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## Legislation

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## I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 1115/90**

of 25 April 1990

**opening and providing for the administration of Community tariff quotas for frozen hake fillets and for processing work in respect of certain textile products under Community outward processing arrangements**

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 the Community has undertaken, within the framework of its external relations, to open each year for periods of, respectively, 1 July to 31 December and 1 September to 31 August of the following year, Community tariff quotas for 5 000 tonnes at 10 % duty for frozen fillets of hake presented in the form of industrial blocks with bones ('standard') and, after various adaptations, a duty-free Community tariff quota for ECU 1 870 000 of added value for various kinds of processing work in respect of certain textile products under outward processing arrangements; whereas the tariff quotas in question should accordingly be opened for the agreed periods and in accordance with the agreed elements with the quota for textile products complying with the provisions of Council Regulation (EEC) No 2779/78 of 23 November 1978 on the procedure for applying the European unit of account (EUA) to legal acts adopted in one customs sphere<sup>(1)</sup>, as amended by Regulation (EEC) No 289/84<sup>(2)</sup>, and in particular Article 2 thereof, and the provisions of Council Regulation (EEC, Euratom) No 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ECU in Community legal instruments<sup>(3)</sup>;

Whereas provision should be made in particular to ensure equal and continuous access for those concerned to the quotas in question and consistent application, until the quotas are exhausted, of the rate prescribed for the said quotas to all goods which are imported or re-imported into any of the Member States and which meet the prescribed conditions; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of these tariff quotas while offering the Member States the opportunity to draw from the quota volumes the necessary quantities corresponding to actual imports or re-imports;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, all transactions concerning the administration of the shares levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 July to 31 December 1990 the customs duty applicable to the import of the products listed below shall be suspended at the levels and within the limit of the Community tariff quota shown herewith:

Order No.	CN code ( <sup>1</sup> )	Description	Amount of quota (tonnes)	Quota duty (%)
09.0037	ex 0304 20 57	Frozen fillets of hake ( <i>Merluccius</i> spp.) presented in the form of industrial blocks with bones ('standard')	5 000	10

(<sup>1</sup>) Taric codes 0304 20 57 \* 11 and 0304 20 57 \* 19.

(<sup>1</sup>) OJ No L 333, 30. 11. 1978, p. 5.

(<sup>2</sup>) OJ No L 33, 4. 2. 1984, p. 2.

(<sup>3</sup>) OJ No L 345, 20. 12. 1980, p. 1.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of fillets of hake shall benefit from the relevant quota fixed in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2886/89 <sup>(2)</sup>, is at least equal to the reference price.

3. Imports of these products shall not be charged against this tariff quota if they are already eligible for an

equal or lower customs duty under other preferential tariff treatment.

#### Article 2

1. From 1 September 1990 to 31 August 1991 the customs duties applicable to re-imports of the following products shall be totally suspended within the limit of the Community tariff quota shown herewith :

Order No	CN code	Description	Volume of tariff quota
09.2501		Goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles as follows :	ECU 1 870 000 of value added
		(a) processing work on woven fabrics falling within Chapters 50 to 55 and CN code 5809 00 00	
		(b) twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 55 and CN code 5605 00 00	
		(c) processing work on products falling within the following CN codes :	
	5606 00	Gimped yarn, and strip and the like of code 5404 or 5405, gimped (other than those of code 5605 and gimped horsehair yarn): chenille yarn (including flock chenille yarn); loop wale-yarn :	
		– Other :	
	5606 00 91	– – Gimped yarn	
	5606 00 99	– – Other	
	5801	Woven pile fabrics and chenille fabrics, other than fabrics of code 5802 or 5806 :	
	5801 10 00	– Of wool or fine animal hair	
		– Of cotton :	
	5801 22 00	– – Cut corduroy	
	5801 23 00	– – Other weft pile fabrics	
	5801 24 00	– – Warp pile fabrics, épinglé (uncut)	
	5801 25 00	– – Warp pile fabrics, cut	
	5801 26 00	– – Chenille fabrics	
		– Of man-made fibres :	
	5801 32 00	– – Cut corduroy	
	5801 33 00	– – Other weft pile fabrics	
	5801 34 00	– – Warp pile fabrics, épinglé (uncut)	
	5801 35 00	– – Warp pile fabrics, cut	
	5801 36 00	– – Chenille fabrics	
	5801 90	– Of other textile materials :	
	5801 90 10	– – Of flax	
	5801 90 90	– – Other	
	5802	Terry towelling and similar woven terry fabrics, other than narrow fabrics of code 5806 ; tufted textile fabrics, other than products of code 5703	
	5804	Tulles and other net fabrics, not including woven, knitted or crocheted fabrics ; lace in the piece, in strips or in motifs	
	5806	Narrow woven fabrics, other than goods of code 5807 ; narrow fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)	
	5808	Braids in the piece ; ornamental trimmings in the piece, without embroidery other than knitted or crocheted ; tassels, pompoms and similar articles	
	6001	Pile fabrics, including 'long pile' fabrics and terry fabrics, knitted or crocheted	
	6002	Other knitted or crocheted fabrics	

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 282, 2. 10. 1989, p. 1.

2. For the purposes of this Article :

(a) 'processing work' shall mean :

- for the purposes of paragraph 1 (a) and (c) appearing in the table : bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,
- for the purposes of paragraph 1 (b) appearing in the table : twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature ;

(b) 'value added' shall mean the difference between the value for customs purposes as defined in Community regulations on this subject at the time of re-importation and the value for customs purposes as it would be if the products were re-imported in the state in which they were exported.

3. Re-imports of products, resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

#### *Article 3*

Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions of the Act of Accession and, where appropriate, of the Protocols concluded by reason of that accession.

#### *Article 4*

The tariff quota referred to in Articles 1 and 2 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

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

Done at Brussels, 25 April 1990.

#### *Article 5*

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The request for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the entries for release for free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed thereof by the Commission.

#### *Article 6*

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quotas for such times as the balance of the tariff quota so permits.

#### *Article 7*

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

#### *Article 8*

This Regulation shall enter into force on 1 July 1990.

*For the Council*

*The President*

M. O'KENNEDY

## COMMISSION REGULATION (EEC) No 1116/90

of 2 May 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 754/90 <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 30 April 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 754/90 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 3 May 1990.

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

Done at Brussels, 2 May 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 83, 30. 3. 1990, p. 4.

## ANNEX

to the Commission Regulation of 2 May 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	39,80	131,79 <sup>(*)</sup> <sup>(?)</sup>
0712 90 19	39,80	131,79 <sup>(*)</sup> <sup>(?)</sup>
1001 10 10	49,77	190,23 <sup>(*)</sup> <sup>(?)</sup>
1001 10 90	49,77	190,23 <sup>(*)</sup> <sup>(?)</sup>
1001 90 91	40,78	138,38
1001 90 99	40,78	138,38
1002 00 00	65,46	135,83 <sup>(*)</sup>
1003 00 10	56,71	134,40
1003 00 90	56,71	134,40
1004 00 10	48,11	127,23
1004 00 90	48,11	127,23
1005 10 90	39,80	131,79 <sup>(*)</sup> <sup>(?)</sup>
1005 90 00	39,80	131,79 <sup>(*)</sup> <sup>(?)</sup>
1007 00 90	56,71	140,30 <sup>(*)</sup>
1008 10 00	56,71	34,15
1008 20 00	56,71	110,04 <sup>(*)</sup>
1008 30 00	56,71	0,00 <sup>(?)</sup>
1008 90 10	(?)	(?)
1008 90 90	56,71	0,00
1101 00 00	71,56	208,20
1102 10 00	106,11	204,62
1103 11 10	91,98	309,69
1103 11 90	75,71	223,28

- (<sup>1</sup>) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (<sup>2</sup>) 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'.
- (<sup>3</sup>) Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.
- (<sup>4</sup>) 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.
- (<sup>5</sup>) 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.
- (<sup>6</sup>) 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).
- (<sup>7</sup>) 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 1117/90

of 2 May 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 30 April 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 3 May 1990.

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

Done at Brussels, 2 May 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 2 May 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 5	1st period 6	2nd period 7	3rd period 8
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	10,98	10,98	12,00
1001 90 99	0	10,98	10,98	12,00
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	15,37	15,37	16,78

## B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	19,54	19,54	21,36	21,36
1107 10 19	0	14,60	14,60	15,96	15,96
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 1118/90**  
**of 30 April 1990**  
**concerning the stopping of fishing for common sole by vessels flying the flag of Belgium**

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<sup>(1)</sup>, as amended by Regulation (EEC) No 3483/88<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EEC) No 738/90<sup>(4)</sup>, provides for common sole 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 common sole in the waters of ICES division VIIa by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1990; whereas Belgium has prohibited fishing for this

stock as from 25 April 1990; whereas it is therefore necessary to abide by that date;

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of common sole in the waters of ICES division VIIa by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1990.

Fishing for common sole in the waters of ICES division VIIa by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the above mentioned 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 applies from 25 April 1990.

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

Done at Brussels, 30 April 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 389, 30. 12. 1989, p. 1.

<sup>(4)</sup> OJ No L 82, 29. 3. 1990, p. 7.

**COMMISSION REGULATION (EEC) No 1119/90**  
**of 2 May 1990**  
**amending Council Regulation (EEC) No 2658/87 on the tariff and statistical**  
**nomenclature and on the Common Customs Tariff**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, as last amended by Regulation (EEC) No 323/90<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature, it is necessary to adopt measures concerning the classification of the 'ensembles' as defined by notes 3 (b) to Chapters 61 and 62; whereas for this purpose it is necessary to bring in an additional note to Chapters 61 and 62 of the combined nomenclature; whereas Annex I to Regulation (EEC) No 2658/87 has to be amended accordingly;

Whereas the Nomenclature Committee has not delivered an opinion within the limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The combined nomenclature contained in Annex I to Council Regulation (EEC) No 2658/87 is hereby amended as follows:

— The following additional note is added to Chapter 61.

1. For the application of note 3 (b) of this Chapter the components of an ensemble must

be made up entirely in a single identical fabric, subject to compliance with the other conditions laid down in the said note.

For this purpose the fabric used can be unbleached, bleached, dyed, of yarns of different colours or printed.

Sets of garments are not regarded as ensembles when their components are made up in different fabrics, even if the difference is due only to their respective colours.

The present additional note 1 to Chapter 61 is renumbered 2.

— The following additional note is introduced in Chapter 62.

1. For the application of note 3 (b) of this Chapter the components of an ensemble must be made up entirely in a single identical fabric, subject to compliance with the other conditions laid down in the said note.

For this purpose the fabric used can be unbleached, bleached, dyed, of yarns of different colours or printed.

Sets of garments are not regarded as ensembles when their components are made up in different fabrics, even if the difference is due only to their respective colours.

*Article 2*

This Regulation shall enter into force on the 21st 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, 2 May 1990.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(2)</sup> OJ No L 36, 8. 2. 1990, p. 7.

## COMMISSION REGULATION (EEC) No 1120/90

of 2 May 1990

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 1 January to 31 March 1989

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1495/89<sup>(2)</sup>, and in particular Article 17a (10) thereof,

Whereas the compensation referred to in Article 17a of Regulation (EEC) No 3796/81 is granted, under certain conditions, to Community tuna producers' organizations in respect of quantities of tuna delivered to the canning industry, during the calendar quarter for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price are both lower than 93 % of the Community producer price for the product in question;

Whereas examination of the situation on the Community market has shown that for some species and presentations of the product in question, for the period 1 January to 31 March 1989, both the average quarterly market price and the free-at-frontier price referred to in Article 17a of Regulation (EEC) No 3796/81 were lower than 93 % of the Community producer price in force as laid down in Council Regulation (EEC) No 3862/88 of 9 December 1988 fixing the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604<sup>(3)</sup>;

Whereas the quantities eligible for compensation, within the meaning of Article 17a (2) of Regulation (EEC) No 3796/81, may not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article;

Whereas during the quarter concerned the quantities sold and delivered to canning industries established in Community customs territory were, in the case of albacore weighing not more than 10 kg, higher than those sold and delivered during the same quarter of the last three fishing years, and, in the case of albacore weighing more than 10 kg and skipjack, higher than 110 % of the quantities sold and delivered during the same quarter of

the fishing years 1984 to 1986; whereas these quantities exceed the limits set in the second indent of Article 17 a (4) of Regulation (EEC) No 3796/81 for one species and the third indent for the other two species, the total quantities of these products should therefore be limited to those eligible for compensation and the quantities granted to each producers' organization concerned should be determined in accordance with their respective output during the same quarter of the 1984 to 1986 fishing years;

Whereas, in accordance with Commission Regulation (EEC) No 2381/89 of 2 August 1989 laying down detailed rules for granting compensation for tuna for the canning industry<sup>(4)</sup>, the granting of compensation for the products in question should be decided for the period from 1 January to 31 March 1989;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The compensation referred to in Article 17a of Regulation (EEC) No 3796/81 shall be granted for the period 1 January to 31 March 1989, in respect of the products listed and within the limits set out below:

Products	Maximum amount of allowance within the meaning of the first and second indents of Article 17a (3) of Regulation (EEC) No 3796/81 (ECU/tonne)
Albacore tuna, whole, weighing more than 10 kg	140
Albacore tuna, whole, weighing not more than 10 kg	127
Skipjack or stripe-bellied tuna, whole	89

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 148, 1. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 345, 14. 12. 1988, p. 6.

<sup>(4)</sup> OJ No L 225, 3. 8. 1989, p. 33.

*Article 2*

1. The total quantities of products set out below that may be eligible for the allowance are hereby limited as follows:

- albacore tuna, whole, weighing more than 10 kg: 24 780 tonnes,
- albacore tuna, whole, weighing not more than 10 kg: 2 640 tonnes,
- skipjack or stripe-bellied tuna, whole: 10 651 tonnes.

2. These quantities shall be allocated among the producers organizations concerned in accordance with the Annex hereto.

*Article 3*

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, 2. May 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

## ANNEX

Allocation among the producers' organizations of the quantities of certain species and presentations of tuna that may be eligible for compensation and calculation of the maximum amount thereof in accordance with Article 17a (6) of Regulation (EEC) No 3796/81

## 1. Albacore tuna weighing more than 10 kg

Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % Article 17a (6), first indent	95 % Article 17a (6), second indent	90 % Article 17a (6), third indent	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	5 138	514	38	5 690
Organización de Productores de Túnidos Congelados (OPTUC)	8 327	834	62	9 223
Organisation de Producteurs de thon congelé (ORTHONGEL)	9 061	806	—	9 867
Total quantities (tonnes)	22 526	2 154	100	24 780

## 2. Albacore tuna weighing not more than 10 kg

Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % Article 17a (6), first indent	95 % Article 17a (6), second indent	90 % Article 17a (6), third indent	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	1 079	—	—	1 079
Organización de Productores de Túnidos Congelados (OPTUC)	1 475	—	—	1 475
Organisation de Producteurs de thon congelé (ORTHONGEL)	86	—	—	86
Total quantities (tonnes)	2 640	—	—	2 640

## 3. Skipjack or stripe-bellied tuna

Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % Article 17a (6), first indent	95 % Article 17a (6), second indent	90 % Article 17a (6), third indent	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	3 249	—	—	3 249
Organización de Productores de Túnidos Congelados (OPTUC)	3 684	368	2 878	6 930
Organisation de Producteurs de thon congelé (ORTHONGEL)	472	—	—	472
Total quantities (tonnes)	7 405	368	2 878	10 651

## COMMISSION REGULATION (EEC) No 1121/90

of 2 May 1990

providing for the grant of compensation to producers' organizations in respect of tuna delivered to the canning industry during the period 1 April to 30 June 1989

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1495/89<sup>(2)</sup>, and in particular Article 17a (10) thereof,

Whereas the compensation referred to in Article 17a of Regulation (EEC) No 3796/81 is granted, under certain conditions, to Community tuna producers' organizations in respect of quantities of tuna delivered to the canning industry, during the calendar quarter for which prices were recorded, where the average quarterly price recorded on the Community market and the free-at-frontier price are both lower than 93 % of the Community producer price for the product in question;

Whereas examination of the situation on the Community market has shown that for some species and presentations of the product in question, for the period 1 April to 30 June 1989, both the average quarterly market price and the free-at-frontier price referred to in Article 17a of Regulation (EEC) No 3796/81 were lower than 93 % of the Community producer price in force as laid down in Council Regulation (EEC) No 3862/88 of 9 December 1988 fixing the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604<sup>(3)</sup>;

Whereas the quantities eligible for compensation, within the meaning of Article 17a (2) of Regulation (EEC) No 3796/81, may not under any circumstances exceed, for the quarter concerned, the limits laid down in paragraph 4 of that Article;

Whereas during the quarter concerned the quantities sold and delivered to canning industries established in Community customs territory were, in the case of albacore weighing not more than 10 kg, and in the case of albacore weighing more than 10 kg, higher than 110 %

of the quantities sold and delivered during the same quarter of the fishing years 1984 to 1986; whereas these quantities exceed the limits referred to in the third indent of Article 17a (4) of Regulation (EEC) No 3796/81, the total quantity eligible for compensation should therefore be limited and the allocation granted to each producers' organization concerned should be determined in proportion to their respective output during the same quarter of the 1984 to 1986 fishing years;

Whereas, in accordance with Commission Regulation (EEC) No 2381/89 of 2 August 1989 laying down detailed rules for granting compensation for tuna for the canning industry<sup>(4)</sup>, the granting of compensation for the products in question should be decided for the period from 1 April to 30 June 1989;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The compensation referred to in Article 17a of Regulation (EEC) No 3796/81 shall be granted for the period 1 April to 30 June 1989, in respect of the products listed and within the limits set out below:

Products	Maximum amount of allowance within the meaning of the first and second indents of Article 17a (3) of Regulation (EEC) No 3796/81 (ECU/tonne)
Albacore tuna, whole, weighing more than 10 kg	140
Albacore tuna, whole, weighing not more than 10 kg	127

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 148, 1. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 345, 14. 12. 1988, p. 6.

<sup>(4)</sup> OJ No L 225, 3. 8. 1989, p. 33.

*Article 2*

1. The total quantities of products set out below that may be eligible for the allowance are hereby limited as follows :

- albacore tuna, whole, weighing more than 10 kg :  
27 104 tonnes,
- albacore tuna, whole, weighing : 2 256 tonnes.

2. These quantities shall be allocated among the producers' organizations concerned in accordance with the Annex hereto.

*Article 3*

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, 2 May 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*



## ANNEX

Allocation among the producers' organizations of the quantities of certain species and presentations of tuna that may be eligible for compensation and calculation of the maximum amount thereof in accordance with Article 17a (6) of Regulation (EEC) No 3796/81

## 1. Albacore tuna weighing more than 10 kg

Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % (Article 17a (6), first indent)	95 % (Article 17a (6), second indent)	90 % (Article 17a (6), third indent)	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	5 720	572	—	6 292
Organización de Productores de Túnidos Congelados (OPTUC)	8 902	890	—	9 792
Organisation de Producteurs de thon congelé (ORTHONGEL)	10 018	1 002	—	11 020
Total quantities (tonnes)	24 640	2 464	—	27 104

## 2. Albacore tuna weighing not more than 10 kg

Producers' organization	Quantities that may be eligible for the allowance (tonnes)			Total quantities (tonnes)
	100 % (Article 17a (6), first indent)	95 % (Article 17a (6), second indent)	90 % (Article 17a (6), third indent)	
Organización de Productores Asociados de Grandes Congeladores (OPAGAC)	725	73	—	798
Organización de Productores de Túnidos Congelados (OPTUC)	1 094	109	—	1 203
Organisation de Producteurs de thon congelé (ORTHONGEL)	232	23	—	255
Total quantities (tonnes)	2 051	205	—	2 256

## COMMISSION REGULATION (EEC) No 1122/90

of 2 May 1990

adjusting the corrective amount on the import of aubergines into the  
Community of Ten from Spain except the Canary Islands

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 3709/89  
of 4 December 1989 laying down general rules for imple-  
menting the Act of Accession of Spain and Portugal as  
regards the compensatory mechanism for imports of fruit  
and vegetables from Spain <sup>(1)</sup>, and in particular Article 4  
(2) thereof,Whereas Article 152 of the Act of Accession introduces  
from 1 January 1990 a compensatory mechanism for  
imports into the Community as constituted on 31  
December 1985, hereinafter called 'the Community of  
Ten', of fruit and vegetables from Spain (except the  
Canary Islands) for which a reference price is fixed with  
regard to third countries;Whereas Regulation (EEC) No 3709/89 lays down general  
rules for applying the said compensatory mechanism and  
Commission Regulation (EEC) No 3815/89 <sup>(2)</sup> lays down  
detailed rules for applying the said compensatory  
mechanism;Whereas Commission Regulation (EEC) No 1028/90 <sup>(3)</sup>  
introduces a corrective amount on imports of aubergines  
into the Community of Ten from Spain (except the  
Canary Islands);Whereas Article 3 (4) of Regulation (EEC) No 3709/89  
lays down the conditions under which a corrective  
amount introduced pursuant to Article 3 (1) of the said  
Regulation, is to be adjusted; whereas the said conditions  
require that the corrective amount on imports of auber-  
gines from Spain (except the Canary Islands) into the  
Community of Ten be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*In Article 1 of Regulation (EEC) No 1028/90, 'ECU 17,97'  
is replaced by 'ECU 1,41'.*Article 2*

This Regulation shall enter into force on 3 May 1990.

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

Done at Brussels, 2 May 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 363, 13. 12. 1989, p. 3.<sup>(2)</sup> OJ No L 371, 30. 12. 1989, p. 28.<sup>(3)</sup> OJ No L 106, 26. 4. 1990, p. 25.

## COMMISSION REGULATION (EEC) No 1123/90

of 2 May 1990

**abolishing the corrective amount on the import of courgettes into the  
Community of Ten from Spain (except the Canary Islands)**

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 3709/89  
of 4 December 1989 laying down general rules for imple-  
menting the Act of Accession of Spain and Portugal as  
regards the compensatory mechanism for imports of fruit  
and vegetables from Spain<sup>(1)</sup>, and in particular Article 4  
(2) thereof,

Whereas Article 152 of the Act of Accession introduces  
from 1 January 1990 a compensatory mechanism for  
imports into the Community as constituted on 31  
December 1985, hereinafter called 'the Community of  
Ten', of fruit and vegetables from Spain (except the  
Canary Islands) for which a reference price is fixed with  
regard to third countries;

Whereas Council Regulation (EEC) No 3709/89 lays  
down general rules for applying the said compensatory  
mechanism and Commission Regulation (EEC) No  
3815/89<sup>(2)</sup> lays down detailed rules for applying the said  
compensatory mechanism;

Whereas Commission Regulation (EEC) No 1027/90<sup>(3)</sup>  
introduces a corrective amount on imports of courgettes  
into the Community of Ten from Spain (except the  
Canary Islands);

Whereas Article 3 (4) of Regulation (EEC) No 3709/89  
lays down the conditions under which a corrective  
amount introduced pursuant to Article 3 (1) of the said  
Regulation is to be abolished; adjusted; whereas the said  
conditions require abolition of the corrective amount on  
imports of courgettes into the Community of Ten from  
Spain (except the Canary Islands),

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1027/90 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 3 May 1990.

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

Done at Brussels, 2 May 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 363, 13. 12. 1989, p. 3.  
<sup>(2)</sup> OJ No L 371, 20. 12. 1989, p. 28.

<sup>(3)</sup> OJ No L 106, 26. 4. 1990, p. 24.

**COMMISSION REGULATION (EEC) No 1124/90**  
**of 2 May 1990**  
**correcting Regulation (EEC) No 1063/90 fixing the 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Regulation (EEC) No 1063/90 <sup>(3)</sup>;

Whereas a check has shown that an error was made in the Annex to that Regulation, whereas the Regulation should therefore be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 1063/90 is hereby replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply with effect from 30 April 1990.

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

Done at Brussels, 2 May 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 108, 28. 4. 1990, p. 27.

## ANNEX

to the Commission Regulation of 2 May 1990 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia <sup>(?)</sup>	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	13,479	( <sup>(1)</sup> ) 129,914
0102 90 31	22,792	13,479	( <sup>(1)</sup> ) 129,914
0102 90 33	—	13,479	( <sup>(1)</sup> ) 129,914
0102 90 35	22,792	13,479	( <sup>(1)</sup> ) 129,914
0102 90 37	22,792	13,479	( <sup>(1)</sup> ) 129,914
— Net weight —			
0201 10 10	—	25,611	( <sup>(1)</sup> ) 246,837
0201 10 90	43,305	25,611	( <sup>(1)</sup> ) 246,837
0201 20 21	—	25,611	( <sup>(1)</sup> ) 246,837
0201 20 29	43,305	25,611	( <sup>(1)</sup> ) 246,837
0201 20 31	—	20,488	( <sup>(1)</sup> ) 197,470
0201 20 39	34,644	20,488	( <sup>(1)</sup> ) 197,470
0201 20 51	51,966	30,733	( <sup>(1)</sup> ) 296,205
0201 20 59	51,966	30,733	( <sup>(1)</sup> ) 296,205
0201 20 90	—	38,416	( <sup>(1)</sup> ) 370,256
0201 30 00	—	43,942	( <sup>(1)</sup> ) 423,521
0206 10 95	—	43,942	( <sup>(1)</sup> ) 423,521
0210 20 10	—	38,416	370,256
0210 20 90	—	43,942	423,521
0210 90 41	—	43,942	423,521
0210 90 90	—	43,942	423,521
1602 50 10	—	43,942	423,521
1602 90 61	—	43,942	423,521

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

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

**COMMISSION REGULATION (EEC) No 1125/90**

of 2 May 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 1088/90<sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1088/90 to the infor-

mation 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 Regulation (EEC) No 1088/90 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 3 May 1990.

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

Done at Brussels, 2 May 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 111, 1. 5. 1990, p. 5.

## ANNEX

to the Commission Regulation of 2 May 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	0,3182	—
1702 20 90	0,3182	—
1702 30 10	—	42,34
1702 40 10	—	42,34
1702 60 10	—	42,34
1702 60 90	0,3182	—
1702 90 30	—	42,34
1702 90 60	0,3182	—
1702 90 71	0,3182	—
1702 90 90	0,3182	—
2106 90 30	—	42,34
2106 90 59	0,3182	—

**COMMISSION REGULATION (EEC) No 1126/90**  
**of 2 May 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 1108/90 <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 3 May 1990.

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

Done at Brussels, 2 May 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 111, 1. 5. 1990, p. 73.



## ANNEX

to the Commission Regulation of 2 May 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	28,51 <sup>(1)</sup>
1701 11 90	28,51 <sup>(1)</sup>
1701 12 10	28,51 <sup>(1)</sup>
1701 12 90	28,51 <sup>(1)</sup>
1701 91 00	31,82
1701 99 10	31,82
1701 99 90	31,82 <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.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DIRECTIVE

of 23 April 1990

amending Directive 80/390/EEC in respect of the mutual recognition of public-offer prospectuses as stock-exchange listing particulars

(90/211/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Article 21 of Directive 89/298/EEC <sup>(4)</sup> provides that where public offers are made simultaneously or within short intervals of one another in two or more Member States, a public-offer prospectus drawn up and approved in accordance with Article 7, 8 or 12 of that Directive must be recognized as a public-offer prospectus in the other Member States concerned on the basis of mutual recognition;

Whereas it is also desirable to provide the recognition of a public-offer prospectus as listing particulars where admission to official stock-exchange listing is requested within a short period of the public offer;

Whereas, therefore, it is appropriate to amend Article 24b of Directive 80/390/EEC <sup>(5)</sup>, as last amended by Directive 87/345/EEC <sup>(6)</sup>;

Whereas the mutual recognition of public-offer prospectuses does not in itself confer the right to admission to official stock-exchange listing,

*Article 1*

The following is hereby added to the beginning of Article 6 of Directive 80/390/EEC:

'Without prejudice to Article 24b (1),'

*Article 2*

Paragraph 1 of Article 24b of Directive 80/390/EEC is hereby replaced by the following:

'1. Where application for admission to official listing in one or more Member States is made and the securities have been the subject of a public-offer prospectus drawn up and approved in any Member State in accordance with Article 7, 8 or 12 of Directive 89/298/EEC <sup>(7)</sup> in the three months preceding the application for admission, the public-offer prospectus shall be recognized, subject to any translation, as listing particulars in the Member State or States in which application for admission to official listing is made, without its being necessary to obtain the approval of the competent authorities of that Member State or those Member States and without their being able to require that additional information be included in the prospectus. The competent authorities may, however, require that the prospectus include information specific to the market of the country of admission concerning, in particular, the income tax

<sup>(1)</sup> OJ No C 101, 22. 4. 1989, p. 13.

<sup>(2)</sup> OJ No C 304, 8. 12. 1989, p. 34.

<sup>(3)</sup> OJ No C 38, 19. 2. 1990, p. 40.

<sup>(4)</sup> OJ No C 201, 7. 8. 1989, p. 5.

<sup>(5)</sup> OJ No L 124, 5. 5. 1989, p. 8.

<sup>(6)</sup> OJ No L 100, 17. 4. 1980, p. 1.

<sup>(7)</sup> OJ No L 185, 4. 7. 1987, p. 81.

system, the financial organizations retained to act as paying agents for the issuer in the country of admission and the ways in which notices to investors are published.

(\*) OJ No L 124, 5. 5. 1989, p. 8.

*Article 3*

1. The Member States shall take the measures necessary for them to comply with this Directive by 17 April 1991. They shall forthwith inform the Commission thereof.

2. The Member State shall communicate to the Commission the texts of the main laws, regulations or administrative provisions which they adopt in the field covered by this Directive.

*Article 4*

This Directive is addressed to the Member States.

Done at Luxembourg, 23 April 1990.

*For the Council*

*The President*

A. REYNOLDS

## COUNCIL DECISION

of 23 April 1990

amending Decision 77/271/Euratom on the implementation of Decision 77/270/Euratom empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations

(90/212/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Decision 77/270/Euratom of 29 March 1977 empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations<sup>(1)</sup>, and in particular Article 1 thereof,

Having regard to the proposal from the Commission,

Whereas the total value of transactions effected has reached the figure of ECU 2 800 million, provided for in Decision 77/271/Euratom<sup>(2)</sup>, as last amended by Decision 85/537/Euratom<sup>(3)</sup>;

Whereas nuclear energy accounts for a major part of the Community's total energy supplies and considerable investment ought to be made in this sector both at the production stage, in view of the safety and security requirements, and downstream of production, particularly with regard to the reprocessing and storage of waste;

Whereas experience indicated that it is desirable to raise, by ECU 1 000 million, the total amount of borrowings which the Commission is empowered to contract on behalf of the European Atomic Energy Community;

Whereas Decision 77/271 should therefore be amended,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Sole Article of Decision 77/271/Euratom shall be replaced by the following:

*Sole Article*

Loans as provided for in Article 1 of Decision 77/270/Euratom may be contracted for amounts the total principal of which shall not exceed the equivalent of ECU 4 000 million.

When the total value of the transactions effected reaches ECU 3 800 million, the Commission shall inform the Council, which, acting unanimously on a proposal from the Commission, shall decide on the fixing of a new amount as soon as possible.'

Done at Luxembourg, 23 April 1990.

*For the Council*

*The President*

A. REYNOLDS

<sup>(1)</sup> OJ No L 88, 6. 4. 1977, p. 9.

<sup>(2)</sup> OJ No L 88, 6. 4. 1977, p. 11.

<sup>(3)</sup> OJ No L 334, 12. 12. 1985, p. 23.