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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1906/90
of 26 June 1990
on certain marketing standards for poultry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

meat⁽³⁾, as last amended by Directive 88/657/EEC⁽⁴⁾, and deliveries to the food industry;

Having regard to the Treaty establishing the European Economic Community,

Whereas the labelling of poultrymeat is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer⁽⁵⁾, as last amended by Directive 89/395/EEC⁽⁶⁾; whereas, in view of the nature of the products in question and so that the consumer may have fuller information, and in order to facilitate trade, certain additional requirements should be laid down in accordance with Article 4 (2) of Directive 79/112/EEC, and in particular poultrymeat should be classified in two conformation classes, and the conditions should be defined under which the meat is to be offered for sale; whereas it is also desirable, for the same reasons, that particulars concerning the method of chilling used and the type of farming used for poultry production should be used only in accordance with Community rules to be laid down;

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Whereas fresh poultrymeat is to be considered from the microbiological point of view as a highly perishable foodstuff; whereas it is therefore necessary in the case of such poultrymeat that the date of minimum durability be replaced by the 'use by' date in accordance with Article 9a (1) of Directive 79/112/EEC;

Whereas Regulation (EEC) No 2777/75 provides for the setting of marketing standards which may relate in particular to classification by quality and weight, packaging, storage, transport, presentation and marking of certain types of poultrymeat;

Whereas it is essential, in the interests of both producer and consumer, that poultrymeat imported from third countries should comply with Community standards; whereas it nonetheless seems advisable to exclude from the scope of application poultrymeat for export from the Community;

Whereas such standards can contribute to an improvement in the quality of poultrymeat and, consequently, facilitate the sale of such meat; whereas it is therefore in the interest of producers, traders and consumers that marketing standards should be applied in respect of poultrymeat suitable for human consumption;

Whereas it is necessary to lay down more detailed rules concerning the implementation of this Regulation; whereas, given the mainly technical nature of these matters and the probable need for frequent amendments, the procedure provided for in Article 17 of Regulation (EEC) No 2777/75 is more appropriate; whereas for the

Whereas such standards must therefore be applicable to the types of poultrymeat in question marketed within the territory of the Community at different stages of trade; whereas, however, it also appears necessary to grade all poultrymeat in two categories according to conformation and appearance; whereas it nonetheless seems advisable to exclude from the scope of application of such standards small-scale local sales, cutting-up and boning operations at the place of sale as provided for in Article 3 (5) and (7) of Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultry-

⁽¹⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽²⁾ OJ No L 382, 31. 12. 1988, p. 3.

⁽³⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁴⁾ OJ No L 186, 13. 6. 1989, p. 17.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

same reasons it appears indispensable to adopt by the same procedure the measures required to ensure uniform application of this Regulation ;

Whereas it is appropriate to lay down percentages of technically unavoidable water absorption which shall not be exceeded during preparation of fresh, frozen and quick-frozen carcasses ; whereas it is necessary to establish uniform methods of verifying compliance therewith ; whereas the technical nature of these rules makes it appropriate to fix them according to the procedure provided for in Article 17 of Regulation (EEC) No 2777/75 ; whereas Council Regulation (EEC) No 2967/76 of 23 November 1976 laying down common standards for the water content of fresh, frozen and deep-frozen chickens, hens and cocks ⁽¹⁾, as last amended by Council Regulation (EEC) No 3204/83 ⁽²⁾, should therefore be repealed ;

Whereas it is for each Member State to designate the authorities responsible for ensuring that the provisions of this Regulation are complied with ; whereas the procedure for this supervision must be uniform in all Member States ;

Whereas it is for each Member State also to lay down penalties to be applied in the case of infringements of the provisions of this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation lays down Community marketing standards for certain types and presentations of poultrymeat of the following species as referred to in Article 1 (1) of Regulation (EEC) No 2777/75 :

- *Gallus domesticus*,
- ducks,
- geese,
- turkeys,
- guinea fowls.

Such poultrymeat shall not be marketed within the Community by way of business or trade unless it satisfies the provisions of this Regulation.

2. This Regulation applies only to those poultry carcasses, parts of poultry carcasses and offals, including foie gras, the list of which shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

3. This Regulation shall not apply :

- to poultrymeat for export from the Community, or
- to the type of sales referred to in Article 3 (5) of Council Directive 71/118/EEC.

⁽¹⁾ OJ No L 339, 8. 12. 1976, p. 1.

⁽²⁾ OJ No L 315, 15. 11. 1983, p. 17.

4. This Regulation shall not affect any provisions concerning veterinary and health matters and foodstuffs laid down to ensure the hygienic and health standards of the products or to protect animal or public health.

Article 2

For the purposes of this Regulation :

1. 'poultrymeat' means : poultrymeat suitable for human consumption, which has not undergone any treatment other than cold treatment to ensure its preservation ;
2. 'carcase' means : the whole body of a bird of the species referred to in Article 1 (1) after bleeding, plucking and evisceration ; however, removal of the heart, liver, lungs, gizzard, crop, kidneys, legs at the tarsus or the head shall be optional ; an eviscerated carcase may be presented for sale with or without giblets, meaning heart, liver, gizzard and neck, inserted into the abdominal cavity ;
3. 'cuts thereof' means : poultrymeat which owing to the size and the characteristics of the coherent muscle tissue is identifiable as having been obtained from the respective parts of the carcase ;
4. 'prepackaged poultrymeat' means : poultrymeat presented in accordance with the conditions laid down in Article 1 (3) (b) of Directive 79/112/EEC ;
5. 'fresh poultrymeat' means : poultrymeat not stiffened by the cooling process, which is to be kept at a temperature not below -2°C and no higher than 4°C at any time ;
6. 'frozen poultrymeat' means : poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than -12°C at any time. Certain tolerances may, however, be fixed in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2775/75 ;
7. 'quick-frozen poultrymeat' means : poultrymeat which is to be kept at a temperature no higher than -18°C at any time within the tolerances as provided for in Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption ⁽³⁾ ;
8. 'poultrymeat' without prepackaging' means : poultrymeat presented for sale to the final consumer without prepackaging or else packed at the place of sale at the latter's request.

⁽³⁾ OJ No L 40, 11. 2. 1989, p. 51.

Article 3

1. Poultrymeat as defined in Article 1 shall be classified as either class 'A' or class 'B' according to the conformation and appearance of the carcasses or cuts. Class 'A' shall be subdivided into A 1 and A 2 in accordance with criteria to be defined under the procedure referred to in Article 17 of Regulation (EEC) No 2777/75. This classification shall take account in particular of flesh development, the presence of fat, and the amount of damage and contusions.

2. Poultrymeat shall be marketed in one of the following conditions :

- fresh,
- frozen, or
- quick-frozen.

3. Prepackaged frozen or quick-frozen poultrymeat may be classified by weight category, detailed provisions for the implementation of which shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

Article 4

In addition to complying with national legislation adopted in accordance with Directive 79/112/EEC, the following further indications shall be shown on the accompanying commercial documents within the meaning of Article 11 (1) (b) of that Directive :

- (a) the class as referred to in Article 3 (1) of this Regulation ;
- (b) the condition in which the poultrymeat is marketed in accordance with Article 3 (2) of this Regulation and the recommended storage temperature.

Article 5

1. In addition to complying with national legislation adopted in accordance with Directive 79/112/EEC, the labelling, presentation and advertising of poultrymeat intended for the final consumer shall comply with additional requirements set out in paragraphs 3, 4, 5 and 6 of this Article and in Article 7 (2).

2. In the case of fresh poultrymeat, the date of minimum durability shall be replaced by the 'use by' date in accordance with Article 9a (1) of Directive 79/112/EEC.

3. In the case of prepackaged poultrymeat the following particulars shall also appear on the prepackaging or on a label attached thereto :

- (a) the class as referred to in Article 3 (1) of this Regulation ;
- (b) in the case of fresh poultrymeat, the total price and the price per weight unit at the retail stage ;

(c) the condition in which the poultrymeat is marketed in accordance with Article 3 (2) of this Regulation and the recommended storage temperature ;

(d) the registered number of the slaughterhouse or cutting plant, except in the case of cutting and boning at the place of sale as provided for in Article 3 (7) of Directive 71/118/EEC ;

(e) in the case of poultrymeat imported from third countries, an indication of the country of origin.

4. Where poultrymeat is offered for sale without prepackaging, except where cutting and boning take place at the place of sale as provided for in Article 3 (7) of Directive 71/118/EEC, provided such cutting and boning is carried out at the request and in the presence of the consumer, Article 12 of Directive 79/112/EEC shall apply to the following additional indications :

(a) the class as referred to in Article 3 (1) of this Regulation ;

(b) the price per weight unit at the retail stage ;

(c) the condition in which the poultrymeat is marketed in accordance with Article 3 (2) of this Regulation and the recommended storage temperature ;

(d) the registered number of the slaughterhouse or cutting plant ;

(e) in the case of poultrymeat imported from third countries, an indication of the country of origin.

5. The detailed rules on the indication of the name under which the product is sold within the meaning of Article 3 (1) (1) of Directive 79/112/EEC may be established in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

6. Detailed rules concerning :

(a) the optional indication of the method of chilling used ; and

(b) the optional indication of the type of farming used, and the conditions for the regular controls to which the use of such indications is subject

shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

The conditions under which the regular controls referred to under (b) may be carried out by a body designated by the Member State and providing the necessary guarantees of independence *vis-à-vis* the producers concerned shall be fixed in accordance with the same procedure.

Article 6

By way of derogation from Articles 3, 4 and 5 it shall not be necessary to classify poultrymeat or to indicate the additional particulars referred to in Articles 3, 4 and 5 in the case of deliveries to cutting or processing establishments as provided for in Articles 2 and 3 of Commission Directive 80/879/EEC of 3 September 1980 on the health marking of large packagings of poultrymeat (1).

(1) OJ No L 251, 24. 9. 1980, p. 10.

Article 7

1. The percentages of water absorption which are technically unavoidable and which shall not be exceeded during the preparation of fresh, frozen and quick-frozen carcasses shall be determined in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75, as well as uniform methods of verifying compliance therewith.

2. The indication of the percentages of technically unavoidable water absorption referred to in paragraph 1 may be made mandatory in accordance with the same procedure.

Article 8

1. Member States shall designate the competent authorities responsible for supervising compliance with this Regulation not less than one month before the date from which this Regulation shall apply.

2. The designation referred to in paragraph 1 shall be communicated to the Commission and the other Member States together with any amendment thereto.

3. The authorities referred to in paragraph 1 shall undertake checks of:

- (a) representative samples of poultrymeat at all stages of marketing as well as during transport:
- (b) a representative sample of poultrymeat at the time of customs clearance for poultrymeat imported from third countries.

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

Done at Luxembourg, 26 June 1990.

Article 9

Detailed rules for the implementation of this Regulation, in particular the criteria for classification within the meaning of Article 3 (1) thereof, as well as measures aimed at ensuring uniform application of this Regulation, shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2777/75.

Article 10

Member States shall take all appropriate measures to penalize infringements of this Regulation.

Article 11

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation.

Article 12

Regulation (EEC) No 2967/76 shall continue to apply pending implementation of the measures adopted in accordance with Article 7 of this Regulation.

Article 13

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

This Regulation shall apply with effect from 1 July 1991.

For the Council

The President

M. O'KENNEDY

COUNCIL REGULATION (EEC) No 1907/90
of 26 June 1990
on certain marketing standards for eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2771/75 provides for the setting of marketing standards which may relate in particular to grading by quality and weight, packing, warehousing, transport, presentation and marking of eggs;

Whereas such standards can contribute to an improvement in the quality of eggs and, consequently, facilitate their sale: whereas it is therefore in the interest of producers, traders and consumers that marketing standards should be applied in respect of hen eggs suitable for human consumption;

Whereas Regulation (EEC) No 2772/75 ⁽³⁾ laid down certain marketing standards for eggs; whereas those standards need to be reviewed regularly in order to provide better guarantees and more accurate information to the ultimate consumer of eggs, in particular in the light of evolving trade practices;

Whereas experience with the existing standards and consultation of both trade and consumers' representative organizations have made apparent the need for further amendments and for certain detailed rules to be adopted in accordance with Article 17 of Regulation (EEC) No 2771/75 in order to facilitate future amendments;

Whereas in order to fix such standards a clear distinction must be drawn between eggs suitable for human consumption and eggs, in particular broken or incubated eggs, which are not, and which, in principle, are for use in industries other than the food industry; whereas such rules also require that eggs of other kinds should not be mixed with hen eggs;

Whereas the standards must be applicable to all hen eggs marketed on the territory of the Community; whereas it

nonetheless seems advisable to exclude from the scope of their application certain forms of sale from producer to consumer where small quantities are involved; whereas, moreover eggs delivered from the place of production to a packing centre or to certain wholesale markets and eggs intended for use in the food industry should be exempted from grading and marking;

Whereas, therefore, a list should be drawn up of suppliers to undertakings entitled to grade eggs by quality and weight;

Whereas the grading of eggs should be confined solely to undertakings which are adequately equipped for the purpose;

Whereas the quality requirements for eggs must be easy for consumers to understand and must be in keeping with the efforts at rationalization made at all stages of distribution; whereas, therefore, a limited but adequate number of quality and weight grades should be laid down;

Whereas the consumer must be able to distinguish between eggs of different quality and weight grades; whereas this requirement can be met by marking the eggs and packs;

Whereas it is necessary to determine the indications that may or must be used on packs; whereas the use of certain optional indications must be subject to detailed rules to be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75;

Whereas the marking of 'fresh eggs' can be optional, since the obligatory marking of other eggs enables them to be easily distinguished;

Whereas anyone marketing 'fresh eggs' should be permitted to stamp such eggs with other particulars serving publicity purposes;

Whereas it is desirable that operators should be permitted to stamp certain indications already provided for in the case of small packs directly on eggs; whereas the use of these indications should be made subject to conditions analogous to those provided for in the case of packs, as well as to rigorous surveillance; whereas in the case of eggs intended for loose sales, the grading date should replace the packing date;

Whereas any other markings might affect trading conditions in the Community;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 56.

Whereas the definitions laid down in previous Community Regulations relating to the packaging and manner of presentation for sale of eggs need to be drafted more strictly; whereas it has become essential to provide the necessary safeguards for the retail sale of eggs without special packaging;

Whereas experience has demonstrated that the present provisions only allowing the use of the recommended date for sale in addition to the obligatory packing date on eggs or their packaging are too inflexible; whereas provision therefore needs to be made for the possibility of using certain other dates under appropriate conditions; whereas present practice shows that the indication of the packing period can be dispensed with;

Whereas such common provisions should be adopted for packing as will ensure that the quality of the eggs is maintained and will facilitate trade and the supervision of compliance with standards;

Whereas in order to leave a choice open to the consumer and to ensure that he is offered goods complying with quality and weight standards, retailers must display the appropriate information either on the goods offered or beside them;

Whereas it is essential, in the interests of both producer and consumer, that eggs imported from third countries should comply with Community standards;

Whereas special provisions in force in certain third countries may justify derogations which in such cases allow exportation outside the Community; whereas it seems appropriate to exclude from the scope of Community standards eggs imported from third countries or exported to third countries in small quantities, by the consumer for his personal use;

Whereas it is for each Member State to designate the agency or agencies responsible for supervision; whereas the procedures for such supervision must be uniform;

Whereas it is also for each Member State to lay down penalties for infringements;

Whereas the provisions of this Regulation are without prejudice to any Community provisions which may be adopted in order to harmonize the provisions of veterinary and foodstuffs legislation aimed at protecting the health of people and animals and at preventing falsification and fraud;

Whereas, given the above substantive amendments and the need for a number of other purely textual amendments to Regulation (EEC) No 2772/75, it is advisable for the sake of clarity to re-draft the legislation applicable in this field;

Whereas, therefore, Regulation (EEC) No 2772/75 may be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

1. 'eggs' means hen eggs in shell, suitable for direct human consumption or for use in the food industries, except for broken eggs, incubated eggs and cooked eggs;
2. 'industrial eggs' means hen eggs in shell other than those referred to in paragraph 1, including broken eggs and incubated eggs but excluding cooked eggs;
3. 'eggs for hatching' means eggs intended for chick production as specified in the rules concerning eggs for hatching;
4. 'broken eggs' means eggs showing breaks of both the shell and the membranes, resulting in the exposure of their contents;
5. 'cracked eggs' means eggs with a damaged, unfractured shell, but with intact membranes;
6. 'incubated eggs' means eggs from the time of insertion in the incubator;
7. 'marketing' means holding or displaying for sale, offering for sale, selling, delivery or any other form of marketing;
8. 'collector' means any person authorized by the competent authorities to collect eggs from a producer for delivery:
 - (a) to a packing centre;
 - (b) to a market selling exclusively to wholesalers whose undertakings are approved as packing centres; or
 - (c) to industry;
9. 'packing centre' means an undertaking authorized by the competent authority to grade eggs by quality and weight;
10. 'batch' means the eggs from one and the same packing centre, situated in one place, in packs or loose, with one and the same packing or grading date as well as the same quality and weight gradings;
11. 'large packs' means packs, open cases or containers, containing more than 36 eggs;
12. 'small packs' means packs or wrappings, but not unwrapped trays, containing 36 eggs or less;
13. 'loose sales' means the offer for retail sales of eggs, other than in large or small packs.

Article 2

1. Eggs shall not be marketed with the Community by way of business or trade unless they satisfy the provisions of this Regulation.

2. However, the provisions regarding grading and marking shall not apply to eggs:

(a) transported directly from the place of production to a packing centre or to a market selling exclusively either to wholesalers whose undertakings are approved as packing centres in accordance whose undertakings are approved as packing centres in accordance with Article 5, or, for processing, to food industry undertakings approved in accordance with Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products⁽¹⁾;

(b) produced in the Community and delivered for processing to food industry undertakings approved in accordance with Directive 89/437/EEC.

3. This Regulation shall not apply to eggs sold directly to the consumer for his own use by the producer on his own farm, in a local public market with the exception of auction markets, or by door-to-door selling, provided that the eggs come from his own production and are not packed in accordance with Articles 10, 11 and 12 and that use is not made of any of the quality and weight gradings laid down in this Regulation.

4. This Regulation shall not affect any provisions concerning veterinary and health matters and foodstuffs laid down to ensure compliance with the hygiene and health standards applicable to the products or to protect animal or public health.

Article 3

Eggs as defined in Article 1 (1) may not be mixed with eggs of other kinds.

Article 4

1. Without prejudice to Article 2, producers may not deliver:

(a) eggs to anyone but collectors, packing centres, markets within the meaning of Article 2 (2) (a) or industry;

(b) industrial eggs, excluding incubated eggs, to anyone but packing centres or industry, with the exception of the food industry;

(c) incubated eggs to anyone but rendering plants or industry, with the exception of the food industry.

2. Eggs broken accidentally in packing centres may only be delivered to the processing industry, with the exception of the food industry.

Article 5

1. Apart from the cases provided for in Article 8, only packing centres may grade eggs by quality and weight.

2. Packing centres shall keep an up-to-date record of their suppliers.

3. On the basis of criteria to be determined according to the procedure provided for in Article 20, the competent authority shall grant authorizations to grade eggs and shall allot a distinguishing number to any undertaking or producer whose premises and technical equipment are suitable for grading eggs by quality and weight, at its or his request. Such authorization may be withdrawn whenever the required conditions are no longer fulfilled.

Article 6

1. Eggs shall be graded by quality as follows:

— class A or 'fresh eggs'.

— class B or 'second quality or preserved eggs'.

— class C or 'down-graded eggs intended for the food industry'.

2. Class A eggs shall be graded by weight.

3. Grading in classes A and B shall be determined taking into account in particular the criteria set out in Article 20 (2).

Article 7

One or more of the following distinguishing marks may be stamped on grade A eggs:

(a) the packaging date or, in the case of loose sales, the grading date;

(b) one or more further dates aimed at providing the consumer with additional information;

(c) the quality grading;

(d) the weight grading;

(e) the packing centre number;

(f) the name or business name of the packing centre;

(g) trade name or trade mark;

(h) a reference to the type of farming;

(i) an indication of the origin of the eggs;

(j) a code identifying the producer establishment.

The indications provided for in (f) and (g) shall be used only in accordance with the relevant conditions laid down in Article 10 (1) (a).

⁽¹⁾ OJ No L 212, 22. 7. 1989, p. 87.

The indications provided for in (b), (h) and (i) shall be used only in accordance with the relevant conditions laid down in Article 10 (3).

Article 8

1. Class B and C eggs, except for cracked eggs, shall bear a distinguishing mark showing their quality grading. They may also bear one or more of the indications listed in Article 7.

2. Class A or B eggs which no longer have the characteristics fixed for those grades shall be withdrawn from their class and may be regarded in B or C according to their characteristics.

In such a case, they shall bear a distinguishing mark in accordance with paragraph 1. Any marks which may have been used in accordance either with Article 7 or with paragraph 1 of this Article may be retained, except for those concerning weight grading, which shall be altered if appropriate.

3. However, by way of derogation from paragraph 2, class A and B eggs which no longer have the characteristics fixed for those grades may be delivered directly to the food industry, without the markings referred to in paragraph 2, provided always that their packs are clearly marked to show this destination.

Article 9

Eggs shall not bear any marks other than those provided for in this Regulation.

Article 10

1. Large packs, and small packs even when contained in large packs, shall bear on the outer surface in clearly visible and legible type:

- (a) the name or business name, and address of the undertaking which has packed the eggs or had them packed; the name, business name or the trade mark used by that undertaking, which may be a trade mark used collectively by a number of undertakings, may be shown if it contains no wording incompatible with this Regulation relating to the quality or freshness of the eggs, to the type of farming used for their production or to the origin of the eggs;
- (b) the distinguishing number of the packing centre;
- (c) the quality and weight gradings. Class A eggs may be identified either by the words 'class A' or the letter 'A' whether alone or in combination with the word 'fresh';

- (d) the number of eggs packed;
- (e) the packing date;
- (f) particulars as to refrigeration or to the method of preservation, in uncoded form, in respect of refrigerated or preserved eggs.

2. Both large and small packs may, however, carry the following additional information, on either inner or outer surfaces:

- (a) the selling price;
- (b) the retail management and/or stock control codes;
- (c) one or more further dates aimed at providing the consumer with additional information;
- (d) particulars as to special storage conditions;
- (e) statements designed to promote sales, provided that such statements and the manner in which they are made are not likely to mislead the purchaser.

3. Further dates and indications concerning the type of farming and the origin of the eggs may only be used in accordance with rules to be laid down under the procedure set out in Article 17 of Regulation (EEC) No 2771/75. These rules shall cover in particular the terms used in indications of the type of farming and the criteria concerning the origin of the eggs.

However, if use of the indications relating to the type of farming or to the origin of the eggs should prove to be harmful to the fluidity of the Community market, or if serious difficulties arise regarding control of the use of such indications and its effectiveness, the Commission, acting under the same procedure, may suspend use of the said indications.

Notwithstanding the above, where large packs contain small packs or eggs marked with any reference to the type of farming or to the origin of the eggs, these particulars shall also be shown on the large packs.

Article 11

1. Large packs shall be provided with a band or label, bearing the particulars referred to in Article 10, which shall not be re-used once the pack has been opened and which shall be issued by or under the supervision of the official agencies referred to in Article 18. However, this band or label shall not be required in the case of large packs which take the form of open cases or open containers, on condition that these latter are of a type which does not impede identification of the particulars referred to in Article 10 shown on small packs contained therein.

2. By way of derogation, in the case of direct delivery from the packer to the retail trade of eggs intended for loose sales in small quantities to be defined in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75, it shall be permissible for these eggs not to be packed in large packs.

Article 12

The word 'extra' may be used on small packs containing class A eggs provided with a band or label. It shall be printed on the band or label, which shall be removed and destroyed not later than the seventh day after packing.

Article 13

1. Eggs displayed for sale or offered for sale in the retail trade shall be presented separately according to quality and weight grading and, where applicable, according to whether refrigeration or any method of preservation has been employed. The quality and weight gradings and the fact that the eggs have been refrigerated or preserved, where this is the case, shall be indicated in such a manner as to be clearly and unequivocally visible to the consumer.

2. In the case of loose egg sales, the identification number of the packing centre which graded the eggs, or in the case of imported eggs the third country of origin, and the grading date shall also be indicated.

3. However, eggs of the same quality grading, except for class A eggs marked 'extra' in accordance with Article 12, may be displayed for sale or offered for sale in small packs which may be of different weight grading provided that the total net weight and the words 'eggs of different sizes' or the various weight gradings are shown.

Article 14

Packs may not bear any indications other than those laid down in this Regulation.

Article 15

Eggs from third countries may not be imported for free circulation in the Community unless:

- (a) they comply with the provisions of Articles 3, 6 to 9, 12, 13 (2) and 14;
- (b) they are put up in packs, including small packs contained in large packs, bearing clearly and legibly the following information:
 - (aa) the country of origin;
 - (bb) the name of the packing undertaking in the third countries;
 - (cc) the quality and weight grading;
 - (dd) for large packs, the weight in kilograms of the packed eggs and their number, and, for small packs, their number;
 - (ee) the date of packing;
 - (ff) the sender's name and address in the case of large packs.

Article 16

1. This Regulation shall also apply to eggs packed and intended for export outside the Community. Eggs packed and intended for export which have been dipped shall not, however, be deemed to have been treated for preservation.

2. By way of derogation from paragraph 1 and in order to comply with the rules of certain importing countries, eggs packed and intended for export may:

- (a) be made to comply with requirements exceeding those laid down in this Regulation as regards quality, marking and labelling, or with additional requirements;
- (b) bear on the pack marks or particulars of a different nature, provided that such marks and particulars are not likely to be mistaken for those laid down in this Regulation.

3. Eggs packed and intended for export may be graded by other weight gradings than those adopted in accordance with Article 20. In that case the weight grade shall be shown uncodé on the packs.

Article 17

This Regulation shall not apply to eggs imported from third countries or exported outside the Community in small quantities not exceeding 60 eggs by the consumer for his own use.

Article 18

1. Compliance with this Regulation shall be supervised by agencies appointed for the purpose in each Member State. A list of such agencies shall be forwarded to the other Member States and to the Commission not later than one month before the entry into force of this Regulation. Any amendment to this list shall be communicated to the other Member States and the Commission.

2. The products covered by this Regulation shall be checked by means of random sampling at all stages of marketing as well as during carriage. For eggs imported from third countries such random sampling checks shall also be made at the time of customs clearance.

Article 19

1. Decisions arising from failure to comply with this Regulation may only be taken for the whole of the batch which has been checked.

2. Where the checked batch is not deemed to comply with this Regulation, the supervising agency shall prohibit its marketing, or importation if the batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with this Regulation.

3. The agency which made the check shall verify whether the rejected batch has been or is being made to comply with this Regulation.

Article 20

1. Detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75, in particular regarding:

- frequency of collection, delivery and handling of eggs,
- quality criteria and weight gradings,
- particulars of indications on eggs and their packs.

2. For the purpose of the adoption under the procedure referred to in paragraph 1 of parameters applying to each quality class, particular account shall be taken of the following criteria:

- appearance of the shell,
- consistency of the white,
- height of the air space,
- dimension and fixation of the yolk,
- freedom from spots and/or foreign bodies,
- development of the germ cell.

3. Where necessary, in accordance with the procedure referred to in paragraph 1 of this Article, rules involving limits and/or obligatory constraints for the maintenance of the quality of eggs shall be adopted taking into account

the differing climatic conditions in the various regions of the Community.

Article 21

Member States shall take all appropriate measures to penalize infringements of this Regulation.

Article 22

1. Member States and the Commission shall communicate to each other the information necessary for the application of this Regulation.

2. Measures aimed at ensuring uniform application of this Regulation shall be adopted in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.

Article 23

1. Regulation (EEC) No 2772/75 is hereby repealed.

2. In all Community instruments in which reference is made to Articles of Regulation (EEC) No 2772/75, such references shall be read in accordance with the correlation table in the Annex.

3. Member States may continue to apply the marketing standards for eggs laid down in Regulation (EEC) No 2772/75 instead of those determined in this Regulation until 1 July 1991.

Article 24

This Regulation shall enter into force on 1 October 1990, except for Article 4 (2), which shall apply on 1 January 1992.

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

Done at Luxembourg, 26 June 1990.

For the Council

The President

M. O'KENNEDY

*ANNEX***Correlation table**

<i>Regulation (EEC) No 2772/75</i>	<i>This Regulation</i>
Articles 7 to 10	deleted
Article 11	Article 7
Articles 12 and 13	Article 8
Article 14	deleted
Article 15	Article 9
Article 16	deleted
Articles 17 and 18	Articles 10
(Article 17 (1), first subparagraph	Article 11)
Article 19	Article 12
Article 20	Article 13
Article 21	Articles 14 and 10 (2) and (3)
Article 22	deleted
Articles 24 to 32	Articles 16 to 24

COMMISSION REGULATION (EEC) No 1908/90
of 5 July 1990

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

- for 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 4 July 1990;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 5 July 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	36,66	131,31 ⁽²⁾ ⁽³⁾
0712 90 19	36,66	131,31 ⁽²⁾ ⁽³⁾
1001 10 10	11,90	160,18 ⁽¹⁾ ⁽²⁾
1001 10 90	11,90	160,18 ⁽¹⁾ ⁽²⁾
1001 90 91	20,22	139,28
1001 90 99	20,22	139,28
1002 00 00	45,72	119,26 ⁽⁶⁾
1003 00 10	36,95	113,85
1003 00 90	36,95	113,85
1004 00 10	28,59	105,84
1004 00 90	28,59	105,84
1005 10 90	36,66	131,31 ⁽²⁾ ⁽³⁾
1005 90 00	36,66	131,31 ⁽²⁾ ⁽³⁾
1007 00 90	53,63	144,00 ⁽⁴⁾
1008 10 00	36,95	38,27
1008 20 00	36,95	85,68 ⁽⁴⁾
1008 30 00	36,95	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	36,95	0,00
1101 00 00	41,31	208,76
1102 10 00	77,01	179,29
1103 11 10	31,45	262,32
1103 11 90	44,61	225,46

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1909/90
of 5 July 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

- for 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 4 July 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 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 5 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	6,32
1001 10 90	0	0	0	6,32
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	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 1910/90
of 5 July 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 16 (2) thereof,

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 2 and 3 July 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 6 July 1990.

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 5 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽²⁾

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

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 1911/90
of 5 July 1990
amending Regulation (EEC) No 1445/76 specifying the different varieties of
Lolium perenne L.

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽¹⁾, as last amended by Regulation (EEC) No 1239/89⁽²⁾, and in particular Article 3 (5) thereof,

Whereas Commission Regulation (EEC) No 1445/76⁽³⁾, as last amended by Regulation (EEC) No 2088/89⁽⁴⁾, listed the varieties of *Lolium perenne* L. of high persistence, late or medium late, and of *Lolium perenne* L. of low persistence, medium late, medium early or early, within the meaning of the provisions adopted pursuant to Article 3 of Regulation (EEC) No 2358/71;

Whereas, since the last amendment of Regulation (EEC) No 1445/76, certified seed of certain varieties of *Lolium perenne* L. is no longer marketed, while certified seed of other varieties has appeared on the market and will be marketed for the first time during the 1990/91 marketing year; whereas, furthermore, the application of the classifi-

cation criteria to certain varieties of *Lolium perenne* L. results in their inclusion in one of the abovementioned lists; whereas the Annexes to Regulation (EEC) No 1445/76 should therefore be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 1445/76 are hereby replaced by the Annexes to this Regulation.

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, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 35.

⁽³⁾ OJ No L 161, 23. 6. 1976, p. 10.

⁽⁴⁾ OJ No L 199, 13. 7. 1989, p. 9.

ANNEX I

Varieties of high persistence, late or medium late

1. Aberystwyth S. 23	54. Ensporta	107. Othello
2. Abonda	55. Entrar	108. Outsider
3. Albi	56. Fanal (T)	109. Pablo
4. Amadur	57. Final	110. Pacage
5. Ambiance	58. Fingal	111. Parcour
6. Anduril	59. Flamingo (T)	112. Patora
7. Animo	60. Floret (T)	113. Pelleas
8. Antrim	61. Heraut	114. Perfect
9. Arno	62. Hercules	115. Perma
10. Artus	63. Hermes	116. Perray
11. Baltic	64. Hobbit	117. Phoenix (T)
12. Barball	65. Honneur	118. Pippin
13. Barclay	66. Hunter	119. Player
14. Barcredo	67. Idole	120. Pleno
15. Bardetta	68. Jetta	121. Portstewart
16. Barenza	69. Jumbo	122. Preference
17. Barezane	70. Karin	123. President
18. Barglen	71. Kent Indigenous	124. Prester
19. Barlienna	72. Kerdion	125. Prince
20. Barlet	73. Kosta	126. Profit
21. Barmaco	74. Langa	127. Progress
22. Barmega	75. Lamora (Mommersteeg's Weidauer)	128. Rally (T)
23. Barprince	76. Lihersa	129. Rathlin
24. Barry	77. Lilope	130. Rival
25. Barsandra	78. Limage	131. Ronja
26. Bartony	79. Limes	132. Saione
27. Belfort (T)	80. Linocta	133. Sakini
28. Bellatrix	81. Liparis	134. Salem
29. Boomer	82. Lipondo	135. Score (Fair Way)
30. Borvi	83. Liquick	136. Semperweide
31. Boston	84. Liraylo	137. Senator
32. Capper	85. Lisabelle	138. Sisu
33. Caprice	86. Lissabon	139. Sommora
34. Carrick	87. Lisuna	140. Splendor
35. Castle (T)	88. Look	141. Springfield
36. Chantal	89. Loretta	142. Sprinter
37. Citadel (T)	90. Lorina	143. Stentor
38. Combi	91. Lucretia	144. Surprise
39. Compas	92. Madera (T)	145. Talbot
40. Condesa (T)	93. Magella	146. Taya
41. Contender	94. Magister	147. Texas
42. Corona	95. Majestic	148. Tivoli
43. Cupido	96. Mandola	149. Trani
44. Danny	97. Manhattan	150. Tresor
45. Dinora	98. Maprima	151. Trimmer
46. Dolby	99. Mascot	152. Troubadour
47. Domino	100. Master	153. Trustee
48. Donata	101. Meltra RVP (T)	154. Tyrone
49. Duramo	102. Mirvan	155. Variant
50. Edgar	103. Modus (T)	156. Vigor
51. Elka	104. Mombassa	157. Wendy
52. Elrond	105. Mondial	
53. Emir	106. Moretti	

ANNEX II

Varieties of low persistence, medium late, medium early or early

1. Atempo (T)
2. Delray
3. Lenta Pajbjerg
4. Verna Pajbjerg

COMMISSION REGULATION (EEC) No 1912/90

of 5 July 1990

in respect of the proof for leaving the customs territory of the Community for agricultural products via the inner German border

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular Article 16 (6) thereof, and to the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular the second subparagraph of Article 8 (2) and Article 8 (3) thereof, and to the corresponding provisions of the other Regulations laying down general rules on the grant of export refunds for agricultural products,

Having regard to Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁴⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁵⁾,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽⁶⁾, as last amended by Regulation (EEC) No 2902/89 ⁽⁷⁾, and in particular Articles 12 (4) and 26 (3) thereof, and the corresponding provisions of the other Regulations establishing a common organization of the market in respect of agricultural products,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽⁸⁾, as last amended by Regulation (EEC) No 1889/87 ⁽⁹⁾, and in particular Article 12 thereof,

Whereas all customs offices on both sides of the inner German border will be abolished after the coming into force of the inter-German Treaty (Staatsvertrag) on a monetary, economical and social union between the Federal Republic of Germany and the German Democratic Republic;

Whereas in order not to impede Community exportations by way of the inner German border into or via the territory of the German Democratic Republic, it seems

necessary to adopt special provisions concerning the delivery of proof that agricultural products have left the customs territory of the Community, which is required in particular in view of granting export refunds and the release of securities;

Whereas, according to the inter-German Treaty, the German Democratic Republic will take over the common customs tariff and the essential provisions of the common customs law; whereas the Federal Republic of Germany ensures that as from 1 July 1990, the necessary customs formalities will be executed by authorities of the German Democratic Republic in accordance with the relevant Community provisions as far as exports from the Community are concerned; whereas therefore proof of leaving the territory of the Community in particular the control copy T 5 mentioned in Article 1 of Regulation (EEC) No 2823/87, can be established by customs offices of the German Democratic Republic on the appropriate Community customs documents;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Where agricultural products leave the customs territory of the Community via the inner German border, the appropriate proof for fulfilling this condition whenever required in Community provisions, is only that delivered by customs offices of the German Democratic Republic respecting the relevant Community provisions.

Article 2

For the purposes of this Regulation:

agricultural product means:

- agricultural products listed in Annex II to the Treaty, and
- agricultural products exported in the form of goods not listed in Annex II to the Treaty, which are listed in Article 1 of Council Regulation (EEC) No 3035/80 ⁽¹⁰⁾.

Article 3

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

It shall apply with effect from 1 July 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁵⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁶⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽⁷⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽¹⁰⁾ OJ No L 323, 29. 11. 1980, p. 27.

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

Done at Brussels, 5 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1913/90

of 5 July 1990

fixing the amount of the private storage aid for squid of the genus *Loligo patagonica*

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1495/89 ⁽²⁾, and in particular Article 16 (4) thereof,Having regard to Commission Regulation (EEC) No 2415/89 of 3 August 1989 laying down detailed rules of application for the granting of private storage aid for certain fishery products ⁽³⁾, and in particular Article 2 thereof,Whereas, the average price for whole squid of the genus *Loligo patagonica* has, during a significant period, been below 85 % of its guide price;

Whereas this price situation is likely to continue;

Whereas, it is therefore necessary to fix the amount of the private storage aid for the product concerned;

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

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

Done at Brussels, 5 July 1990.

HAS ADOPTED THIS REGULATION:

Article 1

1. The private storage aid referred to in Article 16 of Regulation (EEC) No 3796/81 is granted for the quantities offered for sale during the period 1 July to 31 December 1990, with the reservation that the conditions for the aid to come into operation, as laid down in Article 16 (1) (a) of the said Regulation, are fulfilled during this period.

2. The amount of aid in respect of a maximum storage period of three months is fixed as follows:

Product	Amount of the storage aid (ECU/tonne net weight per month)	
	First month	Second and third month
Squid <i>Loligo patagonica</i> , whole, not cleaned	44	27

Article 2

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

It shall apply with effect from 1 July 1990.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.⁽²⁾ OJ No L 148, 1. 6. 1989, p. 1.⁽³⁾ OJ No L 228, 5. 8. 1989, p. 10.

COMMISSION REGULATION (EEC) No 1914/90

of 5 July 1990

fixing the amount of the private storage aid for squid of the genus *Illex argentinus*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1495/89 ⁽²⁾, and in particular Article 16 ⁽⁴⁾ thereof,

Having regard to Commission Regulation (EEC) No 2415/89 of 3 August 1989 laying down detailed rules of application for the granting of private storage aid for certain fishery products ⁽³⁾, and in particular Article 2 thereof,

Whereas, the average price for squid of the genus *Illex argentinus* has, during a significant period, been below 85 % of its guide price;

Whereas this price situation is likely to continue;

Whereas, it is therefore necessary to fix the amount of the private storage aid for the product concerned;

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

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

Done at Brussels, 5 July 1990.

For the Commission

Manuel MARÍN

Vice-President

Article 1

1. The private storage aid referred to in Article 16 of Regulation (EEC) No 3796/81 is granted for the quantities offered for sale during the period 1 July to 31 December 1990, with the reservation that the conditions for the aid to come into operation, as laid down in Article 16 (1) (a) of the said Regulation, are fulfilled during this period.

2. The amount of aid in respect of a maximum storage period of three months is fixed as follows:

Product	Amount of the storage aid (ECU/tonne net weight per month)	
	First month	Second and third month
Squid <i>Illex argentinus</i> , whole, not cleaned	41	25
Squid <i>Illex argentinus</i> , tube	49	32

Article 2

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

It shall apply with effect from 1 July 1990.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 148, 1. 6. 1989, p. 1.

⁽³⁾ OJ No L 228, 5. 8. 1989, p. 10.

COMMISSION REGULATION (EEC) No 1915/90

of 5 July 1990

making imports of certain frozen squid subject to observance of the reference price

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1495/89 ⁽²⁾, and in particular Article 21 (6) thereof,

Whereas Article 21 (4) of Regulation (EEC) No 3796/81 provides, *inter alia*, that where the free-at-frontier price of a specified product imported from a third country remains below the reference price for at least three successive marketing days and where considerable quantities of that product are imported, import of products listed, *inter alia*, in Annex II to Regulation (EEC) No 3796/81 may be made subject to the condition that the free-at-frontier price is at least equal to the reference price;

Whereas Commission Regulation (EEC) No 3191/82 ⁽³⁾ laid down detailed rules for the reference price system in the fishery products sector and in particular for the determination of the free-at-frontier price referred to in Article 21 (3) of Regulation (EEC) No 3796/81;

Whereas the reference prices for the frozen squid listed in Annex II to Regulation (EEC) No 3796/81 were fixed for the 1990 fishing year by Commission Regulation (EEC) No 3959/89 ⁽⁴⁾;

Whereas, in the course of 1989 and for the first five months of 1990, it has been established that the Community has imported squid of the genus *Illex* and *Ommastrephes* in frozen form, whole and non-cleaned and in tube at abnormally low prices;

Whereas, for the above products, the free-at-frontier price of significant quantities remained below the reference price for three consecutive working days;

Whereas, since the imported product has the same commercial characteristics as the Community product, these imports have caused a substantial fall in prices for

the latter on the Spanish market which has resulted in particular in a fall on the Spanish market of up to 50 % of guide price for the 1990 fishing year;

Whereas, in view of the expected volume of imports, and their prices, there is a danger that this price situation could continue or even worsen in the coming months;

Whereas, in order to avoid disturbances due to offers at abnormally low prices, it is necessary to require imports for the products in question to observe the reference price;

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

1. The placing into free circulation in the Community of squid, of the genus *Illex* and of the species *Ommastrephes sagittatus* in frozen form, whole and not cleaned and tube, falling within CN codes ex 0307 99 11 and ex 0307 49 51 shall be subject to the condition that the free-at-frontier price is at least equal to the reference price given in the Annex.

2. However, paragraph 1 shall not apply to products which it is proved that they were in transit towards the Community at the date of entry into force of this Regulation.

Interested parties shall provide proof to the satisfaction of the competent customs authorities that the conditions set out in the first subparagraph have been fulfilled, by means of all available customs and road, rail or marine transport documents.

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 until 30 June 1991.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 148, 1. 6. 1989, p. 1.

⁽³⁾ OJ No L 338, 30. 11. 1982, p. 13.

⁽⁴⁾ OJ No L 385, 30. 12. 1989, p. 9.

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

Done at Brussels, 5 July 1990.

For the Commission

Manuel MÀRIN

Vice-President

ANNEX

(ECU per tonne net)

CN code	Description	Reference price
ex 0307 49 51	Squid	
	<i>(Ommastrephes sagittatus)</i> : whole, not cleaned tube	762 1 448
ex 0307 99 11	<i>Illex</i> spp.	
	— <i>Illex argentinus</i> : whole, not cleaned tube	764 1 452
ex 0307 99 11	— <i>Illex illecebrosus</i> : whole, not cleaned tube	764 1 452
ex 0307 99 11	— Other species: whole, not cleaned tube	764 1 452

COMMISSION REGULATION (EEC) No 1916/90
of 5 July 1990

**suspending advance fixing of the export refunds for certain products processed
from cereals and rice**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular the first subparagraph of Article 16 (7) thereof,

Whereas Article 16 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the refund may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas there is a danger that, if arrangements are adhered to, refunds could be fixed in advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the above situation requires that application of the provisions concerning advance fixing of refunds for the products concerned be temporarily suspended;

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

HAS ADOPTED THIS REGULATION :

Article 1

Advance fixing of the export refund for glucose and maltodextrine falling within product codes 1702 30 51 000, 1702 30 59 000, 1702 30 91 000, 1702 30 99 000, 1702 40 90 000, 1702 90 50 100, 1702 90 50 900, 1702 90 75 000, 1702 90 79 000 and 2106 90 55 000 as defined in amended Regulation (EEC) No 3846/87 ⁽³⁾, is suspended from 6 to 12 July 1990 inclusive.

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

COMMISSION REGULATION (EEC) No 1917/90
of 5 July 1990
fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 791/89⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1479/90⁽⁴⁾, as last amended by Regulation (EEC) No 1827/90⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1479/90 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1990/91 year has been provisionally calculated on the basis of an abatement of ECU 24,00 per 100 kilograms,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginning cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 40,467 per 100 kilograms.
2. However, the amount of the aid will be confirmed or replaced with effect from 6 July 1990 to take account of the application of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 140, 1. 6. 1990, p. 75.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 81.

COMMISSION REGULATION (EEC) No 1918/90

of 5 July 1990

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1104/88⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 1561/90⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 1190/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1189/90⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the

marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has not, to date, been fixed; whereas the amount of the subsidy for the 1990/91 marketing year has been provisionally calculated on the basis of the abatement applicable for the marketing year 1989/90;

Whereas the threshold price activating the aid and the minimum price fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1755/90 of 27 June 1990 establishing the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽⁹⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹⁰⁾, as last amended by Regulation (EEC) No 1238/87⁽¹¹⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹²⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 148, 12. 6. 1990, p. 9.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 119, 11. 5. 1990.

⁽⁷⁾ OJ No L 119, 11. 5. 1990.

⁽⁸⁾ OJ No L 119, 11. 5. 1990.

⁽⁹⁾ OJ No L 162, 28. 6. 1990, p. 18.

⁽¹⁰⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹¹⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹²⁾ OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- 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 correcting factor ;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries ; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price ;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1938/89 ⁽³⁾ ; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be

weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State ;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has been fixed by Regulation (EEC) No 2656/89 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

2. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 6 July 1990 to take into account, the application of maximum guaranteed quantities for the marketing year 1990/91.

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 68.

⁽⁴⁾ OJ No L 255, 1. 9. 1989, p. 71.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)	6th period 1 (1)
Peas used :							
— in Spain	8,621	8,621	8,779	8,937	9,095	9,253	9,411
— in Portugal	8,648	8,648	8,806	8,964	9,122	9,280	9,438
— in another Member State	8,850	8,850	9,008	9,166	9,324	9,482	9,640
Field beans used :							
— in Spain	8,850	8,850	9,008	9,166	9,324	9,482	9,640
— in Portugal	8,648	8,648	8,806	8,964	9,122	9,280	9,438
— in another Member State	8,850	8,850	9,008	9,166	9,324	9,482	9,640

Products used in animal feed :

(ECU per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)	6th period 1 (1)
A. Peas used :							
— in Spain	11,162	11,032	11,125	10,958	11,116	11,273	11,106
— in Portugal	11,224	11,095	11,188	11,025	11,182	11,340	11,176
— in another Member State	11,224	11,095	11,188	11,025	11,182	11,340	11,176
B. Field beans used :							
— in Spain	11,162	11,032	11,125	10,958	11,116	11,273	11,106
— in Portugal	11,224	11,095	11,188	11,025	11,182	11,340	11,176
— in another Member State	11,224	11,095	11,188	11,025	11,182	11,340	11,176
C. Sweet lupins harvested in Spain and used :							
— in Spain	14,466	14,293	14,207	13,775	13,775	13,775	13,342
— in Portugal	14,548	14,377	14,291	13,863	13,863	13,863	13,435
— in another Member State	14,548	14,377	14,291	13,863	13,863	13,863	13,435
D. Sweet lupins harvested in another Member State and used :							
— in Spain	14,456	14,283	14,197	13,765	13,765	13,765	13,332
— in Portugal	14,538	14,367	14,281	13,853	13,853	13,853	13,425
— in another Member State	14,538	14,367	14,281	13,853	13,853	13,853	13,425

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	2,42	2,97	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,45	0,55	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,12	0,14	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	10,96	13,47	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	7,61	9,35	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,39	0,48	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,044	0,054	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	88	108	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,13	0,16	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	10,36	12,73	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,039	0,048	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,1679	7,79845	2,04446	200,786	126,069	6,85684	0,763159	1 529,70	2,30358	180,144	0,708105

(*) Subject to the reduction from the maximum guaranteed quantities system and the prices and related measures for the 1990/91 marketing year.

COMMISSION REGULATION (EEC) No 1919/90
of 5 July 1990

abolishing the countervailing charge on tomatoes originating in Portugal

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 Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1193/90⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1727/90⁽³⁾ introduced a countervailing charge on tomatoes originating in Portugal;

Whereas the present trend of prices for products originating in Portugal on the representative markets referred to in Regulation (EEC) No 2118/74 of the Commission⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾,

recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Portugal can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1727/90 is hereby repealed.

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 160, 26. 6. 1990, p. 33.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1920/90
of 5 July 1990
amending Regulation (EEC) No 1788/90 introducing a countervailing charge on
fresh lemons originating in Argentina

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1193/90⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1788/90⁽³⁾, introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1788/90, ECU '4,30' is hereby replaced by ECU '14,02'.

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 163, 29. 6. 1990, p. 56.

COMMISSION REGULATION (EEC) No 1921/90

of 5 July 1990

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

Whereas, in view of the present circumstance in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal and the German Democratic Republic has not been fixed.

Article 1

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

Article 2

This Regulation shall enter into force on 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 5 July 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	0
1001 90 91 000	—	—
1001 90 99 000	04	30,00
	05	30,00
	06	23,00
	07	25,00
	02	20,00
1002 00 00 000	03	30,00
	05	30,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	30,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	99,00
1101 00 00 120	01	99,00
1101 00 00 130	01	87,00
1101 00 00 150	01	80,00
1101 00 00 170	01	75,00
1101 00 00 180	01	67,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	99,00
1102 10 00 200	01	99,00
1102 10 00 300	01	99,00
1102 10 00 500	01	99,00
1102 10 00 900	—	—
1103 11 10 100	01	180,00
1103 11 10 200	01	170,00
1103 11 10 500	01	152,00
1103 11 10 900	01	143,00
1103 11 90 100	01	99,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
 - 02 Other third countries,
 - 03 Switzerland, Austria and Liechtenstein,
 - 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
 - 05 Zone II (b),
 - 06 Morocco,
 - 07 Algeria.
-

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

COMMISSION REGULATION (EEC) No 1922/90

of 5 July 1990

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

Whereas, in view of the present circumstance in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal and the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 6 July 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 5 July 1990 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund
1107 10 19 000	50,00
1107 10 99 000	80,00
1107 20 00 000	90,00

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

COMMISSION REGULATION (EEC) No 1923/90
of 5 July 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1812/90 ⁽³⁾, as last amended by Regulation (EEC) No 1884/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1812/90 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 6 July 1990.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 41.

⁽⁴⁾ OJ No L 171, 4. 7. 1990, p. 19.

ANNEX

to the Commission Regulation of 5 July 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	31,79 ⁽¹⁾
1701 11 90	31,79 ⁽¹⁾
1701 12 10	31,79 ⁽¹⁾
1701 12 90	31,79 ⁽¹⁾
1701 91 00	35,19
1701 99 10	35,19
1701 99 90	35,19 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1924/90

of 5 July 1990

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1733/90⁽⁷⁾, as last amended by Regulation (EEC) No 1886/90⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 over 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 4 July 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1733/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 6 July 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 161, 27. 6. 1990, p. 5.

⁽⁸⁾ OJ No L 171, 4. 7. 1990, p. 23.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 5 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 5 July 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1102 20 10	72,96	235,66	241,70
1102 20 90	40,94	133,54	136,56
1103 13 11	72,96	235,66	241,70
1103 13 19	72,96	235,66	241,70
1103 13 90	40,94	133,54	136,56
1103 29 40	72,96	235,66	241,70
1104 19 50	72,96	235,66	241,70
1104 23 10	62,51	209,47	212,49
1104 23 30	62,51	209,47	212,49
1104 23 90	40,94	133,54	136,56
1104 30 90	33,93	98,19	104,23
1106 20 91	80,41	207,15 ^(*)	231,33
1106 20 99	80,41	207,15 ^(*)	231,33
1108 12 00	80,41	210,78	231,33
1108 13 00	80,41	210,78	231,33 ^(*)
1108 14 00	80,41	105,39	231,33
1108 19 90	80,41	105,39 ^(*)	231,33
1702 30 51	174,80	274,93	371,65
1702 30 59	126,35	210,78	277,27
1702 30 91	174,80	274,93	371,65
1702 30 99	126,35	210,78	277,27
1702 40 90	126,35	210,78	277,27
1702 90 50	126,35	210,78	277,27
1702 90 75	178,52	288,02	384,74
1702 90 79	123,38	200,31	266,80
2106 90 55	126,35	210,78	277,27
2303 10 11	255,70	261,84	443,18

(³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

(⁴) Pursuant to Regulation (EEC) No 3899/89, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed amount of 5 000 tons.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 June 1990

amending Decision 89/45/EEC on a Community system for the rapid exchange of information on dangers arising from the use of consumer products

(90/352/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Decision 89/45/EEC ⁽¹⁾ established a Community system for the rapid exchange of information on dangers arising from the use of consumer products until 30 June 1990;

Whereas it is necessary to extend and amend Decision 89/45/EEC;

Whereas, without prejudice to other Commission proposals on consumer safety in particular, the Community system concerned should be established, on the basis of experience acquired, for a period ending not later than the date of application of a Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning general product safety,

HAS ADOPTED THIS DECISION:

Article 1

Article 8 of Decision 89/45/EEC shall be replaced by the following text:

This Decision shall remain in force until the date by which Member States will have to comply with the Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning general product safety.

The Commission shall submit a report on the operation of the system at least every two years;

Article 2

The Decision is addressed to the Member States.

Done at Luxembourg, 29 June 1990.

For the Council

The President

M. SMITH

⁽¹⁾ OJ No C 135, 2. 6. 1990, p. 11.

⁽²⁾ Opinion delivered on 15 June 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No L 17, 21. 1. 1989, p. 51.

COMMISSION

COMMISSION DECISION

of 4 July 1990

amending, for the third time, Decision 90/161/EEC concerning certain protection measures relating to classical swine fever in Belgium

(90/353/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 89/662/EEC⁽²⁾, and in particular Article 9 thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽³⁾, as last amended by Directive 89/662/EEC, and in particular Article 8 thereof,

Having regard to Council Directive 80/215/EEC of 22 January 1980 on health problems affecting intra-Community trade in meat products⁽⁴⁾, as last amended by Directive 89/662/EEC, and in particular Article 7 thereof,

Whereas several outbreaks of classical swine fever have occurred in parts of Belgium with a high density of pigs;

Whereas these outbreaks are liable to endanger the herds of other Member States, in view of the trade in live pigs, fresh pigmeat and certain meat-based pork products;

Whereas, since it is possible to identify a geographically limited area which presents a particular risk, the restrictions on trade could be applied on a regional basis;

Whereas, as a result of the epizootic of classical swine fever, the Commission adopted Decision 90/161/EEC of 30 March 1990 concerning certain protective measures

relating to classical swine fever in Belgium⁽⁵⁾, as last amended by Decision 90/327/EEC⁽⁶⁾;

Whereas it appears necessary to adjust the restrictive measures to take account of the evolution of the disease;

Whereas the Belgian authorities have engaged themselves to implement national measures that are necessary to guarantee the efficient implementation of the Decision;

Whereas it is necessary that the Commission is supplied with all necessary information, with a view to reexamining the provisions of the present Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 90/161/EEC is amended as follows:

1. In Article 1, paragraph 3 (b) is deleted.
2. Article 4 is replaced by the following:

'Article 4

The Commission will follow developments in the situation and may amend this Decision in the light of such developments.'

Article 2

The Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁵⁾ OJ No L 90, 5. 4. 1990, p. 26.

⁽⁶⁾ OJ No L 160, 26. 6. 1990, p. 49.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1637/90 of 18 June 1990 amending Regulation (EEC) No 606/86 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten

(Official Journal of the European Communities No L 153 of 19 June 1990)

On page 24 in Article 1 (1):

for: '... the storage life of which does not exceed 45 days...'

read: '... the deadline for storage of which does not exceed 45 days...'
