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Legislation

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(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2422/90

of 21 August 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

— for 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 20 August 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 22 August 1990.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

ANNEX

to the Commission Regulation of 21 August 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	143,62 (2) (3)
0712 90 19	36,66	143,62 (2) (3)
1001 10 10	14,02	184,44 (1) (5)
1001 10 90	14,02	184,44 (1) (5)
1001 90 91	21,81	154,54
1001 90 99	21,81	154,54
1002 00 00	47,31	125,74 (6)
1003 00 10	38,54	137,64
1003 00 90	38,54	137,64
1004 00 10	30,18	122,67
1004 00 90	30,18	122,67
1005 10 90	36,66	143,62 (2) (3)
1005 90 00	36,66	143,62 (2) (3)
1007 00 90	53,63	154,41 (4)
1008 10 00	38,54	55,52
1008 20 00	38,54	104,56 (4)
1008 30 00	38,54	11,94 (5)
1008 90 10	(7)	(7)
1008 90 90	38,54	11,94
1101 00 00	43,70	229,53
1102 10 00	79,41	189,21
1103 11 10	34,80	298,95
1103 11 90	47,01	247,71

(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 2423/90

of 21 August 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

— for 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 20 August 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 22 August 1990.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

ANNEX

to the Commission Regulation of 21 August 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0	0	1,33
0712 90 19	0	0	0	1,33
1001 10 10	0	2,38	2,38	2,38
1001 10 90	0	2,38	2,38	2,38
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	1,32
1004 00 90	0	0	0	1,32
1005 10 90	0	0	0	1,33
1005 90 00	0	0	0	1,33
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	19,85	19,85	29,77
1008 90 90	0	19,85	19,85	29,77
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2424/90

of 21 August 1990

fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat (1),

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 (2), as last amended by Regulation (EEC) No 1075/89 (3), and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 30 July 1990, the level of the premium and the amount to be charged on products leaving that region ;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission ;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 1 shall be fixed weekly by the Commission ;

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat (4) the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89 ;

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 30 July 1990, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto ; whereas, for that week, in the light of the Judgment of the Court of Justice of 9 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 12, being fixed in accordance with those Annexes ;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions ;

HAS ADOPTED THIS REGULATION :

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 30 July 1990, the level of the premium is fixed at ECU 73,257 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 30 July 1990, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

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 30 July 1990.

(1) OJ No L 289, 7. 10. 1989, p. 1.
(2) OJ No L 154, 9. 6. 1984, p. 27.
(3) OJ No L 114, 27. 4. 1989, p. 13.
(4) OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 August 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	34,431	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	73,257	0
0204 21 00	73,257	0
0204 50 11		0
0204 22 10	51,280	
0204 22 30	80,583	
0204 22 50	95,234	
0204 22 90	95,234	
0204 23 00	133,328	
0204 30 00	54,943	
0204 41 00	54,943	
0204 42 10	38,460	
0204 42 30	60,437	
0204 42 50	71,426	
0204 42 90	71,426	
0204 43 00	99,996	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	95,234	
0210 90 19	133,328	
1602 90 71 :		
— unboned (bone-in)	95,234	
— boned or boneless	133,328	

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 2425/90

of 21 August 1990

amending Regulation (EEC) No 3105/88 laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine (1), as last amended by Regulation (EEC) No 1325/90 (2), and in particular Articles 35 (8), 47 (3) and 81 thereof,

Whereas Commission Regulation (EEC) No 3105/88 (3), as amended by Regulation (EEC) No 2352/89 (4), sets the percentage moisture content to be displayed by wine lees on delivery to the distillery; whereas Article 6 of the same Regulation lays down that for wine years subsequent to the 1989/90 wine year a higher percentage is to be fixed so as to ensure more effectively that the obligations laid down in Article 36 of Regulation (EEC) No 822/87 are discharged where distillation is replaced by withdrawal under supervision of the by-products of winemaking; whereas the current situation in this regard, which varies considerably owing to the different technologies used, excludes the setting of a definitive limit at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 (3) of Regulation (EEC) No 3105/88, '31 August 1990' is replaced by '31 August 1991'.

Article 2

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

It shall apply from 1 September 1990.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 84, 27. 3. 1987, p. 1.
(2) OJ No L 132, 23. 5. 1990, p. 19.
(3) OJ No L 277, 8. 10. 1988, p. 21.
(4) OJ No L 222, 1. 8. 1989, p. 54.

COMMISSION REGULATION (EEC) No 2426/90

of 21 August 1990

amending Regulation (EEC) No 1725/79 on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended in particular for feed for calves

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (1), as last amended by Regulation (EEC) No 3879/89 (2), and in particular Article 10 (3) thereof,

Whereas Article 1 (2a) of Commission Regulation (EEC) No 1725/79 (3) as last amended by Regulation (EEC) No 3368/88 (4) states that skimmed-milk powder in the meaning of Article 1 (1) has to meet the definitions given in Article 1 of Council Regulation (EEC) No 986/68 (5), as last amended by Regulation (EEC) No 1115/89 (6), and has to be produced without any addition;

Whereas the fraudulent addition of whey solids to the skimmed milk used for the production of skimmed-milk powder or to the powder itself is contrary to the aforesaid provisions; whereas, in the absence of an official Community method for the detection of whey powder in skimmed-milk powder which may contain buttermilk powder, Regulation (EEC) No 1725/79 does not provide for specific rules on the detection of whey solids; whereas an analysis method has recently been developed for the detection of rennet whey; whereas it is appropriate to impose this method in the framework of the aforesaid Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1725/79 is hereby amended as follows:

1. The following is added to the first subparagraph of Article 10 (3):

   'Where such inspections relate to skimmed-milk powder to be used, whether as such or in the form of a mixture, the absence of rennet whey powder is proven proven the procedure outlined in Annex IV.'

2. Annex I A (2) (j) is replaced by the following:

   '(j) others and especially acid whey as far as its detection is required by the national authorities.'

3. The Annex to this Regulation is added as Annex IV.

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 from 1 March 1991.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 378, 27. 12. 1989, p. 1.
(3) OJ No L 199, 7. 8. 1979, p. 1.
(4) OJ No L 296, 29. 10. 1988, p. 50.
(5) OJ No L 169, 18. 7. 1968, p. 4.
(6) OJ No L 118, 29. 4. 1989, p. 7.

ANNEX

'ANNEX IV

DETERMINATION OF RENNET WHEY SOLIDS IN SKIMMED-MILK POWDER AND MIXTURES UNDER REGULATION (EEC) No 1725/79

1. **Scope :** Detection of the addition of rennet whey solids to

(a) skimmed-milk powder as defined in Article 1 of Regulation (EEC) No 986/68, and

(b) mixtures as defined in Article 1 (3) of Regulation (EEC) No 1725/79.

2. **References :** International Standard ISO 707

Milk and milk products : — methods of sampling, conforming to the guidelines contained in Annex I (2) (c) to Regulation (EEC) No 625/78.

3. **Definition**

The content of rennet whey solids is defined as the percentage by mass as determined by the procedure described.

4. **Principle**

Determination of the amount of glycomacropeptide A pursuant to Annex V to Regulation (EEC) No 625/78. Samples giving positive results are analyzed for glycomacropeptide A by a reversed-phase high-performance liquid chromatography procedure (HPLC-procedure). Evaluation of the result obtained by reference to standard samples consisting of skimmed-milk powder with and without a known percentage of whey powder. Results higher than 1 % (m/m) show that rennet whey solids are present.

5. **Reagents**

All reagents must be of recognized analytical grade. The water used must be distilled water or water of at least equivalent purity. Acetonitrile should be of spectroscopic or HPLC quality.

Reagents needed for the procedure described in Regulation (EEC) No 625/78 are described in Annex V to that Regulation.

Reagents for reversed-phase HPLC.

5.1. *Trichloroacetic acid solution*

Dissolve 240 g of trichloroacetic acid (CCI_3COOH) in water and make up to 1 000 ml.

5.2. *Eluent A and B*

Eluent A : 150 ml of acetonitrile (CH_3CN), 20 ml of isopropanol ($CH_3CHOHCH_3$) and 1,00 ml trifluoroacetic acid (TFA, CF_3COOH) are made up with water to 1 000 ml. Eluent B : 550 ml of acetonitrile, 20 ml of isopropanol and 1,00 ml TFA are made up with water to 1 000 ml. Filter the eluent solution, prior to use, through a membrane filter with a 0,45 µm pore diameter.

5.3. *Conservation of the column*

After the analyses the column is flushed with eluent B (via a gradient) and subsequently flushed with acetonitrile (via a gradient in 30 minutes.). The column is stored in acetonitrile.

5.4. *Standard samples*

5.4.1. Skimmed-milk powder meeting the requirements of Regulation (EEC) No 625/78 (i. e. [0]).

5.4.2. The same skimmed-milk powder adulterated with 5 % (m/m) rennet-type whey powder of standard composition (i. e. [5]).

5.4.3. The same skimmed-milk powder adulterated with 50 % (m/m) rennet-type whey powder of standard composition (i. e. [50]) (*).

6. **Apparatus**

Apparatus needed for the procedure described in Regulation (EEC) No 625/78 is described in Annex V to that Regulation.

Apparatus for reversed-phase HPLC.

(*) Rennet-type whey powder of standard composition and also the adulterated skimmed-milk powder are available from NIZO, Kernhemseweg 2, PO Box 20 — NL-6710 BA, Ede.
However, powders giving equivalent results to the NIZO powders must also be used.

6.1. Analytical balance.

6.2. Centrifuge, capable of attaining a centrifugal force of 2 200 g, fitted with stoppered centrifuge tubes of about 50 ml.

6.3. Mechanical shaker with a provision to shake at 50 °C.

6.4. Magnetic stirrer.

6.5. Glass funnels, diameter about 7 cm.

6.6. Filter papers, medium filtration, diameter about 12,5 cm.

6.7. Glass filtration equipment with 0,45 µm pore diameter membrane filter.

6.8. Graduated pipettes, allowing delivery of 10 ml (ISO 648, Class A, or ISO/R 835), or a system capable of deliverying 10,0 ml in two minutes.

6.9. Thermostatic waterbath, set at 25 ± 0,5 °C.

6.10. HPLC-equipment, consisting of:

6.10.1. Binary gradient pumping system.

6.10.2. Injector, hand or automatic, with a 100 µl capacity.

6.10.3. Column Dupont Protein Plus (25 × 0,46 cm I.D.) or an equivalent wide-pore silica based reversed-phase column.

6.10.4. Thermostatic column oven, set at 35 ± 1 °C.

6.10.5. Variable wavelength UV detector, permitting measurements at 210 nm (if necessary, a higher wavelength up to 220 nm may be used) with a sensitivity of 0,02 Å.

6.10.6. Integrator capable of peak height measurement.

Note

Operation of the column at room temperature is possible, provided that the room temperature does not fluctuate more than 1 °C, otherwise too much variation in the retention time of GMP_A takes place.

7. Sampling

7.1. International standard ISO 707 — Milk and milk products — Methods of sampling, conforming to the guidelines contained in Annex I (2) (c) of Regulation (EEC) No 625/78.

7.2. Store the sample in conditions which preclude any deterioration or change in composition.

8. Procedure

8.1. *Preparation of the test sample*

Transfer the powder into a container with a capacity of about twice the volume of the powder, fitted with an airtight lid. Close the container immediately. Mix the milk powder well by means of repeated inversion of the container.

8.2. *Test portion*

Weigh 2,000 ± 0,001 g of test sample into a centrifuge tube (6.2) or suitable stoppered flask (50 ml).

8.3. *Removal of fat and proteins*

8.3.1. Add 20,0 g of warm water (50 °C) to the test portion. Dissolve the powder by shaking for five minutes or 30 minutes in the case of acid buttermilk using a mechanical shaker (6.3). Place the tube into the waterbath (6.9) and allow to equilibrate to 25 °C.

8.3.2. Add 10.0 ml of the trichloroacetic acid solution of 25 °C (5.1) constantly over two minutes, while stirring vigorously with the aid of the magnetic stirrer (6.4). Place the tube in a waterbath (6.9) and leave for 60 minutes.

8.3.3. Centrifuge (6.2) for 10 minutes at 2 200 g, or filter through paper (6.6), discarding the first 5 ml of filtrate.

8.4. *Chromatographic determination*

8.4.1. Perform HPLC-analysis as described in Regulation (EEC) No 625/78, Annex V. If a negative result is obtained, the sample analyzed does not contain rennet-whey solids in detectable amounts. In case of positive results the reversed-phase HPLC-procedure described below has to be applied. The presence of acid buttermilk powder may give rise to false-positive results. The reversed-phase HPLC method excludes this possibility.

8.4.2. Before the reversed phase HPLC-analysis is carried out, the gradient conditions should be optimized. A retention time of 26 ± 2 minutes for GMP_A is optimal for gradient systems with a dead volume of about 6 ml (volume from the point where the solvents come together to the volume of the injector loop, inclusive). Gradient systems with a lower dead volume (e. g. 2 ml) should used 22 minutes as an optimal retention time.

Take solutions of the standard samples (5.4) without and with 50 % rennet whey.

Inject 100 µl of supernatant or filtrate (8.3.3) into the HPLC apparatus operating at the scouting gradient conditions given in Table 1.

Table 1. *Scouting gradient conditions for optimization of the chromatography.*

Time (minutes)	Flow (ml/minutes)	% A	% B	Curve
Init	1,0	90	10	*
27	1,0	60	40	lin
32	1,0	10	90	lin
37	1,0	10	90	lin
42	1,0	90	10	lin

Comparison of the two chromatograms should reveal the location of the peak of GMP_A.

Using the formula given below, the initial solvent composition to be used for the normal gradient (see 8.4.3) can be calculated :

$$\% B = 10 - 2{,}5 + (13{,}5 + (RTgmpA - 26)/6)*30/27$$

$$\% B = 7{,}5 + (13{,}5 + (RTgmpA - 26)/6)*1.11$$

Where :

RTgmpA : retention time of GMP_A in the scouting gradient.

10 : the initial % B of the scouting gradient.

2,5 : % B at midpoint minus % B at initial in the normal gradient.

13,5 : midpoint time of the scouting gradient.

26 : required retention time of GMP_A.

6 : ratio of slopes of the scouting and normal gradient.

30 : % B at initial minus % B at 27 minutes in the scouting gradient.

27 : run-time of the scouting gradient.

8.4.3. Take solutions of the test samples.

Inject 100 µl of accurately measures supernatant or filtrate (8.3.3) into the HPLC apparatus operating at a flow rate of 1,0 ml of eluent solution (5.2) per minutes.

The composition of the eluent of the start of the analysis is obtained from 8.4.2. It is normally close to A : B = 76 :24 (5.2). Immediately after the injection a linear gradient is started, which results in a 5 % higher percentage of B after 27 minutes. Subsequently a linear gradient is started, which brings the eluent composition to 90 % B in five minutes. This composition is maintained for five minutes, after which the composition is changed, via a linear gradient in five minustes to the initial composition. Depending on the internal volume of the pumping system, the next injection can be made 15 minutes after reaching the initial conditions.

Remarks

1. The retention time of the glycomacropeptide should be 26 ± two minutes. This can be achieved by varying the initial and end conditions of the first gradient. However, the difference in the % B for the initial and end conditions of the first gradient must remain 5 % B.

2. The eluents should be degassed sufficiently and should also remain degassed. This is essential for proper functioning of the gradient pumping system. The standard deviation for the retention time of the GMP peak should be smaller than 0,1 minutes ($n = 10$).

3. Every five samples the reference sample [5] should be injected and used to calculate a new response factor R (9.1.1).

8.4.4. The results of the chromatographic analysis of the test sample [E] are obtained in the form of a chromatogram in which the GMP peak is identified by its retention time of about 26 minutes.

The integrator (6.40.6) automatically calculates the peak height H of the GMP peak. The baseline location should be checked in every chromatogram. The analysis or the integration should be repeated if the baseline was incorrectly located.

It is essential to examine the appearance of each chromatogram prior to quantitative interpretation, in order to detect any abnormalities due either to malfunctioning of the apparatus or the column, or to the origin and nature of the sample analyzed. If in doubt, repeat the analysis.

8.5. *Calibration*

8.5.1. Apply exactly the procedure described from point 8.2 to point 8.4.4 to the standard samples (5.4.1 to 5.4.2). Use freshly prepared solutions, because GMP degrades in an 8 % trichloroacetic acid environment at room temperature. At 4 °C the solution remains stable for 24 hours. In the case of long series of analyses the use of a cooled sample tray in the automatic injector is desirable.

Note

8.4.2 may be omitted if the % B at initial conditions is known from previous analyses.

The chromatogram of the reference sample [5] should be analogous to Fig. 1. In this figure the GMP_A peak is preceded by two small peaks. It is essential to obtain a similar separation.

8.5.2. Prior to chromatographic determination of the samples inject 100 µl of the standard sample without rennet whey [0] (5.4.1).

The chromatogram should not show a peak at the retention time of the GMP_A peak.

8.5.3. Determine the response factors R by injecting the same volume of filtrate (8.5.1) as used for the samples.

9. Expression of results

9.1. *Method of calculation and formulae*

9.1.1. Calculation of the response factor R :

GMP peak : $R = W/H$

Where :

R = the response factor of the GMP peak.
H = the height of the GMP peak.
W = the quantity of whey in the standard sample [5].

9.2. *Calculation of the percentage of rennet whey powder in the sample :*

$W[E] = R \times H[E]$

Where :

W[E] = the percentage (m/m) of rennet whey in the sample [E].
R = the response factor of the GMP peak (9.1.1).
H[E] = the height of the GMP peak of the sample [E].

If W[E] is greater than 1 % and the difference between the retention time and that of the standard sample [5] is smaller than 0,2 minutes then rennet whey solids are present.

9.3. *Accuracy of the procedure*

9.3.1. Repeatability

The difference between the results of two determinations carried out simultaneously or in rapid succession by the same analyst using the same apparatus on identical test material shall not exceed 0,2 % m/m.

9.3.2. Reproducibility

Not yet determined.

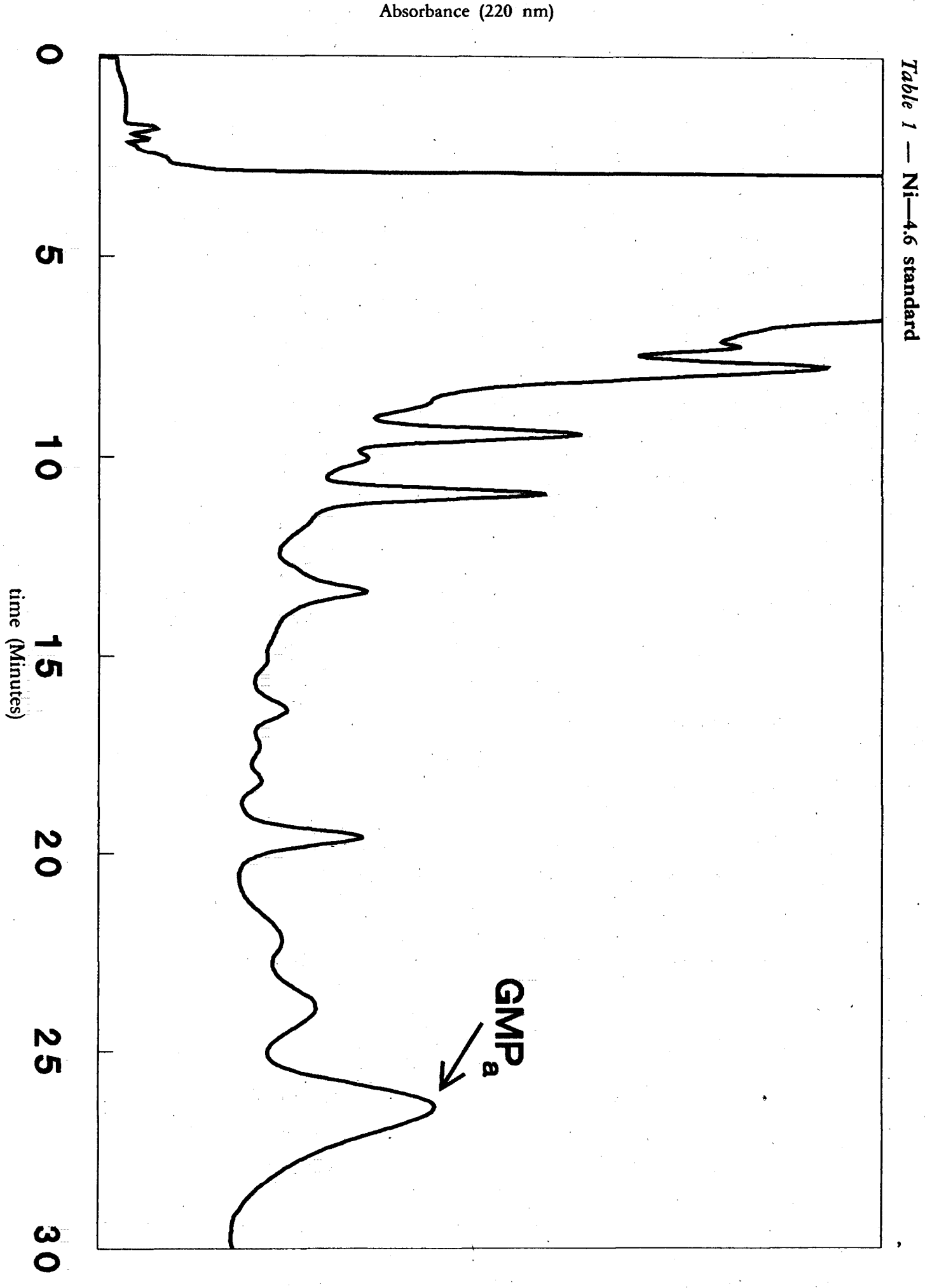
9.3.3. Linearity

From 0 to 16 % of rennet whey a linear relationship should be obtained with a coefficient of correlation > 0,99.

9.4. **Interpretation**

9.4.1. Whey is considered to be present if the result obtained in 9.2 is higher than 1 % m/m and the retention time of the GMP peak differs less than 0,2 minutes from that of the standard sample [5]. The 1 % limit is fixed in agreement with the provisions of points 9.2 and 9.4.1 of Annex V to Regulation (EEC) No 625/78.

Table 1 — Ni—4.6 standard



COMMISSION REGULATION (EEC) No 2427/90

of 21 August 1990

amending Regulation (EEC) No 2537/89 laying down detailed rules for application of the special measures for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans (1), as last amended by Regulation (EEC) No 2217/88 (2), and in particular Article 2 (8) thereof,

Whereas Commission Regulation (EEC) No 2537/89 (3), as last amended by Regulation (EEC) No 150/90 (4), provided for transitional measures, particularly in order to permit the orderly disposal of the 1989/90 harvest; whereas experience has shown that further transitional measures are necessary to deal with specific problems which have arisen; whereas these additional transitional provisions should be subject to specific conditions to ensure that they are not abused;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 46 of Commission Regulation (EEC) No 2537/89 is hereby amended as follows:

1. The following indent is added to paragraph 2:

'— an approved first purchaser who is also a processor and who has taken delivery of beans under a contract concluded and deposited before the 8 August 1990 but who is temporarily unable for reasons beyond his control, to process the beans in his own enterprise may, upon application to the authorities of the Member State concerned, be permitted by that Member State to transfer the beans in question to another enterprise for processing under conditions to be laid down by the Member State provided that:

— the minimum price has been paid,

— the beans in question were harvested during the 1989/90 marketing year and were identified before the end of the 1989/90 marketing year.'

2. The following paragraph 3 is added:

'3. The following transitional provisions shall be applicable for the 1990/91 marketing year:

— the minimum area referred to in Article 4 (1) (d) shall be reduced to 4 000 hectares for a first purchaser who is not a processor provided, in addition to the requirements of Article 3, that the said first purchaser was already approved in the 1989/90 marketing year for the purposes of claiming the aid in the Member State concerned.'

Article 2

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

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 151, 10. 6. 1985, p. 15.
(2) OJ No L 197, 26. 7. 1988, p. 11.
(3) OJ No L 245, 22. 8. 1989, p. 8.
(4) OJ No L 18, 23. 1. 1990, p. 10.

COMMISSION REGULATION (EEC) No 2428/90

of 21 August 1990

on imports of preserved mushrooms from third countries and amending Regulation (EEC) No 1851/90 on the issuing of import licences for preserved cultivated mushrooms originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of preserved cultivated mushrooms (1), and in particular Article 6 thereof,

Whereas Article 3 of Regulation (EEC) No 1796/81 lays down that the quantity which may be imported free from the additional amount must be allocated among the supplier countries, account being taken of traditional trade flows and of new suppliers;

Whereas Article 3 (3) of Commission Regulation (EEC) No 1707/90 of 22 June 1990 laying down detailed rules for the application of Regulation (EEC) No 1796/81 (2) allocated the quantity which may be imported free from the additional amount among the supplier countries; whereas Article 3 (1) of the said Regulation provides for the possibility of reviewing the allocation on the basis of the certificates issued during the first six months of the year in question; whereas the supply situation as revealed by certificates issued at 30 June 1990 would justify a new allocation of the quantity concerned for the current year;

Whereas this new allocation allows imports of preserved cultivated mushrooms originating in China that qualify for exemption from the additional amount and in respect of which the issuing of import licences was suspended by Commission Regulation (EEC) No 1851/90 (3) to resume;

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

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 December 1990, the allocation of the overall quantity laid down in Article 3 of Regulation (EEC) No 1796/81 and set out in Annex I to Regulation (EEC) No 1707/90 shall be adjusted in accordance with the Annex hereto.

Article 2

Article 1 (2) of Regulation (EEC) No 1851/90 is deleted.

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 3 September 1990.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 198, 4. 7. 1981, p. 1.
(2) OJ No L 158, 23. 6. 1990, p. 34.
(3) OJ No L 168, 30. 6. 1990, p. 40.

ANNEX

(tonnes)

Supplier country	Quantity
The People's Republic of China	30 023
The Republic of Korea	500
The Republic of China (Taiwan)	2 075
Hong Kong	150
Others	1 562
Reserve	440

COMMISSION REGULATION (EEC) No 2429/90

of 21 August 1990

fixing the actual production of olive oil for the 1988/89 marketing year and the quantity which must be carried over to the 1989/90 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations (3), as last amended by Regulation (EEC) No 1226/89 (4), and in particular Article 17 a (2) thereof,

Whereas Article 17 a of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the production aid for olive oil which may be paid in advance, the estimated production for the marketing year concerned should be established; whereas, for the 1988/89 marketing year, the estimated production and the unit amount of the production aid which may be paid in advance were fixed by Commission Regulation (EEC) No 671/89 (5), as last amended by Regulation (EEC) No 2290/89 (6);

Whereas, pursuant to Article 17a (2) of Regulation (EEC) No 2261/84, not more than six months after the end of the marketing year the quantity actually produced in respect of which entitlement to the aid has been recognized must be determined; whereas, to that end, in accordance with Article 12a of Commission Regulation (EEC) No 3061/84 (7), as last amended by Regulation (EEC) No 98/89 (8). the Member States concerned must notify the Commission, not later than 31 March following each marketing year, of the quantity recognized as qualifying for the aid in each Member State; whereas, as a result of such notifications, the quantity eligible for aid for the 1988/89 marketing year amounts to 390 000 tonnes for Italy, 1 200 tonnes for France, 319 231 tonnes for Greece, 408 000 tonnes for Spain and 21 570 tonnes for Portugal; whereas, as a consequence, the sum of the quantities thus notified constitutes the quantity eligible for reimbursement from the European Agricultural Guidance and Guarantee Fund (EAGGF);

Whereas actual production in the 1988/89 marketing year turned out to be less than the maximum quantity fixed for that marketing year; whereas, as a consequence, the unit amount of the production aid laid down for that marketing year by Council Regulation (EEC) No 2211/88 (9) is not multiplied by the coefficient provided for in the fifth subparagraph of Article 5 (1) of Regulation No 136/66/EEC; whereas in addition, pursuant to that provision, the quantity which must be added to the maximum quantity laid down for the 1989/90 marketing year should be determined;

Whereas, on the basis of data available, the actual quantity and the quantity which must be carried over to the 1989/90 marketing year should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1988/89 marketing year for olive oil, the quantity actually produced in respect of which entitlement to production aid has been recognized and which is eligible for reimbursement from the EAGGF Guarantee Section shall be 1 143 001 tonnes.

2. The quantity referred to in Article 17a (1) (c) of Regulation (EEC) No 2261/84 which must be carried over to the 1989/90 marketing year shall be 206 999 tonnes.

Article 2

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

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 280, 29. 9. 1989, p. 2.
(3) OJ No L 208, 3. 8. 1984, p. 3.
(4) OJ No L 128, 11. 5. 1989, p. 17.
(5) OJ No L 73, 17. 3. 1989, p. 8.
(6) OJ No L 218, 28. 7. 1989, p. 27.
(7) OJ No L 288, 1. 11. 1984, p. 52.
(8) OJ No L 14, 18. 1. 1989, p. 14.
(9) OJ No L 197, 26. 7. 1988, p. 3.

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2430/90

of 21 August 1990

fixing for the 1990/91 marketing year the amount of the aid for the calculation of certain varieties of grape intended for drying

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables (1), as last amended by Regulation (EEC) No 2201/90 (2), and in particular Article 6 (6) thereof,

Whereas, under Article 6 of Regulation (EEC) No 426/86, new aid arrangements in respect of specialized areas for the cultivation of sultanas, currants and muscatels take effect as from the 1990/91 marketing year; whereas these arrangements will gradually replace the existing system of production aid;

Whereas, under Article 6a (1) of the abovementioned Regulation, per hectare aid may, for the 1990/91 marketing year, account for only 15 % of the minimum price to be paid to producers for the 1989/90 marketing year; whereas the Community aid per hectare should be set at the level laid down in this Regulation;

Whereas the aid may be differentiated on the basis of the varieties of grapes and on other factors which may affect per hectare yields;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990/91 marketing year the per hectare aid for the cultivation of sultanas, currants and muscatels intended for processing pursuant to Article 6 of Regulation (EEC) No 426/86 is hereby fixed at ECU 511 per hectare of specialized area harvested. This amount, however, is fixed without prejudice to the differentiation to be carried out, before 1 November 1990, in application of Article 6 (1), third paragraph, of the abovementioned Regulation.

Article 2

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

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

Done at Brussels, 21 August 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 201, 31. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2431/90

of 21 August 1990

fixing for the 1990/91 marketing year the minimum price to be paid to producers for unprocessed sultanas, currants and muscatels and the amount of production aid for dried grapes

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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables (1), as last amended by Regulation (EEC) No 2201/90 (2), and in particular Articles 4 (4) and 6a (5) thereof,

Whereas Council Regulation (EEC) No 1206/90 (3), as amended by Regulation (EEC) No 2202/90 (4), lays down general rules for the system of production aid for processed fruit and vegetables;

Whereas, under Article 6a (1) of Regulation (EEC) No 426/86, the minimum price to be paid to producers is reduced by ECU 19,941 per 100 kg per marketing year, from the 1990/91 marketing year and up to the 1993/94 marketing year; whereas Article 6 of the said Regulation provides for the gradual introduction of a per hectare aid for the cultivation of these grapes;

Whereas Article 6a (2) of Regulation (EEC) No 426/86 lays down the criteria for fixing the amount of production aid; whereas account must, in particular, be taken of the aid fixed for the previous marketing year adjusted to take account of changes in the minimum price to be paid to producers and, if necessary, the pattern of processing costs assessed on a flat-rate basis; whereas a minimum import price is applicable in respect of dried grapes pursuant to Article 9 of the same Regulation; whereas the third country price must be replaced by this price;

Whereas Commission Regulation (EEC) No 784/90 of 29 March 1990 fixing the reducing coefficient for agricultural prices in the 1990/91 marketing year as a result of the monetary realignment of 5 January 1990 and amending the prices and amounts fixed in ecus for that marketing year (5) lays down the list of prices and amounts to be divided by the reducing coefficient of 1,001712 within the framework of the system for the automatic dismantlement of negative monetary compensatory amounts; whereas the prices and amounts fixed in ecus by the Commission for the 1990/91 marketing year must take account of the ensuing reduction;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the marketing year 1990/91:

(a) the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 to be paid to producers for unprocessed dried sultanas of category 4; and

(b) the production aid referred to in Article 5 of the same Regulation for processed dried sultanas of category 4

shall be as set out in the Annex hereto.

Article 2

For the marketing year 1990/91, the minimum price for unprocessed dried grapes applicable to the other categories of sultanas, currants and for muscatels shall be fixed on the basis of the coefficient applicable to the minimum price set out in Annex I to Commission Regulation (EEC) No 2347/84 (6), as last amended by Regulation (EEC) No 2250/88 (7).

Article 3

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

It shall apply from 1 September 1990.

(1) OJ No L 49, 27. 2. 1986, p. 1.
(2) OJ No L 201, 31. 7. 1990, p. 1.
(3) OJ No L 119, 11. 5. 1990, p. 74.
(4) OJ No L 201, 31. 7. 1990, p. 4.
(5) OJ No L 83, 30. 3. 1990, p. 102.
(6) OJ No L 219, 16. 8. 1984, p. 1.
(7) OJ No L 228, 17. 8. 1988, p. 5.

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

Done at Brussels, 21 August 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Minimum price to be paid to producers

Product	ECU/100 kg net, ex producer
Unprocessed sultanas of category 4	113,001

Production aid

Product	ECU/100 kg net
Dried sultanas of category 4	62,952

COMMISSION REGULATION (EEC) No 2432/90

of 21 August 1990

amending Regulation (EEC) No 1201/89 laying down rules implementing the system of aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Act of Accession of Greece, and in particular Protocol No 4 on cotton, as last amended by Regulation (EEC) No 4006/87 (1),

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down general rules for the system of aid for cotton (2), as last amended by Regulation (EEC) No 791/89 (3), and in particular Article 11 thereof,

Whereas the second paragraph of Article 6 of Commission Regulation (EEC) No 1201/89 (4), as amended by Regulation (EEC) No 2733/89 (5), lays down the limits within which, for the purposes of calculating the difference between actual production and estimated production of cotton, such production is to be taken into account for the 1987/88, 1988/89 and 1989/90 marketing years pursuant to the second subparagraph of Article 2 (2) of Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol No 4 annexed to the Act of Accession of Greece (6), as amended by Regulation (EEC) No 1357/90 (7), which provides for those three marketing years for a limit on the reduction on the aid; whereas, following the latest amendment of Regulation (EEC) No 1964/87, that limit on the reduction of the aid was extended to the 1990/91 marketing year; whereas, under these circumstances, the second paragraph of Article 6 of Regulation (EEC) No 1201/89 should be adapted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 6 of Regulation (EEC) No 1201/89 is hereby amended as follows:

1. in the first indent, 'and 1989/90' is replaced by '1989/90 and 1990/91';
2. in the second indent, 'and 375 000 tonnes' is replaced by '375 000 tonnes and 375 000 tonnes'.

Article 2

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

It shall apply from the 1990/91 marketing year.

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

Done at Brussels, 21 August 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 123, 4. 5. 1989, p. 23.
(5) OJ No L 263, 9. 9. 1989, p. 15.
(6) OJ No L 184, 3. 7. 1987, p. 14.
(7) OJ No L 134, 28. 5. 1990, p. 22.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 18 July 1990

repealing recommendations on commercial policy measures concerning imports of coal from third countries into the Federal Republic of Germany

(90/443/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas :

I

Under recommendation of the High Authority of 28 January 1959 to the Governments of the Member States of the Community on commercial policy measures concerning imports of coal from third countries [1], the High Authority required the Federal Republic of Germany to impose on imports of coal from non-member countries a provisional customs duty of not more than DM 20 per tonne should these imports exceed a zero-duty quota of 5 million tonnes.

It also authorized the Federal Republic of Germany to carry out checks on origin where necessary in implementing the recommendation.

Lastly, it recommended to the Governments of the other Member States that they take, as needed, the measures necessary to ensure the implementation of the measures recommended to the Federal Republic of Germany.

The recommendation was issued in view of the following :

— coal producers in the Community were facing serious difficulties in disposing of coal,

— this situation was particularly evident in the Federal Republic of Germany where coal from third countries was being imported in relatively increased quantities and under such conditions that these imports threatened to cause serious injury to production of coal within the common market with a clear threat to employment,

— existing trade measures in the Federal Republic of Germany at that time were insufficient to deal with the situation.

Under recommendations of 3 November 1959 [2], 3 November 1960 [3], 13 December 1961 [4] and 30 October 1962 [5], the High Authority adopted measures covering the years 1960, 1961, 1962 and 1963.

For subsequent years, the Court of Justice of the European Communities decided [6] that the abovementioned recommendations might continue to serve as a legal basis for national rules providing for the charging of a differential customs duty on coal originating in a non-member country and imported after its release into free circulation in another Member State.

[1] OJ No 8, 11. 2. 1959, p. 197/59.

[2] OJ No 58, 14. 11. 1959, p. 1150/59.
[3] OJ No 73, 19. 11. 1960, p. 1425/60.
[4] OJ No 82, 19. 12. 1961, p. 1600/61.
[5] OJ No 116, 12. 11. 1962, p. 2683/62.
[6] Judgment of 28 June 1984, case 36/83 — MABANAFT/Hauptzollamt — Emmerich — *Reports of cases before the Court of Justice* (1984) ECR 2527.

II

Since the adoption of these recommendations, the conditions justifying customs protection in the Federal Republic of Germany have undergone perceptible changes, both with regard to trade and Community measures in favour of the Community coal industry.

As to coal imports into the Federal Republic, while the Federal Republic's imports in 1958 represented 40 % of total Community imports, this share — calculated on the basis of the old Community of Six — had fallen to around 9 % in 1989. In these circumstances, coal is no longer imported in relatively increased quantities in the sense of Article 74 (3) of the Treaty.

As to the Community measures introduced as from 1965 to deal with the problems facing the coal industry, a sequence of Community regimes has been established permitting Member State's intervention in favour of the industry :

— Decision No 3/65 (1), Decision No 27/67 (2), Decision No 3/71/ECSC (3), Decision No 528/76/ECSC (4), Decision No 2064/86/ECSC (5).

The aid regimes put in place by these Decisions have allowed, in particular, the creation of favourable conditions necessary to enable the Community coal industry to adapt to the realities of the energy market. Indeed, the aid envisaged by Member States may be seen as compatible with the proper functioning of the common market, if it contributes to an improvement in the competitiveness of the coal industry, thus helping to ensure better security of supply or to solve the social and regional problems related to changes in the coal industry.

III

In the light of the foregoing, it is clear that the conditions of Article 74 (3) of the Treaty, are no longer met.

Given the exceptional nature of the derogations granted under this provision, and in view of the objectives of Article 3 (f) of the Treaty, the continuation of the arrangements under the abovementioned recommendations is no longer justified.

It is appropriate therefore to repeal the said recommendations as from 1 January 1991, this period being necessary to allow the Federal Republic of Germany to take the required measures,

HAS ADOPTED THIS RECOMMENDATION

Article 1

The recommendations of the High Authority of the European Coal and Steel Community of 28 January 1959, 3 November 1959, 3 November 1960, 13 December 1961 and 30 October 1962 are hereby repealed with effect from 1 January 1991.

Article 2

This recommendation is addressed to the Member States.

Done at Brussels, 18 July 1990.

For the Commission

Frans ANDRIESSEN

Vice-President

(1) OJ No 31, 25. 2. 1965, p. 480/65.
(2) OJ No 261, 28. 10. 1967, p. 1.
(3) OJ No L 3, 5. 1. 1971, p. 7.
(4) OJ No L 63, 11. 3. 1976, p. 1.
(5) OJ No L 177, 1. 7. 1986, p. 1.

COMMISSION DECISION

of 18 July 1990

authorizing Spain to exclude from Community treatment, for a limited period, coal of third country origin imported after having been put into free circulation in another Member State

(Only the Spanish text is authentic)

(90/444/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 71 thereof,

Whereas in 1987, 1988 und 1989 the Spanish Government sent the Commission applications to exclude from Community treatment coal of third country origin which is imported after being put into free circulation in another Member State ;

Whereas the Commission granted the relevant authorization to the Spanish Government by applying the provisions relating to mutual assistance, but for a limited period on each occasion. An authorization of this type for 1989 expired on 31 December 1989 ;

Whereas by letter of 27 November 1989 the Spanish Government made another application to extend its restrictive measures on coal of third country origin to include coal in free circulation in another Member State. This application requested authorization of unlimited duration ;

Whereas current Spanish law allows limited quantities of coal of third country origin to be imported at a zero rate of duty. For coal other than anthracite the duty-free quota for 1990 would be increased to 12 million tonnes. The duty-free import quota for anthracite would remain limited at 12 000 tonnes ;

Whereas imports in excess of the zero-duty quota attract duty of up to 14 % ;

Whereas in principle, Article 71 of the Treaty leaves the Governments of the Member States their powers in matters of commercial policy. National rules remain therefore applicable as regards direct imports from non-member countries. However, Member States shall afford each other such mutual assistance as is necessary to implement measures recognized by the Commission as being in accordance with the Treaty and with existing international agreements ;

Whereas under the provisions of the Treaty the principle of free movement applies equally to products in free circulation in a Member State ;

Whereas where differences in commercial policy between Member States call for measures waiving the principle of the free movement of goods within the Community, such measures may be authorized only in exceptional circumstances and for a limited period, given the fundamental importance of the principle of free movement ;

Whereas according to the notification from the Spanish Government, the commercial policy measures on coal are intended to protect Spanish collieries, which are in a difficult economic situation as a result of competition from coal of third country origin, and to increase their productivity ;

Whereas to ease the difficulties affecting the coal industry, the Community has created instruments to support improvements in the competitiveness of the industry, thus helping to ensure better security of supply and to solve the social and regional problems related to the changes in the coal industry ;

Whereas this was the objective of Commission Decision No 2064/86/ECSC [1], establishing Community rules for State aid to the coal industry ; this regime creates the favourable conditions required for the Community coal industry to adapt to the realities of the energy market ;

Whereas the abovementioned measures permit the abandonment of market protection and the abolition of controls at internal Community frontiers ;

Whereas a withdrawal of the protective measures for coal originating in third countries and imported after having been put into free circulation in another Member State could however, without a period of transition, give rise to difficult problems of adaptation in the short term, for both economic and administrative reasons ;

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[1] OJ No L 177, 1. 7. 1986, p. 1.

Whereas it therefore seems advisable to authorize the Spanish Government to apply, on a temporary basis, the measures set out above;

Whereas in order that the Commission may carry out a final assessment of the issue, the Spanish Government should be asked to send the Commission a report on the implementation of these policy measures,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorized to apply to coal of third country origin imported after having been put into free circulation in another Member State, imports of which exceed the zero-duty quota of 12 000 tonnes for anthracite or 12 million tonnes for coal other than anthracite, a customs duty of up to 14 %.

Article 2

This Decision shall apply until 31 December 1990.

Article 3

Spain shall, before 31 December 1990, send the Commission a report on the implementation of the measure referred to in Article 1.

Article 4

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 18 July 1990.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 26 July 1990

concerning animal health conditions and veterinary certification for the importation of fresh meat from Turkey

(90/445/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries [1], as last amended by Directive 89/662/EEC [2], and in particular Article 16 thereof,

Whereas, following a Community veterinary mission and information supplied by the Turkish veterinary authorities, it appears that the animal health situation of domestic solipeds in Turkey is generally satisfactory particularly as regards diseases transmissible through meat; whereas, however, glanders may be present in domestic solipeds in Turkey intended for slaughter;

Whereas it is desirable to provide measures to safeguard the meat of domestic solipeds with regard to glanders; whereas the Turkish veterinary authorities have given official assurances that the measures will be applied by official veterinarians according to Turkish regulations and that the domestic solipeds will be positively identified;

Whereas, it is necessary to limit importations to designated approved regions; whereas, the Turkish veterinary authorities have given assurances that no solipeds will be moved into the approved provinces without undergoing a mallein test giving a negative result;

Whereas animal health conditions and veterinary certification must be adapted according to the animal health situation of the non-member country concerned;

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

1. Consignments of fresh meat of domestic solipeds which are authorized by Member States for importation from the following provinces of Turkey:

Amasya, Ankara, Balikesir, Bursa, Cankiri, Corum, Denizli, Izmir, Kastamonu, Kutahya, Manisa, Usak, Yozgat and Kirikkale,

shall conform to the guarantees laid down in an animal health certificate which accords with the Annex hereto and which must accompany each consignment.

2. Member States shall not authorize the import of categories of fresh meat from Turkey other than those mentioned in paragraph 1.

Article 2

This Decision shall not apply to imports of glands and organs authorized by the country of destination for pharmaceutical manufacturing purposes.

Article 3

This Decision shall apply with effect from 1 September 1990.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 26 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 302, 31. 12. 1972, p. 28.
(2) OJ No L 395, 30. 12. 1989, p. 13.

ANNEX

ANIMAL HEALTH CERTIFICATE

for fresh meat (1) of domestic solipeds intended for consignment to the European Economic Community

Country of destination : .....

Reference to public health certificate (2) : .....

Exporting country : Turkey

Ministry : .....

Department : .....

Reference : .....

(Optional)

I. Identification of meat :

Meat of domestic solipeds : .....

(Animal species)

Nature of cuts : .....

Nature of packaging : .....

Nature of cuts or packages : .....

Net weight : .....

II. Origin of meat :

Address(es) and veterinary approval number(s) (2) of approved slaughterhouses(s) : .....

.....

Address(es) and veterinary approval number(s) (2) of approved cutting plant(s) : .....

.....

III. Destination of meat :

The meat will be sent from : .....

(Place of loading)

to : .....

(Country and place of destination)

by the following means of transport (3) : .....

Name and address of consignor : .....

.....

Name and address of consignee : .....

.....

(1) Fresh meat means all parts of domestic solipeds which are fit for human consumption and which have not undergone any preserving process, chilled and frozen meat being considered as fresh meat.
(2) Optional when the country of destination authorizes the importation of fresh meat for uses other than human consumption in application of Article 19 (a) of Directive 72/462/EEC.
(3) For railway wagons or lorries the registration number should be given, for aircraft the flight number and for ships the name.

IV. Attestation of health :

I, the undersigned, official veterinarian, certify that the fresh meat described above has been obtained from animals which :

— were born, reared and slaughtered in the territory of Turkey and which, in the preceding six months or since birth, have remained in one or more of the following provinces :

Amasya, Ankara, Aydin, Balikesir, Bursa, Cankiri, Corum, Denizli, Izmir, Kastamonu, Kutahya, Manisa, Usak, Yozgat and Kirikkale ;

— were transported to the slaughterhouse with a current certificate of health and origin ;

— bore, in accordance with the legal provisions a mark indicating their region or origin ;

— have been subjected to an intra-dermal mallein test carried out by an official veterinarian according to the regulations of the veterinary service of Turkey with negative results within 15 days before being slaughtered ; and,

— following the mallein test, have not been in contact with animals which do not comply with the conditions required for export of their meat to the Community before being slaughtered.

Done at ..... on .....

(Place) (Date)

Seal

.....

(Signature of official veterinarian)

(Name in capital letters, title and qualification of signatory)

COMMISSION DECISION

of 27 July 1990

relating to a proceeding under Article 85 of the EEC Treaty

(IV/32.688 — Konsortium ECR 900)

(Only the English, Dutch and German texts are authentic)

(90/446/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty [1], as last amended by the Act of Accession of Spain and Portugal, and in particular Article 2 thereof,

Having regard to the notification of a cooperation agreement on 7 April 1988 by the firms AEG Aktiengesellschaft, Alcatel NV and Oy Nokia AB,

Having published a summary of the notification [2] pursuant to Article 19 (3) of Regulation No 17,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

A. Subject of the notification

On 7 April 1988, AEG Aktiengesellschaft, Alcatel NV and Oy Nokia notified a cooperation agreement concluded by them. The cooperation between the undertakings relates to the formation of a consortium, ECR 900, for the joint development and manufacture and the joint distribution of a pan-European digital cellular mobile telephone system. The cooperation does not include the end products (mobile telephones) through which users are connected to the system.

B. The undertakings concerned

(1) AEG Aktiengesellschaft ('AEG'), whose head office is in Frankfurt, Federal Republic of Germany, is a group owned on a majority holding basis by the Daimler-Benz AG group, whose head office is in Stuttgart-Untertürkheim, Federal Republic of Germany. AEG's activities include automation systems, electrical tools, energy distribution, household equipment and high-frequency, industrial, information and communications technology.

(2) Alcatel NV ('Alcatel'), whose head office is in Amsterdam, Netherlands, is owned on a majority holding basis by the CGE group, whose head office is in Paris, France. Alcatel's activities comprise communications systems and information technology.

(3) Oy Nokia AB ('Nokia'), whose head office is in Helsinki, Finland, does not belong to any other group, but is an independent group of undertakings. Its activities include information systems, telecommunications, mobile telephones and consumer electronics.

C. Description of the telephone system

(1) In the 'CEPT-Memorandum of Understanding' of 7 September 1987 [3], the signatories agreed to introduce a pan-European public digital cellular mobile telecommunications service in their countries in 1991. The planned telephone system, known as the GSM ('Groupe spécial mobile') system, is a new communications system which does not yet exist.

(2) The system uses a new, digital, cellular technique to improve communication between the users of a mobile telephone network in numerous respects : there is a substantial improvement in speech quality and an increase in the total number of users. The system allows additional data and information technology services to be linked up and new protective arrangements to be included (authentication to prevent misuse of users' appliances and encoding to prevent unauthorized interception of communications). The agreement of virtually all the network operators in Europe on the hardware and software interfaces of the system removes all the communication obstacles created by differences in systems across geographical frontiers and opens up the way for a single European communication network which would, for example, allow a user to be contacted anywhere in Europe ('roaming').

[1] OJ No 13, 21. 2. 1962, p. 204/62.
[2] OJ No C 308, 7. 12. 1989, p. 5.
[3] CEPT = Conférence Européenne des Administrations des Postes et des Télécommunications

(3) Through predefinition of the GSM system on the basis of a uniform standard with two to three specified interfaces, it is ensured that the development work will result in a uniform system. However, the system does not require uniform technology, but allows room for the development of different system components. The differing specified interfaces allow the compatibility of all system components, which means that they provide the opportunity of combining parts from different manufacturers.

D. Demand and supply in respect of the GSM system

The only potential buyers in the network area covered by the GSM system are at present the national network operators in the CEPT countries and the undertakings acting on their behalf (in the Federal Republic of Germany, for example, Detecon, a telecommunications consultancy firm).

Demand for all and/or part of the system is channeled through invitations to tender. Thus, a series of invitations to tender was published in the *Supplement to the Official Journal of the European Communities* of 5 January 1988 (No 2/59).

The invitations to tender involve orders for supply and installation and not development orders. The objective is the delivery, installation and operation of the equipment by the first quarter of 1991. The mobile telephones themselves are not covered by the invitations to tender.

In addition to the undertakings making the notification, the following consortia and individual firms have emerged as suppliers :

— Philips/Siemens respectively Philips/Bosch/Siemens,
— Bosch/Philips,
— Matra-Ericsson,
— Ericsson/Orbitel,
— Ericsson/Matra/Ascom Hasler,
— Orbitel/Matra/Ericsson,
— Orbitel (Racal/Plessey),
— Motorola (employing system components acquired from third parties).

E. Content of the cooperation agreement

(1) The parties to the agreement have agreed to cooperate in the development and manufacture of the GSM system and parts thereof, in the further definition and adjustment of technical specifications and in the joint and exclusive distribution of the system and parts thereof in CEPT countries in accordance with the cooperation agreement.

(2) The parties are setting up a consortium known as ECR 900 for the purpose of the submission of tenders for the GSM system in invitations to tender.

Commitments in respect of CEPT countries require the prior written agreement of all the parties. However, if one of the parties does not wish to participate in a tender or contract, the other parties are free to do so.

(3) During the term of the agreement, the parties are prohibited from submitting other tenders or concluding contracts in the CEPT countries in respect of the GSM system.

(4) Outside of the CEPT countries, each party is entitled to pursue business in respect of those parts of the GSM system in whose development it was involved.

(5) (a) In the case of development activities in which several parties were involved, all the technical documentation is to be exchanged on a permanent and cost-free basis between the parties concerned until such time as the technical documentation for series production is completed.

(b) In the case of development activities in which only one party is involved, there will be no exchange of technical documentation.

(6) (a) Up until eight months before expiry of the agreement, the parties are prohibited from using technical documentation obtained pursuant to point 5 (a) in order to manufacture the GSM system or parts thereof for sale in CEPT countries.

(b) After expiry of the agreement, each party has the non-exclusive right to use the technical documentation obtained pursuant to point 5 (a) in order to manufacture the GSM system or parts thereof for sale in any country.

(c) Within a period of five years following expiry of the agreement, however, the grant to third parties of a sublicence in respect of the above-mentioned right requires the prior agreement of the party concerned, with any licence fees being divided equally between them.

After the end of such period, the parties are free to grant sublicences without sharing the fees.

(d) Where a party is excluded on the grounds of breach of contract, the party excluded loses the right to use the technical documentation acquired.

(7) The agreement may be terminated by each party for the first time on 31 December 1993 and thereafter at the end of each year. In such an event, the other parties may decide to continue the agreement.

The agreement ends automatically on 31 December 1992 if the French or German or any other important postal authority of a CEPT country has not selected the GSM system for its market.

F. The Commission did not receive any observations from interested third parties following publication of the notice required by Article 19 (3) of Regulation No 17.

II. LEGAL ASSESSMENT

Article 85 (1)

The cooperation agreement notified is not under the present circumstances caught by Article 85 (1).

(1) The parties to the agreement are undertakings, and the notified agreement is an agreement between undertakings within the meaning of Article 85 (1).

(2) The agreement does not have as its object or effect the restriction of competition within the common market, for the following reasons :

(a) *Joint development and manufacture of the GSM system*

The parties to the agreement have agreed to cooperate on the development and manufacture of the GSM system. Such an agreement does not constitute a restriction of competition. The facts show that development and manufacture by individual companies would not take place because of the high cost involved. The invitations to tender by the telecommunications administrations published on 5 January 1988 lay down tight deadlines. The invitation to tender for Denmark provides for the pilot system to be supplied by the end of October 1988, and the invitation to tender for the United Kingdom provides for the complete testing of the development system by 30 June 1989. By mid-1990, an initial pilot system is to have been set up for test purposes in the countries involved in the invitations to tender, and the supply, installation and operation of the equipment is scheduled for the first quarter of 1991. The parties to the agreement would therefore hardly be able to comply with the timetable laid down if they were to proceed individually.

Furthermore, the financial expenditure and the staff required in the development and manufacture of the GSM system is so great that realistically there is no scope for companies to act individually.

The development costs are estimated by the parties to the agreement at some DM 300 to 500 million. Because of the time schedule laid down, this amount cannot be spread over a longer period, but must be raised in the period up to the installation of the pilot system in 1990, while the amortization of the investment in the event of a bid award will be long term. In the event of a bid award to one of the competitors, amortization may indeed be entirely open to question. As far as the staffing requirements are concerned, only a limited number of sufficiently qualified engineers are available for the development of the GSM system, and this limited number cannot be increased in the short term.

Lastly, for objective economic reasons, the parties to the agreement cannot be expected to bear the financial risk involved in the development and manufacture of the GSM system alone.

The relevant market is characterized by narrowly limited demand. At present, the only potential customers are 15 national network operators in the CEPT countries, or the undertakings acting for them, with the result that the suppliers' prospects of achieving a bid award are only limited. Only if they achieve a bid award will the suppliers be able to amortize the extremely high development costs, since the results of the development work will have only limited use outside the field covered by the invitations to tender. This real and serious economic risk can be borne only if the parties to the agreement bear the costs jointly.

It is noteworthy in this context that, in their invitations to tender, the national telecommunications administrations expressly refer to consortia and bidding syndicates.

No single member of the consortium would therefore be able to use its own production improved by individual development in order to achieve a competitive advantage over the other members.

The obligation to engage in joint development and manufacture of the GSM system therefore does not restrict competition within the common market.

(b) *Joint distribution of the GSM system*

As a result of the joint distribution requirement in the CEPT countries, the parties to the agreement are prevented during the term of the agreement from competing with one another in the sale of the products in such countries, which include all the Member States. However,

this requirement does not amount to a restriction of competition. For the reasons specified above, the parties to the agreement acting on their own would not be in a position to provide a viable source of supply for individual distribution of the GSM system.

(c) *Ban on the use of technical documentation*

Where a party is excluded because of infringement of the agreement, such party loses the right to use the technical documentation supplied to him and hence the possibility of manufacturing and distributing competing products with the help of such documentation.

However, this ban does not create any restriction of competition within the meaning of Article 85 (1). The party in breach of the agreement, having failed to fulfil his obligations *vis-à-vis* the other parties and to perform his contribution to achieving the joint task, would, if allowed to use the technical documentation, receive unjustified benefits which would lead to an undeserved competitive advantage *vis-à-vis* the other parties. Such competition not based on performance is not protected by Article 85.

(3) This legal assessment is based on the circumstances set out above. Should there be any change in the actual circumstances, there is nothing to prevent the Commission from re-examining the case,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the facts known to it, the Commission sees no reason to take any action under Article 85 (1) of the EEC Treaty against the cooperation agreement concluded by the firms AEG Aktiengesellschaft, Alcatel NV and Oy Nokia AB on 21 December 1987.

Article 2

This Decision is addressed to the following undertakings:

1. AEG Aktiengesellschaft
   Theodor-Stern-Kai 1
   D-6000 Frankfurt/Main 70,
2. Alcatel NV
   Strawinskylaan 537
   NL-1077 XX Amsterdam,
3. Oy Nokia AB
   Mikonkatu 15 A
   Helsinki, Finland.

Done at Brussels, 27 July 1990.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 30 July 1990

concerning the conclusion of a cooperation agreement between the European Atomic Energy Community and the Kingdom of Sweden on research and training in the field of radiation protection

(90/447/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the third paragraph of Article 101 thereof,

Whereas the framework agreement for scientific and technical cooperation between the European Communities and the Kingdom of Sweden [1] was signed on 13 January 1986;

Whereas by Decision 89/416/Euratom [2], the Council adopted a specific research and training programme for the European Atomic Energy Community in the field of Radiation Protection (1990 to 1991),

HAS DECIDED AS FOLLOWS:

Article 1

The cooperation agreement between the European Atomic Energy Community and the Kingdom of Sweden on research and training in the field of radiation protection is hereby approved on behalf of the European Atomic Energy Community.

The text of the agreement is appended to this Decision.

Article 2

The President of the Commission is empowered to designate the person authorised to sign the cooperation agreement for the purpose of committing the European Atomic Energy Community.

Done at Brussels, 30 July 1990.

For the Commission

The President

Jacques DELORS

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[1] OJ No L 313, 22. 11. 1985, p. 1.
[2] OJ No L 200, 13. 7. 1989, p. 50.

COOPERATION AGREEMENT BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THE KINGDOM OF SWEDEN

on research and training in the field of radiation protection

THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter called 'the Community',

and

THE KINGDOM OF SWEDEN, hereinafter called 'Sweden',

both hereinafter called the 'Contracting Parties',

Whereas the Community and Sweden concluded a framework agreement for scientific and technical cooperation which entered into force on 27 August 1987;

Whereas, by Decision of 89/416/Euratom, the Council of the European Communities, hereinafter called 'the Council', adopted a specific research and training programme in the field of radiation protection (1990 to 1991), hereinafter called 'the Community programme';

Whereas the association of Sweden with the Community programme can help to improve the efficacy of the research carried out by the Contracting Parties in the field of radiation protection and can avoid the useless duplication of efforts;

Whereas the Community and Sweden expect to obtain mutual benefit from Sweden's association with the Community programme,

HAVE AGREED AS FOLLOWS:

Article 1

Sweden is hereby associated as from 1 January 1990 with the implementation of the Community programme as set out in Annex A. The implementation of the programme and the Community's rate of financial participation are set out in Annex B.

Article 2

The financial contribution of Sweden, deriving from its association with the implementation of the Community programme, shall be established in proportion to the amount available each year in the general budget of the European Communities for appropriations covering commitments to meet financial obligations of the Commission of the European Communities, hereinafter referred to as 'the Commission', resulting from work to be carried out in the framework of shared-cost research contracts necessary to the implementation of the Community programme and from management and administrative operating expenditure for the said programme.

The proportionality factor governing Sweden's contribution shall be obtained by establishing the ratio between Sweden's gross domestic product (GDP), at market prices, and the sum of gross domestic products, at market prices, of the Member States of the Community and of Sweden. This ratio shall be calculated on the basis of the latest available statistical data of the Organization for Economic Cooperation and Development (OECD).

The funds estimated as necessary to carry out the Community programme, the amount of Sweden's contribution and the timetable of the commitment estimates are set out in Annex C.

The rules governing Sweden's financial contribution are set out in Annex D.

Article 3

For Sweden, research and development bodies and persons, the terms and conditions for the submission and evaluation of proposals and the terms and conditions for the granting and conclusion of contracts under the Community programme shall be the same as those applicable to research and development bodies and persons in the Community provided that the rights of access to results shall be limited to those arising from contracts under the same programme. In particular, the general provisions applicable to research contracts within the Community shall apply subject to this Article, *mutatis mutandis,* to research contracts with Swedish research and development bodies and persons so far as questions relating to taxation and customs duties and the utilization of research results are concerned.

Article 4

The Commission shall be responsible for the implementation of the programme and shall be assisted in the implementation by the Management and Coordination Advisory Committee (CGC) on radiation protection, set up by Decision 84/338/Euratom, ECSC, EEC of 29 June 1984 dealing with structures and procedures for the management and coordination of Community research, development and demonstration activities [1].

The Committee shall be enlarged to include two representatives designated by Sweden who may be assisted or replaced by one Swedish expert. They shall participate solely in the work of the Committee which meets in its variable configuration to accomplish the tasks concerning the Community programme on radiation protection.

[1] OJ No L 177, 4. 7. 1984, p. 25.

Article 5

After the end of the programme, an evaluation of the results achieved shall be conducted by the Commission, which shall report thereon to the European Parliament, the Council and Sweden.

The report referred to in paragraph 1 shall be established having regard to the objectives and criteria set out in Annex E and in accordance with Article 2 (2) of Decision 87/516/Euratom, EEC (1)

Article 6

Each Contracting Party undertakes, in accordance with their respective rules and regulations, to facilitate the movement and residence of research workers participating in Sweden and in the Community in the activities covered by this Agreement.

Article 7

The Commission and the Swedish Institute of Radiation Protection of Sweden shall ensure the implementation of this Agreement.

Article 8

This agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Atomic Energy Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Sweden.

Article 9

1. This Agreement is concluded for the duration of the Community programme (1990 to 1991).

Should the Community revise the Community programme, the Agreement may be denounced under mutually agreed conditions. Sweden shall be notified of the exact content of the revised programme within one week after its adoption by the Community. The Contracting Parties shall notify each other within three months after the Community decision has been adopted if a termination of the agreement is envisaged.

2. Where the Community adopts a new R&D programme in the field of radiation protection, this Agreement may be renegotiated or renewed under mutually agreed conditions.

3. Subject to paragraph 1, either Contracting Party may at any time terminate the Agreement with six months' notice. The projects and work in progress at the time of termination and/or expiry of this Agreement shall be continued until they are completed under the conditions laid down in this Agreement.

Article 10

This Agreement shall be approved by the Contracting Parties in accordance with their existing procedures.

It shall enter into force on the date on which the Contracting Parties notify each other of the completion of the procedures necessary for this purpose.

Article 11

The Annexes A, B, C, D, and E to this Agreement shall be an integral part thereof.

Article 12

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

The present Agreement was signed in Brussels on 3 August 1990.

For the European Atomic Energy Community

Paolo FASELLA

Director-General for Science, Research and Development

For the Kingdom of Sweden

Magnus WERNSTEDT

Chargé d'affaires
Swedish Delegation
to the European Communities

(1) OJ No L 302, 24. 10. 1987, p. 1.

ANNEX A

PROGRAMME CONTENTS AND INDICATIVE INTERNAL ALLOCATION OF FUNDS

		Indicative allocation of funds, including staff and administrative expenses (in million ecu)
A.	**Human exposure to radiation and radioactivity**	7,4
1.	*Measurement of radiation dose and its interpretation*	
1.1.	Development and implementation of standards and procedures linked to the concepts of dose equivalent quantities for both external and internal exposure	
1.2.	Radiation and instrumentation for individual and area dosimetry	
1.3.	Derivation or organ doses and effective dose equivalent	
1.4.	Assessment of internal exposure	
2.	*Transfer and behaviour of radionuclides in the environment*	
2.1.	Environmental behaviour of radionuclides in situations meriting particular attention for long-term behaviour or post-accident conditions	
2.2.	Natural radioactivity in the environment and its pathways to man	
2.3.	Influence of speciation, chemical modification, changes in physico-chemico properties and biological conversion, particularly with respect to : — long-lived fission and corrosion products — actinides, tritium, eg. reduction of hydrogen gas and transformation of inorganic into organically bound tritium and — effluent from radiopharmaceutics or nuclear medicine	
2.4.	The behaviour of accidentally released radionuclides evaluation of the reliability of transfer parameters and experimental studies	
2.5.	The role of retention and release of radionuclides in natural ecosystems, such as forests, moorland, swamps, marshlands, water bodies and in marginal agricultural areas	
2.6.	Development of countermeasures to reduce the contamination in the environment and to impede its transfer to man	
B.	**Consequences of radiation exposure to man : their assessment, prevention and treatment**	7,4
1.	*Stochastic effects of radiation*	
1.1.	Interpretation of low dose and low dose rate effects with the help of microdosimetry	
1.2.	Repair and modification of genetic damage and individual radiosensitivity	
1.3.	Cellular, molecular and animal studies to determine the risk of stochastic somatic effects of radiation with respect to low dose, low dose rate and radiation quality	
1.4.	Assessment of genetic risks in man	
1.5.	Action of radionuclides on target cells in relation to radionuclide metabolism and studies on biological models for radionuclide-induced cancer, particularly of lung, bone, liver	

		Indicative allocation of funds, including staff and administrative expenses (in million ecu)
2.	*Non-stochastic effects of radiation*	
2.1.	Radiation syndromes and their treatment after exposure of large parts of the body	
2.2.	Irradiation and committed exposure from incorporated radionuclides	
2.3.	Radiation syndromes and their treatment after local exposure to skin and subcutaneous tissues	
2.4.	Radiation damage to lens, thyroid and other tissues of relevance in radiation protection	
3.	Radiation effects on the developing organism	
C.	**Risks and mangement of radiation exposure**	6,4
1.	*Assessment of human exposure and risks*	
1.1.	Evaluation and statistics of the different types of human exposure	
1.2.	Exposure of natural radioactivity and evaluation of parameters influencing these risks	
1.3.	Comparative assessment of exposure and risks	
1.4.	Epidemiological studies in human populations	
2.	Optimization and management of radiation protection	
2.1.	Optimization and radiological protection	
2.2.	Reduction of patient exposure in medical diagnostic radiology	
2.3.	Management of radiological protection in normal and accident situations	
2.4.	Probabilistic risk assessment and real-time models for assessing the consequences of accidental releases of radioactivity and for evaluating effectiveness and feasibility of countermeasures	
	Total	21,2 (1)

(1) Of which approximately ECU 5 870 000 are attributed to staff and administrative expenses.

ANNEX B

IMPLEMENTATION OF THE PROGRAMME AND THE COMMUNITY'S RATE OF FINANCIAL PARTICIPATION

The programme consists of activities carried out by means of shared-cost research contracts with competent public or private research organizations established in the Member States.

In addition to shared-cost research contracts, the programme may also be carried out by means of study contracts and coordinating actions. Particular emphasis will be placed on awards for training and mobility grants. Such contracts and grants will, where appropriate, be awarded following a selection procedure based on calls for proposals published in the *Official Journal of the European Communities.*

Participants in shared-cost contracts may be from public or private research organizations, including universities, established in the Community. Each contractor will be expected to make a significant contribution to projects. The contractor will be expected to bear a substantial proportion of the costs, 50 % of which will normally be borne by the Community. Alternatively, in respect of universities and similar organizations carrying out projects under the programme, the Community may bear up to 100 % of the additional expenditure involved.

Shared-cost research projects should normally be carried out by participants from more than one Member State.

The Commission shall distribute, in all Community languages, information packs to accompany the invitation to participate in order to guarantee equal opportunities for the enterprises, universities and research centres in the Member States.

The information resulting from the implementation of the shared-cost activities shall be made accessible on an equal basis to all Member States. Licences and/or other rights developed in the framework of the programme will be subject to Community rules, and take into account contractual arrangements.

ANNEX C

FINANCIAL PROVISIONS

Article 1

The amount estimated as necessary to carry out the Community programme shall be ECU 21 200 000.

Article 2

Swedens' financial contribution to the execution of the Community programme is estimated to be ECU 774 436.

Article 3

Timetable of the commitments estimated as necessary for the execution of the Community programme (commitment appropriations) and of Sweden's contribution

(in ecus)

Year	Commitments for	Sweden's contribution
	Management and administration, staff on contracts and shared-cost research contracts including training	Management and administration, staff on contracts and shared-cost research contracts including training
1990	17 000 000	640 399
1991	4 200 000	134 037
Total	21 200 000	774 436

ANNEX D

FINANCING RULES

Article 1

This Annex lays down the detailed rules governing Sweden's financial condition referred to in Article 2 of the Agreement.

Article 2

At the beginning of each year, or whenever the Community programme is revised so as to involve an increase in the amount estimated as necessary for its implementation, the Commission shall send to Sweden a call for funds corresponding to its contribution to the costs under the Agreement.

This contribution shall be expressed both in ecus and in the Swedish currency, the composition of the ecu being defined in Regulation (EEC) No 3180/78 [1]. The value in Swedish currency of the contribution in ecus shall be determined on the date of the call for funds.

Sweden shall pay its contribution to the annual costs under the Agreement at the beginning of each year and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Sweden at a rate equal to the highest discount rate obtaining in the Member States of the Community on the due date. The rate shall be increased by 0,25 of a percentage point for each month of delay.

The increased rate shall be applied to the entire period of delay. However, this interest shall be payable only if the contribution is paid more than three months after a call for funds has been made by the Commission.

Travel costs of Swedish representatives and experts arising from their participation in the work of the Committee referred to in Article 4 of the Agreement shall be reimbursed by the Commission in accordance with the procedures currently in force for the representatives and experts of the Member States of the Community and, in particular, in accordance with Decision No 84/338/EEC.

Article 3

The funds paid by Sweden shall be credited to the Community programme as budget receipts allocated to its appropriate heading in the statement of revenue of the general budget of the European Communities.

Article 4

The Financial Regulation in force applicable to the general budget of the European Communities shall apply to the management of the appropriations.

Article 5

At the end of each year, a statement of appropriations for the Community programme shall be prepared and transmitted to Sweden for information.

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[1] OJ No L 379, 30. 12. 1978, p. 1.

ANNEX E

PROGRAMME OBJECTIVES AND EVALUATION CRITERIA

The radiation protection programme (1990 to 1991) represents a part of the Community research needs in the field of radiation protection for the period 1990 to 1994, outlined in the Commission communication (COM(88) 789 final) and aims, by means of a cooperative European research effort, to provide :

— the scientific basis for the continued updating of the Basic Safety Standards for the health protection of the general public and workers against dangers of ionizing radiation and the stimulus for the continued development of radiation protection philosophy and concepts in all Member States, taking into account relative experience in Member States,

— the scientific knowledge needed to assess the carcinogenic and genetic risks to workers and the general public from exposure to low doses and low dose rates of radiation of different quality arising from natural radiation, medical diagnostic radiology and nuclear industry,

— the methods to assess risks from radiation accidents as well as the rationales and techiques for the implementation of counter measures,

— the information necessary to expand radiation protection concepts and practices in response to demands created, for example by innovative applications of radiation in medicine and industry,

— the objective scientific background to help the relevant national authorities reach rational decisions on the operation of the nuclear industry, on the development of environmental criteria for radioactivity on the management of rare emergency situations, and on the objective information to be given to the public about risks and benefits,

— the incentive and the support for cooperation between scientists and research institutions from the different Member States, and the advanced training necessary to maintain competence in the Community, including improved and comprehensive training of young scientists in the field of radiation protection,

— efficient use and documentation of the knowledge acquired under this and previous Community radiation protection programmes which could contribute to a better understanding of the scientific issues and lead to improved information to the general public of these matters.

The extent to which the programme attains the above objectives will be evaluated by independent experts in accordance with the Community plan of action relating to the evaluation of Community research and development activities.

The major evaluation criteria for the programme are :

— its scientific and technological contribution to the radiation protection policy of the Community,

— the relevance of the results of the research carried out in the programme for the continued updating of the Basic Safety Standards for the health protection of the general public and workers against dangers of ionizing radiation and for the theoretical foundation of radiation protection and its practical applications,

— the scientific originality of the work, its relevance for the assessment of risks, in particular from low dose and dose rate exposure to natural, medical and man-made sources, and its contribution to the assessment and management of risks of radiation accidents,

— the ways by which information from the programme has provided protection concepts and practices in response to demands created by new applications of radiation and has helped relevant national authorities to reach national decisions on radiation protection in normal and emergency situations,

— its role in the dissemination of knowledge,

— the extent to which the programme has contributed to cooperation among Member States' laboratories has helped the advanced training of scientists and has prompted dissemination of scientific knowledge in radiation protection,

— the efficiency of the management.

In addition, the criteria set up for the 1988 to 1989 revision (1) should also be considered:

— whether a significant contribution has been made to the development of more cost-effective techniques to prevent and counter harmful effects of radiation, especially those occurring as a result of hypothetical accidents taking into account the Chernobyl situation. In particular whether:
  - — the reliability of long distance atmospheric transfer models has been approved,
  - — improved data and models on the transfer of radionuclides in the food chain have been obtained,
  - — the feasibility of epidemiological studies on health effects in the population has been demonstrated or rejected,
  - — the radiological consequences of nuclear accident scenarios have become better understood,
  - — the scientific basis of the underlying data for derived emergency reference levels has been developed,
  - — the practical countermeasures with respect to the agricultural and aquatic environment, the urban environment and preventive medication have been improved,
  - — better methods for monitoring and surveillance in accidental situations have been found,
  - — the treatment methodologies and diagnosis of exposed persons have advanced.

(1) OJ No L 16, 21. 1. 1988, p. 44.