

Official Journal

of the European Communities

ISSN 0378-6978

L 310

Volume 33

9 November 1990

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3228/90

of 5 November 1990

opening and providing for the administration of a Community tariff quota for certain kinds of prepared or preserved tuna coming from Portugal (1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 362 thereof,

Having regard to the proposal from the Commission,

Whereas Article 362 of the Act of Accession provides that during the period of progressive elimination of customs duties between the Community as constituted on 31 December 1985 and Portugal, certain kinds of sardine, tuna, fish of the genus *Euthynnus*, certain kinds of mackerel and fish of the species *Orcynopsis unicolor*, prepared or preserved, falling within CN codes ex 1604 13 10, ex 1604 20 50, 1604 14 10, 1604 19 30, 1604 20 70, 1604 15 10, 1604 19 50 and ex 1604 20 50 and coming from Portugal, may be imported free of duty into the Community as constituted on 31 December 1985 within the limits of annual Community tariff quotas of 5 000 tonnes, 1 000 tonnes and 1 000 tonnes respectively;

Whereas, by virtue of Regulations (EEC) No 3482/88⁽¹⁾, (EEC) No 839/88⁽²⁾ and (EEC) No 1673/89⁽³⁾, the customs duties applicable on import into the Community, excluding Spain, of certain prepared or preserved fish other than tuna, coming from Portugal, are suspended; whereas therefore it is appropriate to open, for 1991, only

the Community tariff quota laid down for the said tuna, prepared or preserved;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas it is appropriate to take the necessary measures to ensure effective Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by, the Benelux Economic Union, any operation concerning the administration of the quota may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1991 the customs duty on imports into the Community as constituted on 31 December 1985, for the following products from Portugal, shall be totally suspended within the limit of Community tariff quota as shown herewith:

Order No	CN code (a)	Description	Quantities (in tonnes)	Quota duties (%)
09.0502	ex 1604 14 10 ex 1604 20 70	Prepared or preserved fish : — Tuna — Tuna	} 1 000	free

(a) Taric code: 1604 14 10*10
1604 10 70*10

⁽¹⁾ OJ No L 306, 11. 11. 1988, p. 1.

⁽²⁾ OJ No L 87, 31. 3. 1988, p. 1.

⁽³⁾ OJ No L 164, 15. 6. 1989, p. 1.

Article 2

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

Article 3

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

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

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member

State concerned, to the extent that the available balance so permits.

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

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

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for such time as the residual balance of the quota volume so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 5 November 1990.

For the Council

The President

C. VITALONE

COUNCIL REGULATION (EEC) No 3229/90

of 5 November 1990

opening and providing for the administration of Community tariff quota for dried figs coming from Spain (1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 30 and 75 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Articles 30 and 75 of the Act of Accession, the customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following product coming from Spain are to be phased out within the limits of a Community tariff quota of 200 tonnes of dried figs falling within CN code ex 0804 20 90; whereas on 1 January 1991, the duties in question are to be reduced to 25 % of the basic duties; whereas the said basic duties are those laid down by Council Regulation (EEC) No 4161/87 of 22 December 1987 laying down, consequent on the entry into force of the combined nomenclature, the basic duties to be adopted within the Community as constituted at 31 December 1985 for the purpose of calculating the successive reductions provided for in the Act of Accession of Spain and Portugal⁽¹⁾; whereas the said tariff quotas should therefore be opened for 1991;

Whereas, by Commission Regulation (EEC) No 2573/90 of 5 September 1990 totally suspending certain customs duties applicable by the Community of Ten to imports from Spain and Portugal⁽²⁾ which concerns the products referred to in Annex II to the Treaty, with the exception of those referred to by Regulation (EEC) No 3796/81⁽³⁾, as last amended by Commission Regulation (EEC) No 2886/89⁽⁴⁾, the said duties are totally suspended from the time they reach a level of 2 % or less;

Whereas Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying

to trade in agricultural products between Spain and Portugal⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, lays down special arrangements for imports into Portugal of the product in question coming from Spain; whereas the Community tariff quota should therefore apply to only the Community as constituted at 31 December 1985;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quota is exhausted; whereas it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within, and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1991 the customs duties applicable to imports into the Community as constituted at 31 December 1985 of the following product coming from Spain shall be suspended at the level indicated below and within the limits of Community tariff quota as shown below:

Order No	CN code	Description	Volume of tariff quota (in tonnes)	Rate of duty (%)
09.0301	ex 0804 20 90	Dried figs in immediate containers of a net capacity not exceeding 15 kg	200	0

(a) Taric code: 0804 20 90 10

⁽¹⁾ OJ No L 395, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 243, 6. 9. 1990, p. 19.

⁽³⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽⁴⁾ OJ No L 282, 2. 10. 1989, p. 1.

⁽⁵⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents, in a Member State, a declaration of entry into free circulation, including a request for preferential benefit for the product covered by this Regulation and if that declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements from the amount of the tariff quotas.

The drawing requests, with indication of the date of acceptance of the said declaration, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

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

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

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quotas for such time as the residual balance of the quota volume so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 5 November 1990.

For the Council

The President

C. VITALONE

COUNCIL REGULATION (EEC) No 3230/90**of 5 November 1990****increasing the volume of the Community tariff quota opened for 1990 for newsprint**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, for newsprint, the Community has reached an agreement which provides in particular for the opening of a Community tariff quota of 650 000 tonnes, of which 600 000 tonnes are reserved, until 30 November of each year, exclusively for products from Canada, in accordance with Article XIII of the General Agreement on Tariffs and Trade; whereas this agreement provides equally for the obligation to increase, by 5 %, that part of the quota reserved for imports from Canada, in the event that that part is used up before the end of a given period of one year; whereas the quota of 650 000 tonnes was opened for 1990 by Council Regulation (EEC) No 3380/89⁽¹⁾;

Whereas the economic data at present available give rise to the belief that the requirements for importing

newsprint from Canada could reach a level higher than the said volume of 600 000 tonnes; whereas the volume of that part of quota reserved for these imports should be increased, therefore, by 30 000 tonnes,

HAS ADOPTED THIS REGULATION:

Article 1

The volume of the Community tariff quota opened by Regulation (EEC) No 3380/89 for newsprint from Canada shall be increased from 600 000 tonnes to 630 000 tonnes.

Article 2

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

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

Done at Brussels, 5 November 1990.

For the Council

The President

C. VITALONE

⁽¹⁾ OJ No L 326, 11. 11. 1989, p. 2.

COUNCIL REGULATION (EEC) No 3231/90
of 5 November 1990

establishing Community supervision for the imports of certain agricultural products originating in the Canary Islands (1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽¹⁾, and in particular Articles 4, 6 and 10 thereof,

Having regard to the proposal from the Commission,

Whereas, in Regulation (EEC) No 1391/87, the Council decided, for certain agricultural products originating in the Canary Islands, upon a progressive reduction of the customs duties applicable in the limits of reference quantities with the possibility for the Community to replace in future the facilities by a system of tariff quotas if it should appear that under the preferential system imported quantities exceed, during the course of a determined year, the reference quantities laid down, and if simultaneously these imports cause damage on the Community market;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangements provided for in Article 4 (2) of Regulation (EEC) No 1391/87, the products are subject to statistical surveillance;

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

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

Done at Brussels, 5 November 1990.

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of certain goods originating in the Canary Islands shall be subject to statistical supervision and to annual reference quantities.

The description of the goods referred to in the preceding subparagraph, their order numbers, their CN codes and the levels and periods of application of the reference quantities are indicated in the annexed table.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

The extent to which the reference quantities are used up shall be determined at Community level on the basis of the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statistical Office of the European Communities.

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1991.

For the Council
The President
C. VITALONE

⁽¹⁾ OJ No L 133, 22. 5. 1987, p. 5.

ANNEX

Order No	CN code (*)	Description	Reference quantity (tonnes)
17.0001	0804 40 10 } 0804 40 90 }	Avocados, from 1 January to 31 December	} 2 100
17.0003	ex 0807 10 90	Melons each weighing 600 grams or less, from 1 January to 31 March	100
17.0005	ex 0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.), from 1 January to 30 April	100

(*) Taric code: 0807 10 90*13
0807 10 90*17
0810 90 10*10

COUNCIL REGULATION (EEC) No 3232/90
of 5 November 1990
amending Regulation (EEC) No 1307/85 authorizing the Member States to grant
consumption aid for butter

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the arrangement introduced by Regulation (EEC) No 1307/85 ⁽²⁾, as amended by Regulation (EEC) No 2901/89 ⁽³⁾, which authorizes Member States to grant an aid for butter in favour of the final private consumer, expires at the end of the 1989/90 milk year; whereas in order to prevent a drop in butter consumption following a rise in its price the aid arrangement introduced by Regulation (EEC) No 1307/85 should be prolonged for the 1990/91 milk year.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1307/85, '1989/90' is replaced by '1990/91'.

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 the beginning of the 1990/91 milk year.

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

Done at Brussels, 5 November 1990.

For the Council

The President

C. VITALONE

⁽¹⁾ Opinion delivered on 12 October 1990 (not yet published in the Official Journal).

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 15.

⁽³⁾ OJ No L 280, 29. 9. 1989, p. 1.

COMMISSION REGULATION (EEC) No 3233/90

of 8 November 1990

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

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

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 7 November 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 9 November 1990.

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

Done at Brussels, 8 November 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 8 November 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	28,53	142,09 ⁽²⁾ ⁽³⁾
0712 90 19	28,53	142,09 ⁽²⁾ ⁽³⁾
1001 10 10	22,76	195,79 ⁽¹⁾ ⁽²⁾
1001 10 90	22,76	195,79 ⁽¹⁾ ⁽²⁾
1001 90 91	29,00	166,67
1001 90 99	29,00	166,67
1002 00 00	53,97	161,02 ⁽⁶⁾
1003 00 10	45,30	148,10
1003 00 90	45,30	148,10
1004 00 10	36,94	143,28
1004 00 90	36,94	143,28
1005 10 90	28,53	142,09 ⁽²⁾ ⁽³⁾
1005 90 00	28,53	142,09 ⁽²⁾ ⁽³⁾
1007 00 90	45,30	144,99 ⁽⁴⁾
1008 10 00	45,30	60,17
1008 20 00	45,30	129,71 ⁽⁴⁾
1008 30 00	45,30	59,88 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	45,30	59,88
1101 00 00	53,48	247,02
1102 10 00	89,24	238,84
1103 11 10	48,54	316,73
1103 11 90	57,03	266,05

(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 3234/90

of 8 November 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 7 November 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 9 November 1990.

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

Done at Brussels, 8 November 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 8 November 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	1st period	2nd period	3rd period
	11	12	1	2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	21,37
1001 90 99	0	0	0	21,37
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	29,90

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	0	0	38,04	38,04
1107 10 19	0	0	0	28,42	28,42
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 3235/90

of 8 November 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 5 and 6 November 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 9 November 1990.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

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

Done at Brussels, 8 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

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

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

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

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

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

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

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

COMMISSION REGULATION (EEC) No 3236/90**of 8 November 1990****amending Regulation (EEC) No 3846/87 establishing an agricultural products nomenclature for export refunds, with regard to CN codes 1101 00 and 1102 10**

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

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

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EEC) No 2989/90 ⁽⁴⁾, establishes the nomenclature applicable to export refunds for agricultural products;

Whereas, in the interests of simplification, in the light of experience and to make the description of the products concerned clearer, the products listed in codes 1101 00 00 110 and 1101 00 00 120 for wheat flour, and 1102 10 00 100 to 1102 10 00 500 for rye flour should be grouped in a single code; whereas, therefore, Regulation (EEC) No 3846/87 should be adjusted accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The description of CN codes 1101 00 00 and ex 1102 of the agricultural product nomenclature for export refunds given in sector 1 of the Annex to Regulation (EEC) No 3846/87 is hereby replaced by that listed in the Annex hereto.

Article 2

This Regulation shall enter into force on the twentieth 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, 8 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 285, 17. 10. 1990, p. 16.

ANNEX

CN code	Description	Product code
1101 00 00	Wheat or meslin flour:	
	— Common wheat flour:	
	— Ash content from 0 to 600 mg/100 g	1101 00 00 100
	— Ash content from 601 to 900 mg/100 g	1101 00 00 130
	— Ash content from 901 to 1 100 mg/100 g	1101 00 00 150
	— Ash content from 1 101 to 1 650 mg/100 g	1101 00 00 170
	— Ash content from 1 651 to 1 900 mg/100 g	1101 00 00 180
	— Ash content exceeding 1 900 mg/100 g	1101 00 00 190
	— Other	1101 00 00 900
ex 1102	Cereal flours other than of wheat or meslin	
1102 10 00	— Rye flour:	
	— Ash content from 0 to 2 000 mg/100 g	1102 10 00 600
	— Ash content exceeding 2 000 mg/100 g	1102 10 00 900

COMMISSION REGULATION (EEC) No 3237/90**of 8 November 1990****amending Regulation (EEC) No 3152/85 laying down detailed rules for the application of Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾, and in particular Article 3 (3) and Article 12 thereof,Whereas Article 3 (3) of Regulation (EEC) No 1676/85 provides that a specific conversion rate may be determined for conversion into a Member State's national currency of amounts expressed in the national currency of a non-member country; whereas, in order to guarantee a uniform approach in the Community and to simplify administrative management, it should be specified that in principle the rates determined by Commission Regulation (EEC) No 1766/85 of 27 June 1985 on the rates of exchange to be used in the determination of customs value ⁽³⁾ are to be used for the conversion of the above-mentioned amounts;

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

Done at Brussels, 8 November 1990.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 3b is inserted in Regulation (EEC) No 3152/85:

Article 3b

Without prejudice to the measures adopted pursuant to Article 3 (2) of Regulation (EEC) No 1676/85, the amounts expressed in the national currency of a non-member country shall be converted into a Member State's national currency using the conversion rate to be used in the determination of customs value.

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

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽³⁾ OJ No L 168, 28. 6. 1985, p. 21.

COMMISSION REGULATION (EEC) No 3238/90

of 8 November 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.
2. The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 9 November 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 8 November 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 8 November 1990 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (*)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	0
1001 90 91 000	01	—
1001 90 99 000	04	100,00
	05	100,00
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	—	—
1003 00 90 000	04	87,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	70,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	152,00
1101 00 00 120	01	152,00
1101 00 00 130	01	136,00
1101 00 00 150	01	127,00
1101 00 00 170	01	118,00
1101 00 00 180	01	108,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	152,00
1102 10 00 200	01	152,00
1102 10 00 300	01	152,00
1102 10 00 500	01	152,00
1102 10 00 900	—	—
1103 11 10 100	01	230,00
1103 11 10 200	01	218,00
1103 11 10 500	01	195,00
1103 11 10 900	01	184,00
1103 11 90 100	01	152,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION

of 9 October 1990

on the coordinated introduction of Pan-European land-based public radio paging in the Community

(90/543/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, by Recommendation 84/549/EEC ⁽⁴⁾, the Council calls for the introduction of services on the basis of a common harmonized approach in the field of telecommunications;

Whereas the resources offered by modern telecommunications networks should be utilized to the full for the economic development of the Community;

Whereas paging services are a particularly efficient communications method for alerting and/or sending messages to people on the move;

Whereas the land-based public paging systems currently in use in the Community do not in general allow people on the move throughout the Community to reap the

benefits of European-wide paging services and European-wide markets;

Whereas the European Telecommunication Standards Institute (ETSI) has instructed the technical Committee (PS) to specify all system aspects of a more advanced public radio paging system code named European Radio Messaging System (ERMES);

Whereas the introduction of ERMES being specified by ETSI will provide a unique opportunity of establishing a truly pan-European paging service;

Whereas a coordinated policy for the introduction of a pan-European land-based public radio paging service will make it possible to establish a European market in mobile terminals (paging receivers) which will be capable of creating, by virtue of its size, service features and costs, the necessary development conditions to enable undertakings to maintain and improve their presence in world markets;

Whereas it is essential to ensure extensive use of frequency agile type receivers;

Whereas it is necessary to allow unrestricted access to radio paging services and free circulation of paging receivers throughout the Community;

Whereas in this context Community law and in particular the competition rules should be respected;

Whereas the implementation of Council Directive 86/361/EEC of 24 July 1986 on the initial stage of the mutual recognition of type approval for telecommunications terminal equipment ⁽⁵⁾ will make an important contribution towards this goal;

⁽¹⁾ OJ No C 43, 23. 2. 1990, p. 6.

⁽²⁾ OJ No C 15, 22. 1. 1990, p. 87.

⁽³⁾ OJ No C 298, 27. 11. 1989, p. 27.

⁽⁴⁾ OJ No L 298, 16. 11. 1984, p. 49.

⁽⁵⁾ OJ No L 217, 5. 8. 1986, p. 21.

Whereas consideration should be given to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾ and to Council Decision 87/95/EEC of 22 December 1986 on standardization in the field of information technology and telecommunications⁽²⁾;

Whereas it is appropriate to make use of the potential of the Community's financial instruments in order to promote the development of the telecommunications infrastructure in the Community;

Whereas consideration should be given to Council Recommendation 87/371/EEC of 25 June 1987 on the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community⁽³⁾ which points out that special attention should be paid to the urgent requirement of certain users for pan-European land-based communications and that the Commission will in the future submit other proposals in the field of mobile communications, including radio paging systems;

Whereas the public telecommunications administrations, the recognized private operating agencies and other authorized agencies offering public mobile telecommunications services are hereinafter referred to as 'telecommunications administrations';

Whereas a favourable opinion has been delivered by the Senior Officials Group on Telecommunications (SOG-T), on the basis of the detailed report drawn up by the Analysis and Forecasting Group (GAP) which provides a strategic basis for the development of public mobile communications in the Community with a view to enabling European users on the move to communicate efficiently and economically;

Whereas favourable opinions on this report have been delivered by the telecommunications administrations, by the European Conference of Postal and Telecommunications Administrations (CEPT) and by telecommunications equipment manufacturers in the Member States;

Whereas the envisaged measures will allow the economic benefit and rapidly increasing market potential of public radio paging to be fully realized in the Community;

Whereas the Treaty does not provide, for the action concerned, powers other than those of Article 235,

HEREBY RECOMMENDS:

1. that the telecommunications administrations implement with due respect for Community law the detailed recommendations as described in the Annex concerning the coordinated introduction of pan-European land-based public radio paging in the Community. For the purposes of this Recommendation, 'pan-European land-based public radio paging service' shall mean a public radio paging service based on a terrestrial infrastructure in the Member States in accordance with a common specification which allows persons wishing to do so to send and/or to receive alert and/or numeric or alphanumeric messages anywhere within the coverage of the service in the Community;
2. that the telecommunications administrations continue the cooperation within the CEPT and, with the collaboration of manufacturers and users, within ETSI, particularly concerning the objectives and time schedule set out in the Annex for the completion of the specifications and service implementation of the pan-European land-based public radio paging system;
3. that the telecommunications administrations plan for a gradual evolution from existing radio paging systems to the pan-European land-based public radio paging system so as to ensure a transition which meets the needs of users, telecommunications administrations and manufacturers;
4. that Member State Governments and telecommunications administrations complete the technical arrangements for the implementation of the means of call routing and processing, so that tone and/or numeric or alphanumeric messages can be sent from anywhere in the Community to a radio paging receiver anywhere in the geographical coverage of the Ermes service by 31 December 1992 at the latest;
5. that the Commission take appropriate initiatives, within the framework of application of existing Directives, to encourage the completion of the specifications and the implementation of the pan-European land-based public radio paging system, within the time schedule set out in the Annex;
6. that the Community's financial instruments take this Recommendation into account within the framework of their interventions, particularly as regards capital investments required for the implementation of the infrastructure for the pan-European land-based public radio paging system;
7. that the telecommunications administrations prepare and sign by July 1990 at the latest a memorandum of understanding on the implementation of pan-European land-based public radio paging;

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

⁽²⁾ OJ No L 36, 7. 2. 1987, p. 31.

⁽³⁾ OJ No L 196, 17. 7. 1987, p. 81.

8. that Member State Governments inform the Commission at the end of each year, from the end of 1990 onwards, of the measures taken and problems encountered in the course of implementing this Recommendation. The progress of work will be examined by the Commission and the Senior Officials Group on Telecommunications (SOG-T); that the European Parliament be regularly informed.

Done at Luxembourg, 9 October 1990.

For the Council
The President
P. ROMITA

ANNEX

ANALYSIS OF THE REQUIREMENTS FOR THE COORDINATED INTRODUCTION OF PAN-EUROPEAN LAND-BASED PUBLIC PAGING IN THE COMMUNITY**1. GENERAL REQUIREMENTS**

The future pan-European public radio paging system should fulfil the following general requirements :

- be suitable for operation over the whole frequency band range 169,4 MHz to 169,8 MHz with 25 KHz radio channels ;
- permit an increase in the number of paging users which can be supported per paging area per unit of spectrum and for the same grade of service compared to systems based on CCIR Radio Paging Code No 1 (Pocsag), assuming the same mix of tone, numeric and alphanumeric pagers ;
- permit easy access via PSTN, PSS, Videotex terminals, telex and other forms of direct access such as via ISDN ;
- permit simultaneous operation of two or more independent systems in the same geographic area and permit several independent systems in areas where several national boundaries meet.

Access facilities should be provided for a calling party to initiate a paging request from service areas anywhere in the Community in the most cost effective and easy manner.

2. CHOICE OF RADIO SUBSYSTEM

Considerable experience in designing, manufacturing and operating public radio paging systems already exists in Europe. Much of this experience derives from the successful development and exploitation of the European Pocsag paging code (now CCIR Radio Paging Code No 1) by manufacturers and telecommunications administrations. This accumulated experience and knowledge should speed the task of selecting a suitable radio subsystem for the pan-European paging system. On the basis of the work underway within ETSI, the system specification should be decided by June 1990. The radio subsystem specification covers the modulation method, channel coding, the radio system structure and the pager's radio identity code structure (RIC).

3. THE PAGING RECEIVER SPECIFICATION

The specification of the paging receiver will cover the radio-performance, services and facilities and physical characteristics. The receiver specification should be finalized by June 1990. However, the optimization and commencement of production of prototype paging receivers should begin if possible as soon as the decision is taken on the radio subsystem in September 1989. This will provide a lead time for the testing and production of equipment before the start of service in December 1992 at the latest. This early start to development should be ensured by the close cooperation of manufacturing industry in the system specification in particular with ETSI.

4. SYSTEM IMPLEMENTATION

Telecommunication administrations should be responsible for the implementation of the radio paging system in their countries. The largest proportion of traffic on each national system will be national traffic, but implementation should support full roaming. Furthermore, the system specification should allow flexibility to enable economic implementation both in areas of low traffic density and areas of very high traffic density. To enable the service to commence by 31 December 1992 at the latest, the system specification should be completed by June 1990.

The system specification should include system access, call routing and processing, numbering scheme, and specification of paging network controller.

5. SERVICES AND FACILITIES SPECIFIED AND SUPPORTED BY THE PAN-EUROPEAN RADIO PAGING SYSTEM

The services and facilities specification should be completely specified by December 1989, and should fall into two categories : minimum and additional.

Minimum services and facilities

Minimum services and facilities are those which should be available on each national system and hence the pan-European system as a whole.

Additional services and facilities

The additional services are those which should be provided in open competition allowing for the national conditions for implementing such services. The non-provision of an additional service or facility should not affect in any way the functioning of the pan-European service at a basic level. The provision of an additional service or facility on one national system should not increase the cost of the minimum service on that system, or require an increase in functionality or an increase in cost on any other national system.

6. TARIFF CONSIDERATIONS

The principles of charging for the European service should be established taking full account of the competition rules of the Treaty for the European service, of cross charging between national operators for the handling of roaming traffic and of network technicalities. Administrations should endeavour to ensure that the user cost of the future radio paging service is not higher than that of current services of the same type.

7. GEOGRAPHICAL SERVICE COVERAGE

Administrations should study priorities for service coverage in order to stimulate the maximum pan-European traffic demand at the earliest possible stage compatible with commercial strategies.

The pan-European public radio paging system should be introduced by 31 December 1992 at the latest. The objective is geographical coverage by the service offered in each Member State, which should progressively extend as follows:

- 31 December 1992: start of service,
- January 1994: at least 25 % of population,
- January 1995: at least 50 % of population,
- January 1997: at least 80 % of population.

8. SPECIAL REQUIREMENT

Consideration should be given to providing within the Ermes system the ability to have displayed, on the radio paging receiver, characters in all official Community languages, wherever possible.

COUNCIL DIRECTIVE

of 9 October 1990

on the frequency bands designated for the coordinated introduction of
pan-European land-based public radio paging in the Community

(90/544/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, by Recommendation 84/549/EEC ⁽⁴⁾, the Council calls for the introduction of services on the basis of a common harmonized approach in the field of telecommunications;

Whereas the resources offered by modern telecommunications networks should be utilized to the full for the economic development of the Community;

Whereas radio paging services depend on the allocation and availability of appropriate frequencies in order to transmit and receive between fixed-base stations and radio paging receivers respectively;

Whereas the frequencies and land-based public radio paging systems currently in use in the Community vary widely and do not allow all users on the move to reap the benefits of European-wide services and European-wide-markets;

Whereas the introduction of the more advanced radio paging system codenamed European Radio Messaging System (Ermes) being specified by the European Telecommunications Standards Institute (ETSI) will provide a unique opportunity of establishing a truly pan-European radio paging service;

Whereas the European Conference of Postal and Telecommunications Administrations (CEPT) has identified the unpaired frequency band 169,4-169,8 MHz as the most suitable band for public radio paging; whereas that choice is in accordance with the provisions of the International Telecommunications Union (ITU) Radio Regulations;

Whereas CEPT Recommendation T/R 25-07 on the coordination of frequencies for the European Radio Messaging

System has designated the European channels for the ERMES system;

Whereas parts of the frequency band are being used or are intended for use by certain Member States for other radio services;

Whereas the progressive availability of the requisite part of the frequency band set out above will be indispensable for the establishment of a truly pan-European radio paging service;

Whereas some flexibility will be needed in order to take account of different frequency requirements in different Member States; whereas it will be necessary to ensure that such flexibility does not slow down the expansion of a pan-European system;

Whereas coordination procedures will have to be established between neighbouring countries as required;

Whereas the implementation of Council Recommendation 90/543/EEC of 9 October 1990 on the coordinated introduction of pan-European land-based public radio paging in the Community ⁽⁵⁾ will ensure the start of a pan-European system by 31 December 1992 at the latest;

Whereas on the basis of present technological and market trends, it appears realistic to envisage the designation of the 169,4 — 169,8 MHz frequency band as the band from which frequencies are selected in accordance with commercial requirements for the implementation and expansion of a pan-European radio paging system;

Whereas Council Directive 86/361/EEC of 24 July 1986 on the initial stage of the mutual recognition of type approval for telecommunications terminal equipment ⁽⁶⁾ will allow the rapid establishment of common conformity specifications for the pan-European land-based public radio paging system;

Whereas the report on public mobile communication drawn up by the Analysis and Forecasting Group (GAP) for the Senior Officials Group for Telecommunications (SOG-T) strongly recommends that telecommunications administrations reach an agreement to use the same radio frequencies for radio paging;

Whereas favourable opinions on this report have been delivered by the telecommunications administrations, by CEPT and by telecommunications equipment manufacturers in the Member States;

⁽¹⁾ OJ No C 43, 23. 2. 1990, p. 6.

⁽²⁾ OJ No C 15, 22. 1. 1990, p. 84 and OJ NO C 231, 17. 9. 1990, p. 86.

⁽³⁾ OJ No C 298, 27. 11. 1989, p. 27.

⁽⁴⁾ OJ No L 298, 16. 11. 1984, p. 49.

⁽⁵⁾ See page 23 of this Official Journal.

⁽⁶⁾ OJ No L 217, 5. 8. 1986, p. 21.

Whereas radio paging is a particularly spectrum-efficient communications method for alerting and/or sending messages to users on the move,

HAS ADOPTED THIS DIRECTIVE :

Article 1

For the purposes of this Directive, 'pan-European land-based public radio paging service shall mean a public radio paging service based on a terrestrial infrastructure in the Member States in accordance with a common specification which allows persons wishing to do so to send and/or to receive alert and/or numeric or alphanumeric messages anywhere within the coverage of the service in the Community.

Article 2

1. Member States shall, in accordance with CEPT Recommendation T/R 25-07 designate in the 169,4 to 169,8 MHz waveband four channels which shall have priority and be protected, and preferably be :

- 169,6 MHz,
- 169,65 MHz,
- 169,7 MHz,
- 169,75 MHz,

for the pan-European land-based public radio paging service by 31 December 1992 at the latest.

2. Member States shall ensure that plans are prepared as quickly as possible to enable the pan-European public radio paging service to occupy the whole of the band 169,4 to 169,8 MHz according to commercial demand.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 18 October 1991. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 4

The Commission shall report to the Council on the implementation of this Directive not later than the end of 1996.

Article 5

This Directive is addressed to the Member States.

Done at Luxembourg, 9 October 1990.

For the Council

The President

P. ROMITA
