

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3291/90
of 15 November 1990
amending Regulation (EEC) No 1000/90 continuing promotional and publicity
measures in respect of milk and milk products

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

Having regard to Council Regulation (EEC) No 1079/77
of 17 May 1977 on a co-responsibility levy and on
measures for expanding the markets in milk and milk
products ⁽¹⁾, as last amended by Regulation (EEC) No
1181/90 ⁽²⁾, and in particular Article 4 thereof,

Whereas Article 5 (4) of Commission Regulation (EEC)
No 1000/90 ⁽³⁾, as last amended by Regulation (EEC) No
2636/90 ⁽⁴⁾, states that, whereas measures at Community
level are being continued, the Commission is not to draw
up a list of the proposals selected for financing until the
final report on the implementation of the previous
measures has been submitted; whereas the competent
authorities are to conclude contracts with the parties
concerned before 1 January 1991; whereas since the
proposals require more detailed scrutiny this time limit
should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 (4) of Regulation (EEC) No 1000/90, '1
January 1991' is hereby replaced by '1 March 1991'.

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, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 25.

⁽³⁾ OJ No L 101, 21. 4. 1990, p. 22.

⁽⁴⁾ OJ No L 251, 14. 9. 1990, p. 8.

COMMISSION REGULATION (EEC) No 3292/90

of 15 November 1990

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3109/90⁽⁷⁾, as last amended by Regulation (EEC) No 3224/90⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 296, 27. 10. 1990, p. 43.

⁽⁸⁾ OJ No L 308, 8. 11. 1990, p. 36.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 14 November 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 3109/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 16 November 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 November 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1103 21 00	58,82	302,44	308,48
1104 19 10	58,82	302,44	308,48
1104 29 11	42,02	223,47	226,49
1104 29 31	49,93	268,83	271,85
1104 29 91	32,93	171,38	174,40
1104 30 10	28,03	126,02	132,06
1107 10 11	63,07	299,08	309,96
1107 10 19	49,88	223,47	234,35
1108 11 00	85,05	369,64	390,19
1109 00 00	298,62	672,08	853,42

COMMISSION REGULATION (EEC) No 3293/90
of 15 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 14 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 16 November 1990.

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

Done at Brussels, 15 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 15 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	143,51 ⁽²⁾ ⁽³⁾
0712 90 19	28,53	143,51 ⁽²⁾ ⁽³⁾
1001 10 10	22,76	195,79 ⁽¹⁾ ⁽⁵⁾
1001 10 90	22,76	195,79 ⁽¹⁾ ⁽⁵⁾
1001 90 91	29,00	168,20
1001 90 99	29,00	168,20
1002 00 00	53,97	161,02 ⁽⁶⁾
1003 00 10	45,30	148,84
1003 00 90	45,30	148,84
1004 00 10	36,94	144,87
1004 00 90	36,94	144,87
1005 10 90	28,53	143,51 ⁽²⁾ ⁽³⁾
1005 90 00	28,53	143,51 ⁽²⁾ ⁽³⁾
1007 00 90	45,30	144,25 ⁽⁴⁾
1008 10 00	45,30	60,98
1008 20 00	45,30	129,71 ⁽⁴⁾
1008 30 00	45,30	70,15 ⁽⁴⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	45,30	70,15
1101 00 00	53,48	249,16
1102 10 00	89,24	239,68
1103 11 10	48,54	317,45
1103 11 90	57,03	268,36

⁽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 3294/90

of 15 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 14 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 16 November 1990.

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

Done at Brussels, 15 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 15 November 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 11	1st period 12	2nd period 1	3rd period 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	21,90
1001 90 99	0	0	0	21,90
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	30,66

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	0	38,98	38,98
1107 10 19	0	0	0	29,13	29,13
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 3295/90

of 15 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 12 and 13 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 16 November 1990.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 15 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 3296/90

of 15 November 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 2249/90 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90 ⁽⁶⁾;

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

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

Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90 ⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has been fixed by Commission Regulation (EEC) No 2510/90 ⁽⁹⁾;

Whereas the threshold price activating the aid and the minimum price fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1755/90 of 27 June 1990 establishing the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990 ⁽¹⁰⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1990, p. 56.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 119, 11. 5. 1990, p. 37.

⁽⁸⁾ OJ No L 119, 11. 5. 1990, p. 40.

⁽⁹⁾ OJ No L 237, 1. 9. 1990, p. 8.

⁽¹⁰⁾ OJ No L 162, 28. 6. 1990, p. 18.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85⁽¹⁾, as last amended by Regulation (EEC) No 2205/90⁽²⁾,
- 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 pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1834/90⁽³⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide

price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 November 1990.

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

Done at Brussels, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 94.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Peas used :							
— in Spain	5,815	5,973	6,131	6,289	6,447	6,605	6,605
— in Portugal	5,842	6,000	6,158	6,316	6,474	6,632	6,632
— in another Member State	6,044	6,202	6,360	6,518	6,676	6,834	6,834
Field beans used :							
— in Spain	6,044	6,202	6,360	6,518	6,676	6,834	6,834
— in Portugal	5,842	6,000	6,158	6,316	6,474	6,632	6,632
— in another Member State	6,044	6,202	6,360	6,518	6,676	6,834	6,834

Products used in animal feed :

(ECU per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
A. Peas used :							
— in Spain	9,296	9,309	9,094	9,251	9,409	9,624	9,624
— in Portugal	9,348	9,363	9,151	9,309	9,466	9,680	9,680
— in another Member State	9,348	9,363	9,151	9,309	9,466	9,680	9,680
B. Field beans used :							
— in Spain	9,296	9,309	9,094	9,251	9,409	9,624	9,624
— in Portugal	9,348	9,363	9,151	9,309	9,466	9,680	9,680
— in another Member State	9,348	9,363	9,151	9,309	9,466	9,680	9,680
C. Sweet lupins harvested in Spain and used :							
— in Spain	12,091	11,899	11,402	11,402	11,402	11,478	11,478
— in Portugal	12,160	11,971	11,478	11,478	11,478	11,554	11,554
— in another Member State	12,160	11,971	11,478	11,478	11,478	11,554	11,554
D. Sweet lupins harvested in another Member State and used :							
— in Spain	12,091	11,899	11,402	11,402	11,402	11,478	11,478
— in Portugal	12,160	11,971	11,478	11,478	11,478	11,554	11,554
— in another Member State	12,160	11,971	11,478	11,478	11,478	11,554	11,554

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	8,93	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	1,65	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,43	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	42,19	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	28,22	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	1,45	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,162	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	971	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,49	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	38,36	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,143	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	210,143	129,220	6,89509	0,767417	1 538,24	2,31643	181,702	0,699844

COMMISSION REGULATION (EEC) No 3297/90

of 14 November 1990

concerning the stopping of fishing for anchovy by vessels flying the flag of France

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for anchovy quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of anchovy in the waters of ICES division VIII by vessels flying the flag of France or

registered in France have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of anchovy in the waters of ICES division VIII by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1990.

Fishing for anchovy in the waters of ICES division VIII by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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, 14 November 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3298/90
of 14 November 1990
concerning the stopping of fishing for common sole by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 1887/90 ⁽⁴⁾, provides for common sole quotas for 1990;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII f and g by vessels flying the flag of

France or registered in France have reached the quota allocated for 1990,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII f and g by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1990.

Fishing for common sole in the waters of ICES division VII f and g by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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, 14 November 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 3299/90

of 14 November 1990

fixing definitively the export refund on rapeseed applicable from 1 June to 31 August 1990 for the 1990/91 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) 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 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds⁽³⁾, as last amended by Regulation (EEC) No 2429/72⁽⁴⁾, and in particular Article 2 (3) thereof,Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽⁵⁾, as last amended by Regulation (EEC) No 3136/90⁽⁶⁾,

Whereas between 1 June and 31 August 1990 the provisional refunds in question applying for July to September 1990 took account of the adjustment of the aid fixed by the Commission for the 1989/90 marketing year;

Whereas Commission Regulation (EEC) No 2509/90⁽⁷⁾ fixes the adjustment to be made in the aid for rapeseed for the 1990/91 marketing year;

Whereas the amounts of the export refunds on rapeseed valid provisionally should be confirmed or replaced and they should be fixed definitively,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on rapeseed fixed in advance for July to September 1990 as set out in the Annexes to Commission Regulations (EEC) Nos 1474/90⁽⁸⁾, 1822/90⁽⁹⁾ and 2235/90⁽¹⁰⁾ are hereby replaced by the amounts set out in the tables in the Annex hereto, which are hereby fixed definitively from the dates of entry into force of the Regulations in question.

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, 14 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 299, 30. 10. 1990, p. 42.

⁽⁷⁾ OJ No L 237, 1. 9. 1990, p. 7.

⁽⁸⁾ OJ No L 140, 1. 6. 1990, p. 53.

⁽⁹⁾ OJ No L 167, 30. 6. 1990, p. 60.

⁽¹⁰⁾ OJ No L 203, 1. 8. 1990, p. 15.

ANNEX

TABLE A

Export refunds applicable from 1 June 1990

(amounts per 100 kilograms)

	July	August	September	October	November	December
1. Gross refunds (ECU):						
— Spain	0,000	—	—	—	—	—
— Portugal	22,274	—	—	—	—	—
— other Member States	15,404	—	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	36,41	—	—	—	—	—
— Netherlands (Fl)	40,63	—	—	—	—	—
— BLEU (Bfrs/Lfrs)	743,81	—	—	—	—	—
— France (FF)	120,95	—	—	—	—	—
— Denmark (Dkr)	137,56	—	—	—	—	—
— Ireland (£ Irl)	13,462	—	—	—	—	—
— United Kingdom (£)	11,160	—	—	—	—	—
— Italy (Lit)	26 983	—	—	—	—	—
— Greece (Dr)	3 074,95	—	—	—	—	—
— Spain (Pta)	0,000	—	—	—	—	—
— Portugal (Esc)	4 608,54	—	—	—	—	—

TABLE B

Export refunds applicable from 1 July 1990

(amounts per 100 kilograms)

	July	August	September	October	November	December
1. Gross refunds (ECU):						
— Spain	0,000	0,000	—	—	—	—
— Portugal	22,300	22,300	—	—	—	—
— other Member States	15,430	15,430	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	36,47	36,12	—	—	—	—
— Netherlands (Fl)	40,70	40,70	—	—	—	—
— BLEU (Bfrs/Lfrs)	745,07	745,07	—	—	—	—
— France (FF)	121,15	121,15	—	—	—	—
— Denmark (Dkr)	137,79	137,79	—	—	—	—
— Ireland (£ Irl)	13,484	13,484	—	—	—	—
— United Kingdom (£)	11,407	11,407	—	—	—	—
— Italy (Lit)	27 028	27 028	—	—	—	—
— Greece (Dr)	3 120,32	3 107,14	—	—	—	—
— Spain (Pta)	0,000	0,000	—	—	—	—
— Portugal (Esc)	4 613,91	4 613,91	—	—	—	—

TABLE C

Export refunds applicable from 1 August 1990

(amounts per 100 kilograms)

	August	September	October	November	December	January
1. Gross refunds (ECU):						
— Spain	0,000	0,000	—	—	—	—
— Portugal	23,900	23,900	—	—	—	—
— other Member States	16,930	16,930	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	39,64	39,64	—	—	—	—
— Netherlands (Fl)	44,66	44,66	—	—	—	—
— BLEU (Bfrs/Lfrs)	817,50	817,50	—	—	—	—
— France (FF)	132,93	132,93	—	—	—	—
— Denmark (Dkr)	151,19	151,19	—	—	—	—
— Ireland (£ Irl)	14,795	14,795	—	—	—	—
— United Kingdom (£)	13,052	13,052	—	—	—	—
— Italy (Lit)	29 656	29 656	—	—	—	—
— Greece (Dr)	3 477,05	3 466,88	—	—	—	—
— Spain (Pta)	0,000	0,000	—	—	—	—
— Portugal (Esc)	4 954,33	4 954,33	—	—	—	—

**COMMISSION REGULATION (EEC) No 3300/90
of 15 November 1990**

adjusting the agricultural conversion rates for the pigmeat sector in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, as last amended by Regulation (EEC) No 3219/90⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so

as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the Greek drachma during the reference period 7 to 13 November 1990 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁵⁾, as last amended by Regulation (EEC) No 3136/90⁽⁶⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁷⁾, as last amended by Regulation (EEC) No 3672/89⁽⁸⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Greece effective from 19 November 1990; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to prevent the creation of these new monetary compensatory amounts having regard to the criteria in Article 7 of Regulation (EEC) No 3578/88,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	ECU 1 = Dr...	Applicable until	ECU 1 = Dra...	Applicable from
'Pigmeat	234,167	18 November 1990	237,081	19 November 1990'

Article 2

This Regulation shall enter into force on 19 November 1990.

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

Done at Brussels, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 308, 8. 11. 1990, p. 21.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 299, 30. 10. 1990, p. 42.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ OJ No L 358, 8. 12. 1989, p. 28.

COMMISSION REGULATION (EEC) No 3301/90
of 15 November 1990

amending Regulation (EEC) No 429/90 on the granting by invitation to tender of
an aid for concentrated butter intended for direct consumption in the
Community

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 Regula-
tion (EEC) No 3117/90 ⁽²⁾, and in particular Article 7a (3)
thereof,

Whereas Commission Regulation (EEC) No 429/90 ⁽³⁾, as
last amended by Regulation (EEC) No 2617/90 ⁽⁴⁾,
provides for the granting of an aid for concentrated butter
made from either cream or butter manufactured in the
Community, provided that the butter has not been the
subject of buying in by intervention agencies or of private
storage aids; whereas Article 7a (2) (b) of Regulation
(EEC) No 804/68 provides, following the most recent
amendment to that Regulation, that special measures may
be taken by the Commission with a view to increasing, in
particular, the possibilities of disposing of butter, irrespec-
tive of whether the product concerned has or has not
been the subject of private storage aids; whereas the
consequences thereof should be drawn for the purposes of
Regulation (EEC) No 429/90;

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 429/90 is hereby amended as
follows:

1. In Article 1 (1), 'or of private storage aids' is deleted.
2. In Article 4 (1), the second sentence is replaced by the
following:

'If the concentrated butter is manufactured from
butter, the tenderer must also give a written underta-
king that he will use butter which has not been the
subject of buying in by intervention agencies'.

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, 15 November 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 303, 31. 10. 1990, p. 5.

⁽³⁾ OJ No L 45, 21. 2. 1990, p. 8.

⁽⁴⁾ OJ No L 249, 12. 9. 1990, p. 5.

COMMISSION REGULATION (EEC) No 3302/90

of 15 November 1990

laying down detailed rules on the transfer of rights to replant vines

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 Article 7 (6) thereof,

Whereas the Council has provided for the extension of the possibility of transferring replanting rights between holdings to areas intended for the production of table wine, table grapes or the cultivation of mother plantations, in order to prevent the ban on new planting combined with the restriction on the right to replant being an obstacle to the adaptation of wine growing to trends in demand;

Whereas the possibility of transfers should be introduced with care and monitoring to assess their justification, prevent fraud and guarantee their proper operation; whereas the introduction and use of the vineyard register established by Council Regulation (EEC) No 2392/86 ⁽³⁾ should guarantee an effective monitoring of the transfers;

Whereas it is necessary to be able to monitor the development of production potential on each holding; whereas entry of the transfers in the vineyard register will guarantee that it is up to date and effective; whereas official proof of acquisition must permit checks on conformity with the information in the vineyard register; whereas the acquisition of a replanting right by transfer is, for the acquirer, equivalent to the acquisition of a new planting right and whereas its validity is restricted to the period provided for the latter, as given in Article 8 (3) of Regulation (EEC) No 822/87;

Whereas implementation must be adapted to the specific nature of each wine-growing region; whereas the volume of transfers should be restricted to a rate lower than the normal rate of renewal of wine production in order not to create an excessively rapid and destabilizing increase in wine growing in certain regions; whereas the transfers must be authorized on the basis of the allocation criteria in accordance with the objectives in question; whereas potential applicants must be informed in advance of the relevant criteria and priorities;

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

1. This Regulation lays down the conditions and detailed rules for the transfer of rights to replant vines between vineyards to areas intended for the production of table wine, table grapes and the cultivation of mother plantations as provided for in the second indent of the second subparagraph of Article 7 (2) of Regulation (EEC) No 822/87.

2. For the purposes of this Regulation:

- 'transferor' means the person offering replanting rights,
- 'applicant' means the person wishing to obtain such rights,
- 'acquirer' means the applicant authorized to carry out the transaction enabling him to acquire rights by transfer,
- 'rights in hand' means replanting rights resulting from a previous grubbing operation or new planting rights which can be used immediately by the grower concerned,
- "'terroir" with a given varietal potential' means the natural environmental unit, characterized by geomorphological, pedological and climatic data, which is classified by varietal suitability.

TITLE I

General rules

Article 2

1. For each transfer application, existence of the right which is the subject of the transfer application must be certified by the competent authorities on the basis of information concerning all the replanting rights for the holding of the transferor. It must be possible from such information to trace the parcel history and the grubbing and replanting that have been carried out on the said

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 208, 31. 7. 1986, p. 1.

holding over a period of at least eight years. It must be possible to verify the existence of such rights by means of a monthly entry of grubbing, replanting and new planting in the vineyard register of each Member State or in the Community vineyard register, where the latter is in use in the administrative unit concerned.

2. For the purposes of this Regulation, all grubbing operations liable to give rise to replanting rights must be the subject of an on-the-spot check by the competent authorities. All natural or legal persons intending to grub up an area under vines must present a grubbing declaration to the competent authorities at least 30 days before the commencement of such operations. This declaration shall include information identifying the person, his holding and the parcel to be grubbed, as well as the intended date of grubbing.

3. The transferor must be in compliance with the Community rules on wine production potential.

4. Growers who have acquired new planting rights during the five previous marketing years or the current marketing year may not transfer rights.

Article 3

To carry out a transfer, the applicant must fulfil the following conditions, for the categories of use of the vine varieties in question :

- he must not hold any rights in hand, or hold insufficient such rights to carry out the envisaged planting; rights in hand must be used first for any planting on the holding before the rights obtained by transfer may be used,
- he must not have received a permanent abandonment premium during the five previous marketing years or the current marketing year and must undertake not to apply for such a premium during the five following marketing years, without prejudice to the provisions laid down in Article 4 (2), second indent, of Council Regulation (EEC) No 777/85⁽¹⁾ and in Article 3 (2), third indent, of Council Regulation (EEC) No 456/80⁽²⁾.

If, without taking account of transfers, the replanting right may be exercised only on the area where grubbing up was carried out, this condition applies only to the parcels which are the subject of the transfer application,

- he must not have transferred replanting rights during the previous five marketing years or the current marketing year and he must undertake not to transfer any during the five following marketing years,
- he must not be infringing Community or national wine rules.

Article 4

1. The transfer shall be subject to prior official authorization, which shall be valid only for a specified parcel of destination and a given variety.

2. Member States shall appoint one or more authorities which shall centrally register transfers, by which transferors shall forego the replanting right in question. The registration shall be entered in the vineyard register, for the purpose of updating the latter. Such registration must make it possible to obtain the information referred to in Article 2 (1), even before the establishment of the vineyard register.

3. The transfer shall give rise to the issue by the competent authorities to the acquirer of a document containing the following :

- particulars of the transferor, his holding and the parcel to which the right attaches as set out in the vineyard register or in accordance with the rules in force, in cases where the vineyard register has not yet been established,
- particulars of the acquirer, his holding and the parcel of destination, as in the previous indent, and the variety and the category of the area in accordance with the conditions for authorization laid down in the second indent of the second subparagraph of Article 7 (2) of Regulation (EEC) No 822/87,
- the dates of grubbing and of expiry of the right.

4. After transfer, the right must be used within the period of validity of the right in question and before the end of the second marketing year following that in which the authorization was issued.

Article 5

1. Transfers may be carried out only within the same production region. Production characteristics throughout the region must be sufficiently homogeneous to ensure that the generalization of transfers does not give rise to socio-structural or economic imbalances.

In particular, the usual agronomic yields must be comparable throughout the region.

⁽¹⁾ OJ No L 88, 28. 3. 1985, p. 8.

⁽²⁾ OJ No L 57, 29. 2. 1980, p. 6.

2. The area which may be the subject of a transfer shall be restricted, for each Member State and for each marketing year, to 1 % of the total area intended for the production of table wine, table grapes and the cultivation of mother plantations in the Member State concerned.

3. Member States shall draw up for each production region :

- a list of varieties recognized as improving quality and having a moderate yield ; varieties planted as the result of a transfer must be among those included in this list,
- a minimum area of between 10 and 50 ares to be planted under each transfer,
- a maximum annual acquired area for each holding,
- allocation criteria specific to each region, which must comply with the quality objectives of this Regulation.

To be authorized, transfer applications must fulfil the conditions set out above.

4. Member States shall notify potential applicants of the definitive criteria before 1 March each year. The criteria may be drawn up in order of priority of allocation ; in cases where all the applications together exceed the maximum area indicated in paragraph 2, authorizations shall be granted in accordance with the order of priority or subject to a reduction across the board.

Article 6

Transfer applications shall be lodged with the competent authorities before 15 April. The competent authorities shall reply to the applications and forward the transfer authorizations before 1 September.

However, in the case of implementation during the 1990/91 marketing year, the dates in question shall be 1 January 1991 and 1 March 1991 respectively.

Article 7

1. Before 1 January each year, Member States shall inform the Commission of any measures to be adopted pursuant to this Regulation, and particularly those relating to Article 5. The Commission shall decide if these measures comply with Community rules.

Member States shall inform the Commission of the competent authorities appointed to apply this Regulation and shall specify the distribution of their tasks.

2. Member States shall inform the Commission, before the end of the marketing year, of the number of transfer authorizations granted for each region during the marketing year, the number of transferors and acquirers, the areas concerned and the average value of the transactions ; the information shall be broken down according to the categories of use of the vine varieties.

This information may be included in the annual communication made by Member States under Article 9 of Regulation (EEC) No 822/87.

Article 8

1. Where a transfer is the subject of a commercial transaction, the amount of the transaction shall be registered.
2. The national authorities shall ensure that the market is transparent and that winegrowers are informed of the costs of transactions.

TITLE II

Special rules governing transfers intended for the production of table wines

Article 9

1. Transfer authorizations shall be granted subject to compliance with a maximum yield level which may not be exceeded, and which shall be fixed by the Member State in each region.
2. Authorization shall not be granted for the transfer of rights to plant vines which are to be cultivated using a high productivity system, such as irrigated vines or vines on pergolas.
3. Where there is a division into 'terroirs' with a given varietal potential, transfer authorizations shall be granted only for varieties recognized as improving quality.

Article 10

1. Transfer authorizations shall be granted only in respect of production offering assurances of a consistently high level of quality.
2. The allocation criteria laid down by the Member States under Article 5 (3) and (4) shall be confined to :
 - winegrowers qualifying for structural improvement measures pursuant to Council Regulation (EEC) No 797/85⁽¹⁾,
 - winegrowers whose vineyards are the subject of joint restructuring operations or of improvements which are in the general interest,
 - members of collective winemaking groups or winegrowers with individual cellars pursuing a policy of high quality based on the selection of vintages and appropriate winemaking equipment,

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

- winegrowers producing or who have undertaken to produce wines with a geographical ascription as provided for in Article 72 of Regulation (EEC) No 822/87,
 - winegrowers who can show that their production of wine has been marketed for a long period and in full on satisfactory market terms.
3. Where there is a danger of imbalance on a market for products of a particular origin, the Member State may suspend or restrict transfers to the production zones in

question, particularly in the case of products with a geographical ascription. In such cases, the Member State shall inform the Commission thereof.

Article 11

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

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

Done at Brussels, 15 November 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 3303/90
of 15 November 1990
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

fixing 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 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 3117/90 ⁽²⁾, and in particular Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 31. 10. 1990, p. 5.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾;

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⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

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

Done at Brussels, 15 November 1990.

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 15 November 1990 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 000		6,36
0401 10 90 000		6,36
0401 20 11 100		6,36
0401 20 11 500		9,61
0401 20 19 100		6,36
0401 20 19 500		9,61
0401 20 91 100		12,65
0401 20 91 500		14,67
0401 20 99 100		12,65
0401 20 99 500		14,67
0401 30 11 100		18,72
0401 30 11 400		28,65
0401 30 11 700		42,84
0401 30 19 100		18,72
0401 30 19 400		28,65
0401 30 19 700		42,84
0401 30 31 100		50,94
0401 30 31 400		79,31
0401 30 31 700		87,41
0401 30 39 100		50,94
0401 30 39 400		79,31
0401 30 39 700		87,41
0401 30 91 100		99,57
0401 30 91 400		146,17
0401 30 91 700		170,49
0401 30 99 100		99,57
0401 30 99 400		146,17
0401 30 99 700		170,49
0402 10 11 000		70,00
0402 10 19 000		70,00
0402 10 91 000		0,7000
0402 10 99 000		0,7000
0402 21 11 200		70,00
0402 21 11 300		99,72
0402 21 11 500		106,00
0402 21 11 900		115,00
0402 21 17 000		70,00
0402 21 19 300		99,72
0402 21 19 500		106,00
0402 21 19 900		115,00
0402 21 91 100		115,96
0402 21 91 200		116,87
0402 21 91 300		118,53
0402 21 91 400		128,15
0402 21 91 500		131,43
0402 21 91 600		143,96
0402 21 91 700		151,51
0402 21 91 900		159,88
0402 21 99 100		115,96
0402 21 99 200		116,87
0402 21 99 300		118,53

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 21 99 400		128,15
0402 21 99 500		131,43
0402 21 99 600		143,96
0402 21 99 700		151,51
0402 21 99 900		159,88
0402 29 15 200		0,7000
0402 29 15 300		0,9972
0402 29 15 500		1,0600
0402 29 15 900		1,1500
0402 29 19 200		0,7000
0402 29 19 300		0,9972
0402 29 19 500		1,0600
0402 29 19 900		1,1500
0402 29 91 100		1,1596
0402 29 91 500		1,2815
0402 29 99 100		1,1596
0402 29 99 500		1,2815
0402 91 11 110		6,36
0402 91 11 120		12,65
0402 91 11 310		19,53
0402 91 11 350		24,42
0402 91 11 370		30,28
0402 91 19 110		6,36
0402 91 19 120		12,65
0402 91 19 310		19,53
0402 91 19 350		24,42
0402 91 19 370		30,28
0402 91 31 100		24,60
0402 91 31 300		35,78
0402 91 39 100		24,60
0402 91 39 300		35,78
0402 91 51 000		28,65
0402 91 59 000		28,65
0402 91 91 000		99,57
0402 91 99 000		99,57
0402 99 11 110		0,0636
0402 99 11 130		0,1265
0402 99 11 150		0,1967
0402 99 11 310		22,53
0402 99 11 330		27,52
0402 99 11 350		37,32
0402 99 19 110		0,0636
0402 99 19 130		0,1265
0402 99 19 150		0,1967
0402 99 19 310		22,53
0402 99 19 330		27,52
0402 99 19 350		37,32
0402 99 31 110		0,2663
0402 99 31 150		38,94
0402 99 31 300		0,5094
0402 99 31 500		0,8741
0402 99 39 110		0,2663
0402 99 39 150		38,94
0402 99 39 300		0,5094
0402 99 39 500		0,8741
0402 99 91 000		0,9957

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 99 99 000		0,9957
0403 10 11 100		6,36
0403 10 11 300		9,61
0403 10 13 000		12,65
0403 10 19 000		18,72
0403 10 31 100		0,0636
0403 10 31 300		0,0961
0403 10 33 000		0,1265
0403 10 39 000		0,1872
0403 90 11 000		70,00
0403 90 13 200		70,00
0403 90 13 300		99,72
0403 90 13 500		106,00
0403 90 13 900		115,00
0403 90 19 000		115,96
0403 90 31 000		0,7000
0403 90 33 200		0,7000
0403 90 33 300		0,9972
0403 90 33 500		1,0600
0403 90 33 900		1,1500
0403 90 39 000		1,1596
0403 90 51 100		6,36
0403 90 51 300		9,61
0403 90 53 000		12,65
0403 90 59 110		18,72
0403 90 59 140		28,65
0403 90 59 170		42,84
0403 90 59 310		50,94
0403 90 59 340		79,31
0403 90 59 370		87,41
0403 90 59 510		99,57
0403 90 59 540		146,17
0403 90 59 570		170,49
0403 90 61 100		0,0636
0403 90 61 300		0,0961
0403 90 63 000		0,1265
0403 90 69 000		0,1872
0404 90 11 100		70,00
0404 90 11 910		6,36
0404 90 11 950		19,53
0404 90 13 120		70,00
0404 90 13 130		99,72
0404 90 13 140		106,00
0404 90 13 150		115,00
0404 90 13 911		6,36
0404 90 13 913		12,65
0404 90 13 915		18,72
0404 90 13 917		28,65
0404 90 13 919		42,84
0404 90 13 931		19,53
0404 90 13 933		24,42
0404 90 13 935		30,28
0404 90 13 937		35,78
0404 90 13 939		37,44
0404 90 19 110		115,96
0404 90 19 115		116,87
0404 90 19 120		118,53
0404 90 19 130		128,15
0404 90 19 135		131,43

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 19 150		143,96
0404 90 19 160		151,51
0404 90 19 180		159,88
0404 90 19 900		—
0404 90 31 100		70,00
0404 90 31 910		6,36
0404 90 31 950		19,53
0404 90 33 120		70,00
0404 90 33 130		99,72
0404 90 33 140		106,00
0404 90 33 150		115,00
0404 90 33 911		6,36
0404 90 33 913		12,65
0404 90 33 915		18,72
0404 90 33 917		28,65
0404 90 33 919		42,84
0404 90 33 931		19,53
0404 90 33 933		24,42
0404 90 33 935		30,28
0404 90 33 937		35,78
0404 90 33 939		37,44
0404 90 39 110		115,96
0404 90 39 115		116,87
0404 90 39 120		118,53
0404 90 39 130		128,15
0404 90 39 150		131,43
0404 90 39 900		—
0404 90 51 100		0,7000
0404 90 51 910		0,0636
0404 90 51 950		22,53
0404 90 53 110		0,7000
0404 90 53 130		0,9972
0404 90 53 150		1,0600
0404 90 53 170		1,1500
0404 90 53 911		0,0636
0404 90 53 913		0,1265
0404 90 53 915		0,1872
0404 90 53 917		0,2865
0404 90 53 919		0,4284
0404 90 53 931		22,53
0404 90 53 933		27,52
0404 90 53 935		37,32
0404 90 53 937		38,94
0404 90 53 939		—
0404 90 59 130		1,1596
0404 90 59 150		1,2815
0404 90 59 930		0,6107
0404 90 59 950		0,8741
0404 90 59 990		0,9957
0404 90 91 100		0,7000
0404 90 91 910		0,0636
0404 90 91 950		22,53
0404 90 93 110		0,7000
0404 90 93 130		0,9972
0404 90 93 150		1,0600

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,1500
0404 90 93 911		0,0636
0404 90 93 913		0,1265
0404 90 93 915		0,1872
0404 90 93 917		0,2865
0404 90 93 919		0,4284
0404 90 93 931		22,53
0404 90 93 933		27,52
0404 90 93 935		37,32
0404 90 93 937		38,94
0404 90 93 939		—
0404 90 99 130		1,1596
0404 90 99 150		1,2815
0404 90 99 930		0,6107
0404 90 99 950		0,8741
0404 90 99 990		0,9957
0405 00 10 100		—
0405 00 10 200		132,32
0405 00 10 300		166,46
0405 00 10 500		170,73
0405 00 10 700		175,00
0405 00 90 100		175,00
0405 00 90 900		220,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
	0406 90 13 000	028
032		—
036		—
038		—
400		113,00
404		—
...		159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 900		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
...	151,68	
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
	0406 90 75 100	
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
	0406 90 77 100	028
032		24,00
036		—
038		—
400		58,77
404		—
...		110,79

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		21,00
2309 10 70 200		28,00
2309 10 70 300		35,00
2309 10 70 500		42,00
2309 10 70 600		49,00
2309 10 70 700		56,00
2309 10 70 800		61,60
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		21,00
2309 90 70 200		28,00
2309 90 70 300		35,00
2309 90 70 500		42,00
2309 90 70 600		49,00
2309 90 70 700		56,00
2309 90 70 800		61,60
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 420/90 (OJ No L 44, 20. 2. 1990, p. 15).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

COMMISSION REGULATION (EEC) No 3304/90

of 15 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 export possibilities exist for a quantity of 900 000 tonnes of common wheat and 500 000 tonnes of barley to certain destinations; whereas the procedure laid down in Article 9 (4) of Regulation (EEC) No 891/89⁽⁶⁾, as last amended by Regulation (EEC) No 2553/90⁽⁷⁾, should be used; whereas account should be taken of this when the refunds are fixed;

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⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- 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,

⁽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 94, 7. 4. 1989, p. 13.

⁽⁷⁾ OJ No L 241, 4. 9. 1990, p. 6.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION :

2. The refund on export to Portugal has not been fixed.

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.

Article 2

This Regulation shall enter into force on 16 November 1990.

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

Done at Brussels, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 November 1990 fixing the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	0
1001 90 91 000	01	—
1001 90 99 000	04	100,00
	05	100,00
	06	115,50 (2)
	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
	06	103,50 (2)
	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	155,00
1101 00 00 120	01	155,00
1101 00 00 130	01	137,00
1101 00 00 150	01	126,00
1101 00 00 170	01	117,00
1101 00 00 180	01	105,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	155,00
1102 10 00 200	01	155,00
1102 10 00 300	01	155,00
1102 10 00 500	01	155,00
1102 10 00 900	—	—
1103 11 10 100	01	231,00
1103 11 10 200	01	219,00
1103 11 10 500	01	195,00
1103 11 10 900	01	184,00
1103 11 90 100	01	155,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

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

(²) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEG) No 891/89 in respect of a quantity of 900 000 tonnes.

(³) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEG) No 891/89 in respect of a quantity of 500 000 tonnes.

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

COMMISSION REGULATION (EEC) No 3305/90

of 15 November 1990

fixing the subsidy for consignments of rice and broken rice to Réunion

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular the fourth subparagraph of Article 11a ⁽⁴⁾ thereof,

Whereas, under Article 11a ⁽⁴⁾ of Regulation (EEC) No 1418/76, a subsidy may be fixed, taking into account the supply requirement of the Réunion market, for consignment to Réunion on the basis of the difference between the quotations or prices of the relevant product on the world market and the quotations or prices of those products on the Community market, and, if necessary, the price of those products delivered to the island of Réunion;

Whereas, pursuant to Article 2 of Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, the subsidies must be fixed taking into account the situation and outlook for rice prices, availability of supply on the

Community market, market supply requirements on the Island of Réunion and rice prices on the world market;

Whereas Article 3 of Regulation (EEC) No 2692/89 defined the specific factors to be taken into account in calculating the amounts of the subsidies for deliveries of rice to Réunion; whereas these factors result in the fixing of the amounts of the subsidies set out in Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The subsidies for consignments to Réunion of products falling within CN code 1006 10 10 which come from the Member States and are in one of the situations referred to in Article 9 (2) of the Treaty shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 16 November 1990.

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

Done at Brussels, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 261, 7. 9. 1989, p. 8.

ANNEX

CN code	Subsidy (ECU/tonne)
1006 10 21	0,00
1006 10 23	0,00
1006 10 25	0,00
1006 10 27	0,00
1006 10 92	0,00
1006 10 94	0,00
1006 10 96	0,00
1006 10 98	0,00
1006 20 11	0,00
1006 20 13	271,00
1006 20 15	271,00
1006 20 17	0,00
1006 20 92	0,00
1006 20 94	271,00
1006 20 96	271,00
1006 20 98	0,00
1006 30 21	0,00
1006 30 23	0,00
1006 30 25	0,00
1006 30 27	0,00
1006 30 42	0,00
1006 30 44	0,00
1006 30 46	0,00
1006 30 48	0,00
1006 30 61	0,00
1006 30 63	0,00
1006 30 65	0,00
1006 30 67	0,00
1006 30 92	0
1006 30 94	0
1006 30 96	0
1006 30 98	0
1006 40 00	0

COMMISSION REGULATION (EEC) No 3306/90

of 15 November 1990

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2547/90 ⁽³⁾, as last amended by Regulation (EEC) No 3286/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2547/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 16 November 1990.

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

Done at Brussels, 15 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 237, 1. 9. 1990, p. 102.

⁽⁴⁾ OJ No L 315, 15. 11. 1990, p. 28.

ANNEX

to the Commission Regulation of 15 November 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,29 ⁽¹⁾
1701 11 90	38,29 ⁽¹⁾
1701 12 10	38,29 ⁽¹⁾
1701 12 90	38,29 ⁽¹⁾
1701 91 00	44,50
1701 99 10	44,50
1701 99 90	44,50 ⁽²⁾

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 8 November 1990

amending Directive 78/660/EEC on annual accounts and Directive 83/349/EEC on consolidated accounts as concerns the exemptions for small and medium-sized companies and the publication of accounts in ecus

(90/604/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 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 the harmonization of the national provisions concerning the presentation and content of annual accounts and of the annual report, the valuation methods and the publication of these documents as concerns, in particular, public and private limited liability companies was the subject of Directive 78/660/EEC ⁽⁴⁾, as last amended by the Act of Accession of Spain and Portugal ;

Whereas the administrative procedures imposed on small and medium-sized undertakings should be simplified in accordance with the Council resolution of 3 November 1986 on the action programme for small and medium-sized undertakings (SMUs) ⁽⁵⁾ and the Council resolution of 30 June 1988 on the improvement of the business environment and action to promote the development of enterprises, especially small and medium-sized enterprises in the Community ⁽⁶⁾, which calls more especially for a

substantial simplification of the obligations arising from Directive 78/660/EEC ;

Whereas, on the basis of Article 53 (2) of Directive 78/660/EEC, it is appropriate that a second review of the thresholds defining small and medium-sized undertakings should be carried out ;

Whereas the derogations as regards establishment, audit and publication of accounts which Member States may provide for under Directive 78/660/EEC should be increased as far as small companies are concerned ;

Whereas Member States should be afforded the possibility of allowing companies not to include in the notes to the accounts certain information concerning remuneration granted to members of the company's administrative or management body where such information enables the position of a given member of such bodies to be identified ;

Whereas it is also appropriate to enable Member States to render less stringent the obligations imposed on small companies as regards the drawing up and publication of the notes to the accounts ; whereas Member States should be able to exempt such companies from the obligation to supply, in the notes to the accounts, certain data which may be deemed of less importance for small companies ; whereas, with the same interests in view, Member States should have the possibility of exempting such companies from the obligation to draw up an annual report providing they include, in the notes to the accounts, the data referred to in Article 22 (2) of Directive 77/91/EEC ⁽⁷⁾ concerning the acquisition of own shares ;

⁽¹⁾ OJ No C 287, 11. 11. 1986, p. 5 ;

OJ No C 318, 20. 12. 1989, p. 12.

⁽²⁾ OJ No C 158, 26. 6. 1989, p. 257 ;

Decision of 24 October 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No C 139, 5. 6. 1989, p. 42.

⁽⁴⁾ OJ No L 222, 14. 8. 1978, p. 11.

⁽⁵⁾ OJ No C 287, 14. 11. 1986, p. 1.

⁽⁶⁾ OJ No C 197, 27. 7. 1988, p. 6.

⁽⁷⁾ OJ No L 26, 31. 1. 1977, p. 1.

Whereas it is important to promote European monetary integration by allowing companies, at least, to publish their accounts in ecus; whereas this is simply an additional facility which does not change the position of companies which can at present already draw up and publish accounts in ecus; whereas, on this point, the provisions of Directives 78/660/EEC and 83/349/EEC⁽¹⁾, as amended by the Act of Accession of Spain and Portugal should be clarified by obliging companies which have recourse to this facility to indicate the conversion rate used in the notes to the accounts,

'1. For the purposes of this Directive, the ecu shall be that defined in Regulation (EEC) No 3180/78⁽¹⁾, as amended by Regulation (EEC) No 2626/84⁽²⁾, and by Regulation (EEC) No 1971/89⁽³⁾.

The equivalent in national currency shall be that applying on 8 November 1990.

⁽¹⁾ OJ No L 379, 30. 12. 1978, p. 1.

⁽²⁾ OJ No L 247, 16. 9. 1984, p. 1.

⁽³⁾ OJ No L 189, 4. 7. 1989, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 11 of Directive 78/660/EEC is hereby amended as follows:

1. 'balance sheet total : ECU 1 550 000' is hereby replaced by 'balance sheet total : ECU 2 000 000';
2. 'net turnover : ECU 3 200 000' is hereby replaced by 'net turnover : ECU 4 000 000';
3. the following paragraph is hereby added:

'Member States may waive the application of Article 15 (3) (a) and (4) to the abridged balance sheet'.

The revision of the above amounts in ecus shall constitute the second five-yearly revision provided for in Article 53 (2) of Directive 78/660/EEC.

Article 2

Article 27 of Directive 78/660/EEC is hereby amended as follows:

1. 'balance sheet total : ECU 6 200 000' is hereby replaced by 'balance sheet total : ECU 8 000 000';
2. 'net turnover : ECU 12 800 000' is hereby replaced by 'net turnover : ECU 16 000 000'.

The revision of the above amounts in ecus shall constitute the second five-yearly revision provided for in Article 53 (2) of Directive 78/660/EEC.

Article 3

Article 53 (1) of Directive 78/660/EEC shall be replaced by the following:

⁽¹⁾ OJ No L 193, 18. 7. 1983, p. 1.

Article 4

The following paragraph is hereby added to Article 43 of Directive 78/660/EEC:

'3. Member States may waive the requirement to provide the information referred to in paragraph 1 point 12 where such information makes it possible to identify the position of a specific member of such a body.'

Article 5

Article 44 of Directive 78/660/EEC is hereby replaced by the following:

'Article 44

1. Member States may permit companies covered by Article 11 to draw up abridged notes on their accounts without the information prescribed in Article 43 (1) points 5 to 12. However, the notes must disclose the information prescribed in Article 43 (1) point 6 in total for all the items concerned.

2. Member States may also permit the companies referred to in paragraph 1 to be exempted from the obligation to disclose in the notes on their accounts the information prescribed in Article 15 (3) (a) and (4), Articles 18, 21 and 29 (2), the second subparagraph of Article 30, Article 34 (2), Article 40 (2) and the second subparagraph of Article 42.

3. Article 12 shall apply.'

Article 6

The following paragraph is hereby added to Article 46 of Directive 78/660/EEC;

'3. Member States may waive the obligation on companies covered by Article 11 to prepare annual reports, provided that the information referred to in Article 22 (2) of Directive 77/91/EEC concerning the acquisition by a company of its own shares is given in the notes to their accounts.'

Article 7

Article 47 (2) (b) of Directive 78/660/EEC is hereby replaced by the following :

'(b) abridged notes on their accounts in accordance with Article 44.'

Article 8

The following Article is hereby inserted in Directive 78/660/EEC :

Article 50a

Annual accounts may be published in the currency in which they were drawn up and in ecus, translated at the exchange rate prevailing on the balance sheet date. That rate shall be disclosed in the notes on the accounts.'

Article 9

The following Article is hereby inserted in Directive 83/349/EEC :

Article 38a

Consolidated accounts may be published in the currency in which they were drawn up and in ecus, translated at the exchange rate prevailing on the

consolidated balance sheet date. That rate shall be disclosed in the notes on the accounts.'

Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive by 1 January 1993. They shall forthwith inform the Commission thereof.

2. Member States may provide that this Directive shall only apply for the first time to accounts for the financial year beginning on 1 January 1995 or during the calendar year 1995.

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

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 8 November 1990.

For the Council

The President

P. ROMITA

COUNCIL DIRECTIVE

of 8 November 1990

amending Directive 78/660/EEC on annual accounts and Directive 83/349/EEC on consolidated accounts as regards the scope of those Directives

(90/605/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 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 Directive 78/660/EEC ⁽⁴⁾, as last amended by Directive 90/604/EEC ⁽⁵⁾, applies to the annual accounts of public and private limited liability companies in particular because those types of company offer no safeguards to third parties beyond the amounts of their net assets;

Whereas, in accordance with Directive 83/349/EEC ⁽⁶⁾, as last amended by Directive 90/604/EEC, Member States need require only companies covered by Directive 78/660/EEC to draw up consolidated accounts;

Whereas, within the Community, there is a substantial and constantly growing number of partnerships and limited partnerships all of the fully liable members of which are constituted either as public or as private limited liability companies;

Whereas these fully liable members may also be companies which do not fall within the law of a Member State but which have a legal status comparable to that referred to in Directive 68/151/EEC ⁽⁷⁾;

Whereas it would run counter to the spirit and aims of those Directives to allow such partnerships and partnerships with limited liability not to be subject to Community rules;

Whereas the provisions covering the scope of the two Directives in question should therefore be explicitly supplemented;

Whereas it is of importance that the name, head office and legal status of any undertaking of which a limited liability company is a fully liable member should be indicated in the notes to the accounts of such member;

Whereas the obligation to draw up, publish and to have audited the accounts of partnerships and limited liability partnerships may also be imposed on the fully liable

member; whereas it should also be possible to include these companies in consolidated accounts, drawn up by such member or established at a higher level;

Whereas some of the partnerships covered by this Directive are not subject, in the Member State where they have their head office, to entry in a register, which makes it difficult to apply accounting obligations to them; whereas, in particular in these cases, special rules are necessary according to whether the fully liable members are undertakings which fall within the law of the same Member State, another Member State or a third country,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 78/660/EEC is hereby amended as follows:

1. the following subparagraphs are added to Article 1 (1):

'The coordination measures prescribed by this Directive shall also apply to the Member States' laws, regulations and administrative provisions relating to the following types of company:

(a) in Germany:

die offene Handelsgesellschaft, die Kommanditgesellschaft;

(b) in Belgium:

la société en nom collectif/de vennootschap onder firma,
la société en commandité simple/de gewone commanditaire vennootschap;

(c) in Denmark:

interessentskaber, kommanditselskaber;

(d) in France:

la société en nom collectif, la société en commandite simple;

(e) in Greece:

η ομόρρυθμος εταιρεία, η ετερόρρυθμος εταιρεία;

(f) in Spain:

sociedad colectiva, sociedad en comandita simple;

(g) in Ireland:

partnerships, limited partnerships, unlimited companies;

⁽¹⁾ OJ No C 144, 11. 6. 1986, p. 10.

⁽²⁾ OJ No C 125, 11. 5. 1987, p. 140.

⁽³⁾ OJ No C 328, 22. 12. 1986, p. 43.

⁽⁴⁾ OJ No L 222, 14. 8. 1978, p. 11.

⁽⁵⁾ See page 57 of this Official Journal.

⁽⁶⁾ OJ No L 193, 18. 7. 1983, p. 1.

⁽⁷⁾ OJ No L 65, 14. 3. 1968, p. 8.

- (h) in Italy :
la società in nome collettivo, la società in accoman-
dita semplice ;
- (i) in Luxembourg :
la société en nom collectif, la société en comman-
dite simple ;
- (j) in the Netherlands :
de vennootschap onder firma, de commanditaire
vennootschap ;
- (k) in Portugal :
sociedade em nome colectivo, sociedade em
comandita simples ;
- (l) in the United Kingdom :
partnerships, limited partnerships, unlimited
companies,

where all members having unlimited liability are
companies of the types set out in the first subpara-
graph or companies which are not governed by the
laws of a Member State but which have a legal form
comparable to those referred to in Directive
68/151/EEC.

This Directive shall also apply to the types of compa-
nies or firms referred to in the second subparagraph
where all members having unlimited liability are
themselves companies of the types set out in that or
the first subparagraph ;

2. the following subparagraph is added in Article 43 (1),
point 2 :

'the name, the head or registered office and the legal
form of each of the undertakings of which the
company or firm is a member having unlimited liabi-
lity. This information may be omitted where for the
purposes of Article 2 (3) it is of negligible importance
only' ;

3. the following paragraph is inserted in Article 47 :

'1a. The Member State of a company or firm
referred to in Article 1 (1), second and third subpara-
graphs (entity concerned) may exempt that entity from
publishing its accounts in accordance with Article 3 of
Directive 68/151/EEC, provided that those accounts
are available to the public at its head office, where :

- (a) all the members having unlimited liability of the
entity concerned are the companies referred to in
the first subparagraph of Article 1 (1) governed by
the laws of Member States other than the Member
State whose law governs that entity and none of
those companies publishes the accounts of the
entity concerned with its own accounts ; or
- (b) all the members having unlimited liability are
companies which are not governed by the laws of a
Member State but which have a legal form compa-
rable to those referred to in Directive 68/151/EEC.

Copies of the accounts must be obtainable upon
request. The price of such a copy may not exceed its
administrative cost. Appropriate sanctions must be

provided for failure to comply with the publication
obligation imposed in this paragraph ;

4. the following Article is inserted :

Article 57a

1. Member States may require the companies
referred to in the first subparagraph of Article 1 (1)
governed by their law, which are members having
unlimited liability of any of the companies and firms
listed in Article 1 (1), second and third subparagraphs
(entity concerned), to draw up, have audited and
publish, with their own accounts, the accounts of the
entity concerned in conformity with the provisions of
this Directive.

In this case, the requirements of this Directive do not
apply to the entity concerned.

2. Member States need not apply the requirements
of this Directive to the entity concerned where :

- (a) the accounts of this entity are drawn up, audited
and published in conformity with the provisions of
this Directive by a company which is a member
having unlimited liability of the entity and is
governed by the law of another Member State ;
- (b) the entity concerned is included in consolidated
accounts drawn up, audited and published in accor-
dance with Directive 83/349/EEC by a member
having unlimited liability or where the entity
concerned is included in the consolidated accounts
of a larger body of undertakings drawn up, audited
and published in conformity with Council Direc-
tive 83/349/EEC by a parent undertaking governed
by the law of a Member State. The exemption must
be disclosed in the notes on the consolidated
accounts.

3. In these cases, the entity concerned must reveal
to whomsoever so requests the name of the entity
publishing the accounts.'

Article 2

Directive 83/349/EEC is hereby amended as follows :

1. the following subparagraph is inserted in Article 4 (1) :

'The first subparagraph shall also apply where either
the parent undertaking or one or more subsidiary
undertakings is constituted as one of the types of
company mentioned in Article 1 (1), second or third
subparagraph of Directive 78/660/EEC ;

2. In Article 4, paragraph 2 is replaced by the following :

'2. The Member States may, however, grant exemp-
tion from the obligation imposed in Article 1 (1) where
the parent undertaking is not constituted as one of the
types of company mentioned in Article 4 (1) of this
Directive or in Article 1 (1), second or third subpara-
graph of Directive 78/660/EEC.'

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary for them to comply with this Directive before 1 January 1993. They shall forthwith inform the Commission thereof.

2. Member States may provide that the provisions referred to in paragraph 1 shall first apply to the annual accounts and consolidated accounts for financial years beginning on 1 January 1995 or during the 1995 calendar year.

3. The Member States shall communicate to the Commission the texts of the main provisions of national

law which they adopt in the field covered by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 8 November 1990.

For the Council

The President

P. ROMITA

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2776/90 of 27 September 1990 on transitional measures to be applied in the wine sector after the unification of Germany in the territory of the former German Democratic Republic

(Official Journal of the European Communities No L 267 of 29 September 1990)

On page 31, in Article 1 (4):

for: '5. Products listed in ...';

read: '6. Products listed in ...'.
