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 1915/89<sup>(5)</sup> 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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in rela-

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 27 March 1990;

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

Whereas Council Regulation (EEC) No 486/85<sup>(6)</sup>, as last amended by Regulation (EEC) No 3530/89<sup>(7)</sup>, lays down 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; whereas the Regulation intended to replace Regulation (EEC) No 486/85 was adopted by the Council on 5 March 1990 but has not yet been published; whereas, in order to avoid discontinuity in the arrangements applying, the application of the arrangements laid down in Regulation (EEC) No 486/85 should continue to apply as a precaution and without prejudice to the definitive arrangements;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1915/89 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 29 March 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 1.

<sup>(6)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(7)</sup> OJ No L 347, 28. 11. 1989, p. 3.

## ANNEX

to the Commission Regulation of 28 March 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	37,12	130,75 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	37,12	130,75 <sup>(2)</sup> <sup>(3)</sup>
1001 10 10	46,15	184,87 <sup>(1)</sup> <sup>(4)</sup>
1001 10 90	46,15	184,87 <sup>(1)</sup> <sup>(4)</sup>
1001 90 91	38,10	135,62
1001 90 99	38,10	135,62
1002 00 00	62,78	131,54 <sup>(5)</sup>
1003 00 10	54,03	117,68
1003 00 90	54,03	117,68
1004 00 10	45,43	122,94
1004 00 90	45,43	122,94
1005 10 90	37,12	130,75 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	37,12	130,75 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	54,03	138,94 <sup>(6)</sup>
1008 10 00	54,03	28,78
1008 20 00	54,03	94,35 <sup>(4)</sup>
1008 30 00	54,03	0,00 <sup>(7)</sup>
1008 90 10	(7)	(7)
1008 90 90	54,03	0,00
1101 00 00	67,51	204,04
1102 10 00	102,06	198,33
1103 11 10	86,26	302,38
1103 11 90	71,65	219,10

(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 486/85 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 reduced by 50 %.

(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 740/90**  
**of 28 March 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 1916/89<sup>(5)</sup> 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 other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 27 March 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 29 March 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 4.

## ANNEX

to the Commission Regulation of 28 March 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	5,87
1003 00 90	0	0	0	5,87
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	10,45	10,45
1107 10 99	0	0	0	7,81	7,81
1107 20 00	0	0	0	9,10	9,10

## COMMISSION REGULATION (EEC) No 741/90

of 28 March 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar<sup>(3)</sup>, as last amended by Regulation (EEC) No 1489/76<sup>(4)</sup>, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar<sup>(5)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar<sup>(6)</sup>, as last amended by Regulation (EEC) No 1714/88<sup>(7)</sup>; whereas the refund thus calculated for

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(8)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(9)</sup>,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 March 1990.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.<sup>(3)</sup> OJ No L 143, 25. 6. 1968, p. 6.<sup>(4)</sup> OJ No L 167, 26. 6. 1976, p. 13.<sup>(5)</sup> OJ No L 89, 10. 4. 1968, p. 3.<sup>(6)</sup> OJ No L 50, 4. 3. 1970, p. 1.<sup>(7)</sup> OJ No L 152, 18. 6. 1988, p. 23.<sup>(8)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(9)</sup> OJ No L 153, 13. 6. 1987, p. 1.



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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

ANNEX

to the Commission Regulation of 28 March 1990 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	22,87 <sup>(1)</sup>	
1701 11 90 910	23,34 <sup>(1)</sup>	
1701 11 90 950	<sup>(2)</sup>	
1701 12 90 100	22,87 <sup>(1)</sup>	
1701 12 90 910	23,34 <sup>(1)</sup>	
1701 12 90 950	<sup>(2)</sup>	
1701 91 00 000		0,2486
1701 99 10 100	24,86	
1701 99 10 910	25,38	
1701 99 10 950	25,38	
1701 99 90 100		0,2486

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

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

**COMMISSION REGULATION (EEC) No 742/90**  
**of 27 March 1990**  
**establishing unit values for the determination of the customs value of certain**  
**perishable goods**

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 Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods <sup>(1)</sup>, as last amended by Regulation (EEC) No 3462/89 <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 30 March 1990.

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

Done at Brussels, 27 March 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 154, 13. 6. 1981, p. 26.

<sup>(2)</sup> OJ No L 334, 18. 11. 1989, p. 21.

## ANNEX

Code	CN code	Taric-sub-heading	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	07019051 07019059		New potatoes	32,01	1 354	249,46	65,29	220,11	6 260	24,46	48 088	73,47	23,86
1.20	07020010 07020090		Tomatoes	122,04	5 162	950,95	248,90	839,07	23 863	93,27	183 310	280,07	90,95
1.30	07031019		Onions (other than sets)	35,74	1 511	278,48	72,89	245,72	6 988	27,31	53 682	82,02	26,63
1.40	07032000		Garlic	245,13	10 368	1 910,07	499,95	1 685,35	47 931	187,35	368 194	562,55	182,69
1.50	07039000	* 10	Leeks	26,19	1 107	204,09	53,42	180,07	5 121	20,01	39 341	60,10	19,52
1.60	07041010 07041090	* 00 * 00	Cauliflowers	35,35	1 508	278,81	71,89	244,80	6 721	27,24	53 623	81,08	25,69
1.70	07042000		Brussels sprouts	91,24	3 887	719,35	185,92	631,56	17 375	70,20	138 290	209,42	66,20
1.80	07049010		White cabbages and red cabbages	43,46	1 853	342,72	88,37	300,92	8 262	33,48	65 914	99,66	31,58
1.90	07049090	* 10	Sprouting broccoli or calabrese ( <i>Brassica oleracea var. italica</i> )	93,33	3 948	727,28	190,36	641,71	18 250	71,33	140 193	214,19	69,56
1.100	07049090	* 92 * 98	Chinese cabbage	45,58	1 928	355,21	92,97	313,42	8 913	34,84	68 473	104,61	33,97
1.110	07051110 07051190		Cabbage lettuce (head lettuce)	82,91	3 507	646,07	169,10	570,05	16 212	63,37	124 539	190,28	61,79
1.120	07052900	* 10	Endives	27,66	1 170	215,53	56,41	190,17	5 408	21,14	41 547	63,47	20,61
1.130	07061000	* 21 * 22 * 23 * 25	Carrots	35,86	1 516	279,41	73,13	246,54	7 011	27,40	53 861	82,29	26,72
1.140	07069090	* 11 * 19	Radishes	93,54	3 956	728,89	190,78	643,13	18 290	71,49	140 504	214,67	69,71
1.150	07070011 07070019		Cucumbers	56,97	2 409	443,95	116,20	391,72	11 140	43,54	85 578	130,75	42,46
1.160	07081010 07081090		Peas ( <i>Pisum sativum</i> )	202,36	8 559	1 576,77	412,71	1 391,26	39 567	154,66	303 945	464,39	150,81
1.170	07082010 07082090		Beans ( <i>Vigna spp., Phaseolus spp.</i> )	230,18	9 736	1 793,59	469,46	1 582,57	45 008	175,92	345 740	528,24	171,54
1.180	07089000	* 11 * 12 * 29	Broad beans	51,96	2 198	404,90	105,98	357,26	10 160	39,71	78 051	119,25	38,72
1.190	07091000		Globe artichokes	86,24	3 647	671,99	175,89	592,93	16 863	65,91	129 536	197,91	64,27
1.200			Asparagus :										
1.200.1	07092000	* 11 * 12 * 13 * 14 * 15 * 16	— green	409,33	17 313	3 189,46	834,82	2 814,22	80 036	312,84	614 815	939,36	305,05
1.200.2	07092000	* 91 * 92 * 93 * 94 * 95 * 96	— other	449,05	18 993	3 498,93	915,83	3 087,27	87 802	343,20	674 468	1 030,50	334,65
1.210	07093000		Aubergines (egg-plants)	105,93	4 480	825,45	216,05	728,33	20 713	80,96	159 117	243,11	78,95
1.220	07094000	* 13 * 14 * 15	Ribbed celery ( <i>Apium graveolens, var. dulce</i> )	38,29	1 619	298,37	78,09	263,26	7 487	29,26	57 515	87,87	28,53
1.230	07095130		Chantarelles	556,01	23 931	4 428,22	1 139,98	3 869,16	102 135	429,67	837 139	1 287,01	394,04
1.240	07096010		Sweet peppers	192,39	8 137	1 499,11	392,38	1 322,74	37 618	147,04	288 975	441,51	143,38

Code	CN code	Taric-sub-heading	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.250	0709 90 50		Fennel	38,91	1 646	303,22	79,36	267,55	7 609	29,74	58 451	89,30	29,00
1.260	0709 90 70		Courgettes	108,55	4 591	845,83	221,39	746,31	21 225	82,96	163 045	249,11	80,90
1.270	0714 20 10	* 00	Sweet potatoes, whole, fresh (intended for human consumption)	83,09	3 573	661,63	170,19	578,78	15 258	64,18	125 219	192,08	58,69
2.10	0802 40 00	* 10	Chestnuts ( <i>Castanea spp.</i> ), fresh	146,09	6 222	1 151,44	295,70	1 011,02	27 507	112,36	221 703	333,97	108,51
2.20	0803 00 10	* 90	Bananas (other than plantains), fresh	55,93	2 365	435,83	114,07	384,55	10 936	42,75	84 013	128,36	41,68
2.30	0804 30 00	* 90	Pineapples, fresh	46,94	1 985	365,77	95,74	322,74	9 178	35,87	70 508	107,72	34,98
2.40	0804 40 10 0804 40 90	* 10 * 10	Avocados, fresh	142,48	6 026	1 110,18	290,58	979,56	27 858	108,89	214 003	326,97	106,18
2.50	0804 50 00	* 21 * 91	Guavas and mangoes, fresh	155,63	6 583	1 212,71	317,42	1 070,03	30 431	118,95	233 767	357,16	115,99
2.60			Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41		— Sanguines and semi-sanguines	46,35	1 960	361,21	94,54	318,71	9 064	35,43	69 629	106,38	34,54
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	38,53	1 629	300,26	78,59	264,93	7 534	29,45	57 879	88,43	28,71
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49		— Others	29,17	1 244	230,04	59,32	201,99	5 546	22,47	44 244	66,89	21,20
2.70			Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	0805 20 10	* 11 * 21	— Clementines	90,96	3 847	708,75	185,51	625,37	17 785	69,52	136 623	208,74	67,79
2.70.2	0805 20 30	* 11 * 21	— Monreales and Satsumas	34,40	1 455	268,10	70,17	236,56	6 727	26,29	51 681	78,96	25,64
2.70.3	0805 20 50	* 12 * 13 * 22 * 23	— Mandarins and Wilkings	52,47	2 219	408,90	107,02	360,79	10 261	40,10	78 821	120,43	39,11
2.70.4	0805 20 70 0805 20 90	* 11 * 21 * 11 * 12 * 13 * 14 * 31 * 32 * 33 * 34	— Tangerines and others	74,68	3 158	581,91	152,31	513,45	14 602	57,07	112 172	171,38	55,65
2.80	0805 30 10	* 11 * 12	Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> ), fresh	37,47	1 585	291,98	76,42	257,63	7 327	28,64	56 284	85,99	27,92
2.85	0805 30 90	* 11 * 19	Limes ( <i>Citrus aurantiifolia</i> ), fresh	160,63	6 794	1 251,61	327,60	1 104,36	31 408	122,76	241 266	368,62	119,71

Code	CN code	Taric-sub-heading	Description	Amount of unit values per 100 kg net																
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£							
2.90			Grapefruit, fresh :																	
2.90.1	08054000	*11 *12	— white	37,35	1 579	291,03	76,17	256,79	7 303	28,54	56 101	85,71	27,83							
2.90.2	08054000	*21 *22	— pink	88,79	3 756	691,91	181,10	610,50	17 362	67,86	133 375	203,78	66,17							
2.100	08061011 08061015 08061019		Table grapes	129,66	5 484	1 010,32	264,44	891,45	25 352	99,10	194 753	297,55	96,63							
2.110	08071010		Water-melons	103,73	4 387	808,30	211,57	713,20	20 283	79,28	155 812	238,06	77,31							
2.120			Melons (other than water-melons)																	
2.120.1	08071090	*12 *13 *14 *15 *21	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	68,89	2 914	536,82	140,51	473,66	13 470	52,65	103 480	158,10	51,34							
2.120.2	08071090	*16 *17 *18 *19 *29	— Other	120,51	5 097	939,05	245,79	828,57	23 564	92,11	181 016	276,57	89,81							
2.130	08081091 08081093 08081099		Apples	67,01	2 834	522,20	136,68	460,76	13 104	51,22	100 662	153,79	49,94							
2.140	08082031 08082033 08082035 08082039	*91 *98 *90 *90 *90	Pears (other than the Nashi variety ( <i>Pyrus Pyrifolia</i> ))	71,17	3 010	554,57	145,15	489,32	13 916	54,39	106 902	163,33	53,04							
2.150	08091000		Apricots	168,41	7 176	1 325,64	344,57	1 167,44	32 523	129,70	254 934	388,10	120,30							
2.160	08092010 08092090		Cherries	220,66	9 412	1 740,13	448,73	1 527,90	41 952	170,03	334 673	506,04	160,37							
2.170	08093000	*91 *92 *93 *97	Peaches	169,08	7 151	1 317,46	344,84	1 162,46	33 060	129,22	253 960	388,01	126,01							
2.180	08093000	*11 *12 *13 *17	Nectarines	171,51	7 254	1 336,43	349,80	1 179,20	33 536	131,08	257 617	393,60	127,82							
2.190	08094011 08094019		Plums	154,49	6 534	1 203,78	315,08	1 062,16	30 207	118,07	232 047	354,53	115,13							
2.200	08101010 08101090		Strawberries	238,18	10 074	1 855,87	485,76	1 637,52	46 571	182,03	357 746	546,59	177,50							
2.205	08102010		Raspberries	825,69	34 924	6 433,66	1 683,98	5 676,73	161 445	631,06	1 240 179	1 894,84	615,35							
2.210	08104030		Fruit of the species <i>Vaccinium myrtillus</i>	179,42	7 780	1 443,17	370,20	1 255,56	32 582	138,91	270 928	418,03	122,25							
2.220	08109010		Kiwi fruit ( <i>Actinidia chinensis</i> Planch.)	105,64	4 501	831,52	216,14	732,29	20 401	81,36	159 911	243,44	75,46							
2.230	08109080	*31 *32	Pomegranates	72,77	3 105	573,24	148,25	504,48	13 979	55,95	110 349	167,24	52,51							
2.240	08109080	*41 *42	Khakis	77,49	3 277	603,83	158,04	532,78	15 152	59,22	116 396	177,84	57,75							
2.250	08109030	*10	Lychees	206,02	8 714	1 605,33	420,18	1 416,46	40 284	157,46	309 451	472,80	153,54							

\* = The ninth digit is reserved for the Member States (statistical purposes).

**COMMISSION REGULATION (EEC) No 743/90****of 28 March 1990****providing for a derogation from certain provisions on the volatile acid content of certain wines**

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 388/90 <sup>(2)</sup>, and in particular Article 66 (4) thereof,

Whereas Article 66 of Regulation (EEC) No 822/87 fixes the maximum volatile acid content of wine; whereas derogations may be laid down for wine with a total alcoholic strength by volume equal to or greater than 13 % vol pursuant to Article 66 (3) (b) of that Regulation; whereas in the 1989 harvest certain wines from Gironde falling within that category have a volatile acid content higher than that provided for in Article 66 of Regulation (EEC) No 822/87 owing to slow fermentation in a year of great maturity for this traditional type of wine; whereas, in order that the abovementioned wines may continue to be prepared by the customary methods which enable them to acquire their characteristic properties, provision should be made for a derogation from Article 66 (1) of Regulation (EEC) No 822/87;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 66 (1) of Regulation (EEC) No 822/87, the volatile acid content of the quality wines *psr* Sauternes, Barsac, Cerons, Sainte-Croix du Mont, Louplac and Cadillac prepared from grapes harvested in 1989 may exceed 18 but not exceed 22 milliequivalents.

*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, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 42, 12. 2. 1990, p. 9.

## COMMISSION REGULATION (EEC) No 744/90

of 28 March 1990

**amending Regulation (EEC) No 183/90 setting for 1990 the quantities of cheese originating in and coming from Switzerland that may be imported into Spain**

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 Decision 86/559/EEC of 15 September 1986 on the conclusion of the Agreements in the form of Exchanges of Letters between the European Economic Community and the Swiss Confederation concerning agriculture and fisheries<sup>(1)</sup>, and in particular section (a) in Exchange of Letters No 3,Whereas Commission Regulation (EEC) No 183/90<sup>(2)</sup> fixes the quantities of cheese which may be imported into Spain from Switzerland in 1990; whereas CN code 0406 90 15 in Article 1 thereof is not indicated in accordance with the provisions of Commission Regulation (EEC) No 3621/89<sup>(3)</sup> since that Regulation rules out Gruyère cheese alone in respect of that code from the list of products subject to the supplementary trade mechanism; whereas that Article should accordingly be amended;

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*

In Article 1 of Regulation (EEC) No 183/90, 'cheeses of CN codes 0406 90 13 and 0406 90 15' is hereby replaced by 'Emmental cheese falling within CN code 0406 90 13 and Gruyère cheese falling within CN code ex 0406 90 15'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 98.<sup>(2)</sup> OJ No L 21, 26. 1. 1990, p. 38.<sup>(3)</sup> OJ No L 351, 2. 12. 1989, p. 22.

COMMISSION REGULATION (EEC) No 745/90  
of 28 March 1990

amending Regulation (EEC) No 3990/89 fixing the quotas for 1990 applying to imports into Spain of milk and milk 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 detailed rules concerning quantitative restrictions on imports into Spain of certain agricultural products from third countries<sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 3990/89<sup>(3)</sup> fixes the quotas applying to imports into Spain of certain milk products from third countries for 1990; whereas Article 1 (2) of that Regulation sets a quota of 3 400 tonnes of cheese falling within CN code ex 0406, excluding CN codes 0406 90 13 and 0406 90 15, from Switzerland; whereas the present reference to CN code 0406 90 15 also covers Sbrinz cheese, which was not withdrawn from the list of products subject to the supplemen-

tary trade mechanism; whereas that reference should accordingly be amended.

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*

Article 1 (2) of Regulation (EEC) No 3990/89 is hereby replaced by the following:

'2. The quotas for 1990 of products listed in Annex II to Regulation (EEC) No 491/86 and falling within CN code ex 0406, with the exception, as regards imports from Switzerland, of Emmental cheese falling within CN code 0406 90 13 and Gruyère cheese falling within CN code ex 0406 90 15, shall be 3 400 tonnes.'

*Article 2*

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

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 54, 1. 3. 1986, p. 25.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 380, 29. 12. 1989, p. 42.



**COMMISSION REGULATION (EEC) No 746/90**

of 28 March 1990

**derogating from the provisions on the deadline for the submission of tenders laid down in Regulation (EEC) No 859/89 laying down detailed rules for the application of intervention measures in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 6 (7) thereof,Whereas Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector <sup>(3)</sup> lays down in particular the detailed rules on invitations to tender; whereas Article 8 of the abovementioned Regulation in particular sets the deadline for the submission of tenders at the second and fourth Wednesdays of each month;

Whereas the public holidays in April and May 1990 call for that deadline to be amended for practical reasons;

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*

By way of derogation from the first sentence of Article 8 of Regulation (EEC) No 859/89, during the period 1 April to 31 May 1990 the deadline for the submission of tenders shall expire at 12 noon (Brussels time) on the third Wednesday of April and on the first, third and fifth Wednesdays of May.

*Article 2*

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.

## COMMISSION REGULATION (EEC) No 747/90

of 28 March 1990

amending Regulation (EEC) No 3578/88 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture <sup>(1)</sup>, as last amended by Regulation (EEC) No 1889/87 <sup>(2)</sup>, and in particular Articles 6 (2) and 12 thereof,

Whereas Commission Regulation (EEC) No 3578/88 <sup>(3)</sup>, as amended by Regulation (EEC) No 3063/89 <sup>(4)</sup>, lays down in particular detailed rules for determining automatic dismantlement of negative monetary gaps newly created by a monetary realignment; whereas the detailed rules for the implementation of such automatic dismantlements should be laid down in view of the further dismantlement which may occur;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following Article 7a is hereby inserted in Regulation (EEC) No 3578/88:

*Article 7a*

1. The dismantlement of the newly created real monetary gap shall be effected using the agricultural conversion rates:

- fixed or provided for, as the case may be, by Council Decision or under Article 6 of Regulation (EEC) No 1677/85,
- applicable subsequent to the date of entry into force of the dismantlement of the newly created real monetary gap, and
- increasing the dismantlement in question.

However, the adjustments referred to in the first subparagraph may not lead to an agricultural conversion rate which exceeds the market rate corresponding to the real monetary gap calculated immediately after the realignment.

2. The agricultural conversion rates resulting from the dismantlement of the newly created real monetary gap, where appropriate adapted in accordance with paragraph 1, shall be determined using the market rate corresponding to the real monetary gap calculated immediately after the realignment.

3. Subject to other Council Decisions, where an additional dismantlement is decided after a monetary realignment, that dismantlement shall be effected having regard to each of the agricultural conversion rates referred to in paragraph 2.

However, the adjustments referred to in the first subparagraph may not result in an agricultural conversion rate which exceeds the market rate applicable at the time the additional dismantlement is decided by the Council.

4. The agricultural conversion rates shall be fixed, pursuant to the adaptation referred to in the third subparagraph of Article 6 (2) of Regulation (EEC) No 1677/85:

(a) during the five working days following the monetary realignment as regards:

- the first stage of the automatic dismantlement arrangements for all the products in question, and
- the following stage for products the marketing year of which commences after the realignment in question and before the beginning of the milk year following that realignment;

(b) at the latest, during the month preceding the beginning of the first, second and third milk years following the monetary realignment as regards the other stages of the automatic dismantlement arrangements and for all the products in question.

5. Where the total dismantlement contemplated, where appropriate adapted in accordance with paragraphs 1 and 3, exceeds one of the real monetary gaps existing at the time the agricultural conversion rates are fixed, the dismantlement under Article 6 of Regulation (EEC) No 1677/85 shall be effected, for the rate and the marketing year concerned, in such a way so as to reduce the creation of real monetary gaps as much as possible.

*Article 2*

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

<sup>(1)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(2)</sup> OJ No L 182, 3. 7. 1987, p. 1.

<sup>(3)</sup> OJ No L 312, 18. 11. 1988, p. 16.

<sup>(4)</sup> OJ No L 293, 12. 10. 1989, p. 34.

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

Done at Brussels, 28 March 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 748/90****of 28 March 1990****fixing the maximum export refund for white sugar for the 47th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 999/89**

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

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

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

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(3)</sup>, as last amended by Regulation (EEC) No 653/90<sup>(4)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 999/89, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 47th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 47th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 28,000 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 29 March 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 107, 19. 4. 1989, p. 6.

<sup>(4)</sup> OJ No L 71, 17. 3. 1990, p. 15.

**COMMISSION REGULATION (EEC) No 749/90**  
**of 28 March 1990**  
**fixing the import levy on molasses**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1898/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 690/90 <sup>(4)</sup>;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1898/89 to

the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,64 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 29 March 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 184, 30. 6. 1989, p. 10.

<sup>(4)</sup> OJ No L 76, 22. 3. 1990, p. 20.

**COMMISSION REGULATION (EEC) No 750/90**  
**of 28 March 1990**  
**fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 713/90 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 29 March 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 187, 1. 7. 1989, p. 13.

<sup>(4)</sup> OJ No L 78, 24. 3. 1990, p. 19.

## ANNEX

to the Commission Regulation of 28 March 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	28,98 <sup>(1)</sup>
1701 11 90	28,98 <sup>(1)</sup>
1701 12 10	28,98 <sup>(1)</sup>
1701 12 90	28,98 <sup>(1)</sup>
1701 91 00	32,81
1701 99 10	32,81
1701 99 90	32,81 <sup>(2)</sup>

<sup>(1)</sup> 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).

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

**COMMISSION REGULATION (EEC) No 751/90**  
**of 28 March 1990**

**altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 500/90 <sup>(3)</sup>, as amended by Regulation (EEC) No 658/90 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 500/90 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 500/90 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 29 March 1990.

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

Done at Brussels, 28 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 53, 1. 3. 1990, p. 25.

<sup>(4)</sup> OJ No L 71, 17. 3. 1990, p. 24.



## ANNEX

to the Commission Regulation of 28 March 1990 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3281	—
1702 20 90	0,3281	—
1702 30 10	—	43,21
1702 40 10	—	43,21
1702 60 10	—	43,21
1702 60 90	0,3281	—
1702 90 30	—	43,21
1702 90 60	0,3281	—
1702 90 71	0,3281	—
1702 90 90	0,3281	—
2106 90 30	—	43,21
2106 90 59	0,3281	—

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 26 February 1990

on the conclusion of a protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus

(90/153/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the assent of the European Parliament<sup>(1)</sup>,

Whereas the protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus is hereby approved on behalf of the Community.

The next of the Protocol is attached to this Decision.

*Article 2*

The President of the Council shall give the notification provided for in Article 21 of the Protocol<sup>(2)</sup>.

*Article 3*

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 26 February 1990.

*For the Council*

*The President*

M. SMITH

(1) OJ No C 68, 19. 3. 1990.

(2) The date of the entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the Secretariat General of the Council.

## PROTOCOL

### on financial and technical cooperation between the European Economic Community and the Republic of Cyprus

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS,

of the other part,

ANXIOUS to promote the development of the Cypriot economy and the objectives of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus,

MINDFUL of the declaration of the European Economic Community concerning a third Financial Protocol contained in the Final Act annexed to the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement and taking into account the newly established relationship between the Community and Cyprus as it results from the said Protocol,

HAVE DECIDED to conclude this Protocol and to this end have designated as their Plenipotentiaries :

THE COUNCIL OF THE EUROPEAN COMMUNITIES :

Mr Jean VIDAL

Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative of the French Republic,  
Chairman of the Permanent Representatives Committee;

Mr Eberhard RHEIN

Acting Director-General, responsible for North-South Relations of the Directorate General for External Relations of the Commission of the European Communities;

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS :

Mr Nicos AGATHOCLEOUS

Ambassador Extraordinary and Plenipotentiary,  
Permanent Delegate to the European Economic Community,  
Head of Mission of the Republic of Cyprus :

WHO, having exchanged their full powers, found in a good and due form,

HAVE AGREED AS FOLLOWS :

#### *Article 1*

Within the framework of the financial and technical cooperation provided for in the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, the Community shall participate on the terms set out in this Protocol in the financing of projects intended to contribute to the economic and social development of Cyprus with special emphasis on the productive sectors of Cyprus's economy, thus facilitating their adjustment to the new competitive conditions.

#### *Article 2*

1. For the purposes specified in Article 1, and for a period expiring on 31 December 1993, an aggregate amount of ECU 62 million may be committed as follows :

- (a) ECU 44 million in the form of loans from the European Investment Bank, hereinafter referred to as 'the Bank', made from its own resources;
- (b) ECU 13 million from the Community's budgetary resources, in the form of grants;

(c) ECU 5 million from the Community's budgetary resources, in the form of contributions to risk capital formation.

2. The loans referred to in paragraph 1 (a) shall carry a 1,5 % interest rate subsidy financed by means of the funds referred to in paragraph 1 (b).

3. The risk capital referred to in paragraph 1 (c) shall contribute to the cooperation objectives and operations defined in Article 3, in particular those indicated in the first indent of paragraph 2 of that Article.

It shall be used primarily to make equity capital or the like available to Cypriot private undertakings, public undertakings and undertakings with State participation, preferably those with which natural or legal persons who are nationals of a Community Member State are associated. It may be used under the same conditions to finance specific studies for the preparation and development of such undertakings' projects and to assist such undertakings in their starting-up period.

It shall be granted and administered by the Bank and may take the form of:

- (a) subordinated loans, where repayment and payment of any interest will not be made until other bank claims have been settled;
- (b) conditional loans, where repayment or duration will depend on the fulfilment of conditions specified at the time when the loan is granted;
- (c) acquisition of temporary minority holdings on behalf of the Community in the capital of undertakings established in Cyprus;
- (d) finance for the acquisition of holdings, in the form of conditional loans granted to Cyprus or, with the Cypriot Government's agreement, to Cypriot undertakings, either directly or through the intermediary of Cypriot financial institutions.

#### Article 3

1. The total amount fixed in Article 2 shall be used primarily for the financing or part-financing of cooperation projects or operations aimed at strengthening the economic links between the Community and Cyprus in their mutual interest by developing cooperation in the fields of industry, agriculture, training and research, technology, commerce and other services in order to restructure and modernize the Cypriot economy and to increase its competitiveness. Economic infrastructure and capital projects which are complementary to the above operations may also be financed.

2. Priority shall be given to those of the eligible projects and operations having the following aims:

- in the industrial, agricultural and service sectors, promotion of joint ventures between firms from the

Community Member States and Cypriot firms, direct contacts, exchange of information, promotion of investment and private-sector capital flows, and support for small and medium-sized enterprises, including craft businesses, in order to promote employment,

- in the field of science and technology, expansion of Cypriot training and research capability and the establishment or development of links between Cypriot and European private and public sector training and research institutions,
- in the trade sector, diversification and promotion of exports and organization of contacts between Cypriot firms and firms from the Community Member States,
- in the priority areas referred to above, practical training schemes linked to projects or operations in firms and research institutions.

3. The Community's financial contributions shall be used to cover internal and external costs necessarily incurred in carrying out approved projects or schemes (including costs in respect of studies, consultants and technical assistance).

They may not be used to cover current administrative, maintenance or operational expenditure.

#### Article 4

1. Capital projects shall be eligible for financing either by loans from the Bank, combined with interest rate subsidies on the terms set out in Article 2 (2), or by risk capital, or by grants, or by a combination of these means.

2. Technical and economic cooperation shall normally be financed by grants.

#### Article 5

1. The amounts to be committed each year shall be as far as possible distributed throughout the period of application of this Protocol.

2. Any funds not committed at the end of the period referred to in Article 2 (1) shall be used until exhausted in accordance with the arrangements laid down in this Protocol.

#### Article 6

1. Loans granted by the Bank from its own resources shall be made in accordance with the arrangements, conditions and procedures laid down in its statute. They shall, as regards their duration, be subject to terms established on the basis of the economic and financial characteristics of the projects for which these loans are intended, also taking into account the conditions obtaining on the capital markets on which the Bank procures its resources. The interest rate shall be determined in accordance with the Bank's practice at the time of signature of

each loan contract, subject to the interest rate subsidy referred to in Article 2 (2).

2. The terms and arrangements for contributions to risk capital formation shall be determined on a case-by-case basis.

3. Aid from the Community's budget resources, other than that intended for interest rate subsidies for loans from the Bank or that intended for risk capital operations shall be granted and administered by the Commission.

4. The funds referred to in Article 2 may be granted through the intermediary of the State or appropriate Cypriot bodies, on condition that they allocate the amounts to the recipients on terms decided, by agreement with the Community, on the basis of the economic and financial characteristics of the projects and operations for which they are intended.

#### Article 7

Aid contributed by the Community for the execution of certain projects may, with the agreement of Cyprus take the form of cofinancing in which, in particular credit and development bodies and institutions of Cyprus, of Member States or of third States or international finance organizations would take part.

#### Article 8

The following shall be eligible for financial and technical cooperation :

(a) in general :

— the State of Cyprus ;

(b) with the agreement of the Cypriot Government, for projects or operations approved by it :

— official Cypriot development agencies,

— private agencies working in Cyprus for economic and social development,

— undertakings carrying in their activities in accordance with industrial and business management methods and set up as legal persons within the meaning of Article 12,

— groups of producers who are nationals of Cyprus and, exceptionally, where no such groups exist, the producers themselves,

— scholarship holders and trainees sent by Cyprus and the training schemes referred to in Article 3.

#### Article 9

1. With a view to making optimum use of the instruments and means provided for in this Protocol and achieving the objectives laid down in Article 3, the Community and Cyprus shall, by mutual agreement on the basis of information provided by Cyprus draw up an indicative programme committing both parties and determining the specific objectives of financial and technical cooperation, the priority sectors for intervention and the action programmes envisaged by reference to the priorities set out in Cyprus's development plan.

2. The indicative programme may be reviewed by mutual agreement to take account of any changes in Cyprus's economic situation or in the objectives and priorities laid down by its development plan.

3. The Community and Cyprus shall continue their exchanges of views within the appropriate bodies and shall, at least once during the period of implementation of this Protocol and at the latest before the end of the third year following its entry into force, make an assessment of the implementation of the indicative programme.

#### Article 10

1. Within the framework laid down in accordance with Article 9, the State of Cyprus or, with the agreement of its Government, the other possible beneficiaries referred to in Article 8, shall submit their requests for financial aid to the Community.

2. The Community shall appraise the requests for financing in collaboration with the competent Cypriot authorities and other beneficiaries, in accordance with the objectives referred to in Article 9, and shall inform them of the decisions taken on such requests.

#### Article 11

1. The execution, management and maintenance of schemes that are the subject of financing under this Protocol shall be the responsibility of Cyprus or of the other beneficiaries referred to in Article 8.

The Community shall make sure that this financial aid is expended in accordance with the agreed allocations and to the best economic advantage.

2. The projects and action programmes shall be the subject of appropriate evaluation, the outcome of which shall be communicated to both parties, which shall take appropriate measures by mutual agreement.

3. Certain rules for administering the financial aid granted by the Community shall be the subject of an exchange of letters or a framework agreement between the Commission and Cyprus upon conclusion of this Protocol.

#### Article 12

1. All natural and legal persons falling within the scope of the Treaty establishing the European Economic Community and all natural and legal persons of Cyprus may participate on equal terms in tendering procedures and other procedures for the award of contracts likely to be financed. Any such legal person formed in accordance with the law of a Member State of the European Economic Community or of Cyprus must have its registered office, its administrative head office or its principal establishment in the territories in which the EEC Treaty is applied or in Cyprus; however, where only its registered office is in the said territories or in Cyprus, the activities of such legal person must be effectively and continuously linked with the economy of those territories or of Cyprus.

2. In agreement with Cyprus, natural and legal persons who are nationals of developing countries associated with the Community by comprehensive cooperation or association agreements may exceptionally, on a case-by-case basis, be authorized by the Community to participate in the operations referred to in paragraph 1 which are financed by the Community. The eligibility of such natural or legal persons shall be assessed, *mutatis mutandis*, on the terms set out in paragraph 1.

#### Article 13

To promote participation by Cypriot undertakings in the performance of contracts and to ensure the rapid and effective implementation of projects and operations financed from resources administered by the Commission:

(a) an accelerated procedure for issuing invitations to tender involving shorter time limits for the submission of tenders may be used by Cyprus in agreement with the Commission for works contracts which, because of their scale, are mainly of interest to Cypriot undertakings.

The organization of this accelerated procedure shall not rule out the possibility of issuing an international invitation to tender where it appears that the nature of the works to be carried out or the usefulness of widening participation justifies recourse to international competition;

(b) in urgent cases or where the nature, small scale or particular characteristics of certain works or supplies so warrant, Cyprus may exceptionally, in agreement with the Commission, authorize the placing of contracts following restricted invitations to tender, the conclusion of contracts by direct agreement and the performance of contracts through public works departments.

The procedures referred to in points (a) and (b) may be used for operations with an estimated cost of less than ECU 3 million.

#### Article 14

1. Cyprus shall apply to contracts awarded for the execution of projects or schemes financed by the Community fiscal and customs arrangements no less favourable than those applied *vis-à-vis* the most favoured State or the most favoured international organization.

2. The content of arrangements referred to in paragraph 1 shall be established by means of an exchange of letters between the Parties.

#### Article 15

Cyprus shall take the necessary measures to ensure that interest and all other payments due to the Bank in respect of transactions concluded under this Protocol are exempted from any national or local tax or levy.

#### Article 16

Where, as foreseen in Article 8 above, a loan is accorded with the agreement of the Cyprus Government to a beneficiary other than the State, the provision for a guarantee by the latter or other adequate guarantee shall be required by the Bank as a condition of the grant of the loan.

#### Article 17

Throughout the duration of the loans and risk capital operations provided for in Article 2, Cyprus shall undertake to:

- (a) place at the disposal of the beneficiaries or of their guarantors the currency necessary for the payment of interest and commission and amortization of loans and risk capital aid granted for the implementation of operations on its territory;
- (b) make available to the Bank the foreign currency necessary for the transfer of all sums received by it in national currency which represent the net revenue and proceeds from transactions involving the acquisition by the Community of holdings in the capital of companies or firms.

#### Article 18

The results of financial and technical cooperation may be examined within the Association Council which shall establish, where appropriate, the general guidelines for such cooperation.

#### Article 19

One year before the expiry of this Protocol, the Contracting Parties shall examine what arrangements could be made for financial and technical cooperation during a possible further period.

#### Article 20

This Protocol shall be annexed to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus.

#### Article 21

1. This Protocol shall be subject to approval in concordance with the Contracting Parties' own procedures; the Contracting Parties shall notify each other that the procedures necessary to this end have been completed.

2. This Protocol shall enter into force on the first day of the second month following the date on which the notifications provided for in paragraph 1 have been given.

#### Article 22

This Protocol is drawn up in two original copies in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Σε πίστωση των ανωτέρω, οι υπογεγραμμένοι πληρεξούσιοι έθεσαν τις υπογραφές τους στο παρόν πρωτόκολλο.

In witness whereof the undersigned Plenipotentiaries have signed this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente protocolo.

Hecho en Bruselas, el treinta de noviembre de mil novecientos ochenta y nueve.

Udfærdiget i Bruxelles, den tredivte november nitten hundrede og niogfirs.

Geschehen zu Brüssel am dreißigsten November neunzehnhundertneunundachtzig.

Έγινε στις Βρυξέλλες, στις τριάντα Νοεμβρίου χίλια εννιακόσια ογδόντα εννέα.

Done at Brussels on the thirtieth day of November in the year one thousand nine hundred and eighty-nine.

Fait à Bruxelles, le trente novembre mil neuf cent quatre-vingt-neuf.

Fatto a Bruxelles, addì trenta novembre millenovecentottantanove.

Gedaan te Brussel, de dertigste november negentienhonderd negentachtig.

Feito em Bruxelas, em trinta de Novembro de mil novecentos e oitenta e nove.

