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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 877/90**of 6 April 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 201/90⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 754/90⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 5 April 1990;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 754/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 April 1990.

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

Done at Brussels, 6 April 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 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 83, 30. 3. 1990, p. 4.

ANNEX

to the Commission Regulation of 6 April 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	38,43	130,84 ⁽²⁾ ⁽³⁾
0712 90 19	38,43	130,84 ⁽²⁾ ⁽³⁾
1001 10 10	47,93	183,86 ⁽¹⁾ ⁽⁵⁾
1001 10 90	47,93	183,86 ⁽¹⁾ ⁽⁵⁾
1001 90 91	39,41	136,69
1001 90 99	39,41	136,69
1002 00 00	64,09	133,30 ⁽⁶⁾
1003 00 10	55,34	119,51
1003 00 90	55,34	119,51
1004 00 10	46,74	124,70
1004 00 90	46,74	124,70
1005 10 90	38,43	130,84 ⁽²⁾ ⁽³⁾
1005 90 00	38,43	130,84 ⁽²⁾ ⁽³⁾
1007 00 90	55,34	138,97 ⁽⁴⁾
1008 10 00	55,34	30,99
1008 20 00	55,34	103,85 ⁽⁴⁾
1008 30 00	55,34	0,00 ⁽⁷⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	55,34	0,00
1101 00 00	69,49	205,68
1102 10 00	104,04	200,94
1103 11 10	89,07	299,77
1103 11 90	73,63	220,71

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 878/90

of 6 April 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 201/90 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89 ⁽⁵⁾ and subsequent amending Regulations;

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

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

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 5 April 1990;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 1990.

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

Done at Brussels, 6 April 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 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 6 April 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 4	1st period 5	2nd period 6	3rd period 7
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	1,46	1,46	9,28
1001 90 99	0	1,46	1,46	9,28
1002 00 00	0	0	0	0
1003 00 10	0	5,81	5,87	5,81
1003 00 90	0	5,81	5,87	5,81
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	2,05	2,05	13,00

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	2,60	2,60	16,52	16,52
1107 10 19	0	1,94	1,94	12,34	12,34
1107 10 91	0	10,34	10,45	10,34	10,34
1107 10 99	0	7,73	7,81	7,73	7,73
1107 20 00	0	9,01	9,10	9,01	9,01

COMMISSION REGULATION (EEC) No 879/90
of 6 April 1990
fixing the import levies on rice and broken 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 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 Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30⁽³⁾, as amended by Regulation (EEC) No 1546/87⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 791/90⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 791/90 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 April 1990.

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

Done at Brussels, 6 April 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 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 85, 31. 3. 1990, p. 6.

ANNEX

to the Commission Regulation of 6 April 1990 fixing the import levies on rice and broken rice

(ECU / tonne)				
CN code	Portugal	Arrangement in Regulation (EEC) No 3877/86	ACP or OCT (¹) (²) (³)	Third countries (except ACP or OCT) (³)
1006 10 21	—	—	153,05	313,30
1006 10 23	—	225,44	146,69	300,58
1006 10 25	—	225,44	146,69	300,58
1006 10 27	—	225,44	146,69	300,58
1006 10 92	—	—	153,05	313,30
1006 10 94	—	225,44	146,69	300,58
1006 10 96	—	225,44	146,69	300,58
1006 10 98	—	225,44	146,69	300,58
1006 20 11	—	—	192,21	391,62
1006 20 13	—	281,80	184,26	375,73
1006 20 15	—	281,80	184,26	375,73
1006 20 17	—	281,80	184,26	375,73
1006 20 92	—	—	192,21	391,62
1006 20 94	—	281,80	184,26	375,73
1006 20 96	—	281,80	184,26	375,73
1006 20 98	—	281,80	184,26	375,73
1006 30 21	13,05	—	246,95	517,76
1006 30 23	12,97	444,39	284,37	592,52
1006 30 25	12,97	444,39	284,37	592,52
1006 30 27	12,97	444,39	284,37	592,52
1006 30 42	13,05	—	246,95	517,76
1006 30 44	12,97	444,39	284,37	592,52
1006 30 46	12,97	444,39	284,37	592,52
1006 30 48	12,97	444,39	284,37	592,52
1006 30 61	13,90	—	263,36	551,42
1006 30 63	13,90	476,39	305,24	635,19
1006 30 65	13,90	476,39	305,24	635,19
1006 30 67	13,90	476,39	305,24	635,19
1006 30 92	13,90	—	263,36	551,42
1006 30 94	13,90	476,39	305,24	635,19
1006 30 96	13,90	476,39	305,24	635,19
1006 30 98	13,90	476,39	305,24	635,19
1006 40 00	4,91	—	77,70	161,41

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 880/90

of 6 April 1990

fixing the premiums to be added to the import levies on rice and broken 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 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 Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2638/89⁽³⁾, as last amended by Regulation (EEC) No 792/90⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 April 1990.

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

Done at Brussels, 6 April 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 255, 1. 9. 1989, p. 11.⁽⁴⁾ OJ No L 85, 31. 3. 1990, p. 9.

ANNEX

to the Commission Regulation of 6 April 1990 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 4	1st period 5	2nd period 6	3rd period 7
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 881/90**of 6 April 1990****adopting interim protective measures on applications for STM licences in the
beef and veal sector submitted during the period 26 to 30 March 1990**

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, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 4026/89 of 22 December 1989 laying down detailed rules for the application of the supplementary trade mechanism in the beef and veal sector for 1990 ⁽¹⁾ set the indicative ceilings applicable in the beef and veal sector and the maximum quantities for which STM licences may be issued each quarter;

Whereas Article 85 (1) of the Act of Accession makes provision for the Commission to take the interim protective measures necessary if the indicative ceiling for the year in course or part of it is reached or exceeded;

Whereas the licence applications lodged between 26 and 30 March 1990 are for a quantity in excess of that set for the first quarter for live animals; whereas as an interim protective measure only a percentage of the amounts

applied for in that period should be granted and no further certificates issued for the time being,

HAS ADOPTED THIS REGULATION:

Article 1

For live animals of the bovine species, other than pure-bred breeding animals and animals for bullfights:

1. applications for STM licences for the following products submitted between 26 and 30 March 1990 and notified to the Commission shall be accepted for 15,25 %;
2. the issuing of STM licences in response to applications submitted from 2 April 1990 onwards is suspended for the time being.

Article 2

This Regulation shall enter into force on 9 April 1990.

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 382, 30. 12. 1989, p. 62.

COMMISSION REGULATION (EEC) No 882/90
of 6 April 1990
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to
tender

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EEC) No 599/90 ⁽⁴⁾, opens buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2) and (3) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 1990.

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

Done at Brussels, 6 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 61, 10. 3. 1990, p. 9.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1

Member States or regions of a Member State and quality groups referred to in Article 1

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er}

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1

In artikel 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no artigo 1^o

Estados miembros o regiones de Estados miembros Medlemsstat eller region Mitgliedstaaten oder Gebiete eines Mitgliedstaats Κράτος μέλος ή περιοχή κράτους μέλους Member States or regions of a Member State États membres ou régions d'États membres Stati membri o regioni di Stati membri Lid-Staat of gebied van een Lid-Staat Estados-membros ou regiões de Estados-membros	Categoría A Kategori A Kategorie A Κατηγορία Α Category A Catégorie A Categoria A Categorie A Categoria A			Categoría C Kategori C Kategorie C Κατηγορία Γ Category C Catégorie C Categoria C Categorie C Categoria C		
	U	R	O	U	R	O
Belgique/België		×	×			
Deutschland		×				
España		×	×			
France			×			×
Ireland				×	×	×
Italia			×			
Luxembourg			×			
Northern Ireland				×	×	
Great Britain				×	×	

COMMISSION REGULATION (EEC) No 883/90**of 5 April 1990****opening an invitation to tender for the reduction in the levy on maize imported
from third countries**

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

Having regard to Council Regulation (EEC) No 1799/87
of 25 June 1987 on special arrangements for imports of
maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, and
in particular Articles 3 (2) and 8 thereof,

Whereas, as part of an agreement with the United States
of America, the Community has undertaken to import a
certain quantity of maize into Spain in the years 1987 to
1990; whereas, so that this commitment can be met, use
should be made of the possibility opened by Regulation
(EEC) No 1799/87 of fixing a reduction in the import
levy on the product in question by invitation to tender;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No
1799/87, the reduction in the levy is to be applied to
maize imported into Spain under cover of a licence valid
in that Member State alone;

Whereas the specific additional rules required for admi-
nistering the invitation to tender should be laid down, in
particular rules on the lodging by operators and the
release of securities against fulfilment of their obligations,
and in particular the obligation to process or use the
imported product in Spain;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the
reduction in the import levy on maize to be imported
into Spain.

2. The invitation to tender shall be open until 31 May
1990. During that period, weekly invitations shall be
issued with quantities and closing dates as shown in the
notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the compe-
tent authority against a receipt or forwarded to that autho-
rity by telex, telegram or telefax.

2. Tenders shall indicate:

— the weekly invitation in response to which they are
made;

- the name and exact address of the tenderer, with telex
or telefax number,
- the type and quantity of the product to be imported,
- the reduction in the import levy proposed, in ecus per
tonne,
- the origin of the maize to be imported.

3. Tenders shall be valid only if:

- (a) evidence is provided before expiry of the time limit
for submission that the tenderer has lodged a security
for an amount per tonne equal to that of the reduc-
tion proposed in the tender;
- (b) they are accompanied by a written undertaking to
lodge with the competent authority within two days of
receipt of notification of award as mentioned in
Article 4 (2) an application for an import licence for
the quantities awarded together with an application
for advance fixing of the levy at the reduced rate
proposed in the tender and an application for advance
fixing of the Spanish monetary compensatory
amounts;
- (c) they are for at least 1 000 tonnes.

4. Tenders not meeting the requirements set out in
paragraphs 1, 2 and 3 or incorporating terms other than
those provided for in the notice of invitation to tender
shall not be valid.

5. Once submitted, tenders may not be withdrawn.

Article 3

1. By way of derogation from Article 21 (1) of
Commission Regulation (EEC) No 3719/88 ⁽²⁾, as
amended by Regulation (EEC) No 1903/89 ⁽³⁾, import
licences shall, for the purposes of determining their term
of validity, be deemed to have been issued on the closing
date for the submission of tenders.

2. Import licences issued in connection with awards
made under this invitation to tender shall be valid from
their date of issue within the meaning of paragraph 1, to
30 June 1990.

3. By way of derogation from Article 9 of Regulation
(EEC) No 3719/88, rights conferred by import licences as
referred to in this Article shall not be transferable.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 184, 30. 6. 1989, p. 22.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75⁽¹⁾:

- either to set a maximum reduction in the import levy, or
- to make no award.

Where a maximum reduction in the import levy is set, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (b) within the time limit laid down, a licence shall be issued for the quantities for which has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (b) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. Tendering securities shall be released:

- (a) where the tender is not accepted;
- (b) where the tenderer provides evidence pursuant to Articles 6 and 7 of Regulation (EEC) No 3105/87⁽²⁾

that the product imported has been processed or used in Spain;

- (c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected for reasons of *force majeure*.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Article 7

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than one and a half hours after the time limit laid down in the notice of invitation to tender for the lodging of tenders under weekly invitation. They must be forwarded in the form shown in the Annex.

Should no tenders be received, Spain shall inform the Commission within the time limit referred to in the first paragraph.

Article 8

The times laid down in this Regulation shall be Brussels time.

Article 9

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, 5 April 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 294, 17. 10. 1987, p. 15.

*ANNEX***Weekly invitation to tender for the reduction in the levy on maize imported from third countries**

Deadline for submission of tenders (date/time) ...

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

COMMISSION REGULATION (EEC) No 884/90**of 5 April 1990****opening an invitation to tender for the reduction in the levy on grain sorghum imported from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 ⁽¹⁾, and in particular Article 3 (2) and (8) thereof,

Whereas, as part of an agreement with the United States of America, the Community has undertaken to import a certain quantity of grain sorghum into Spain in the years 1987 to 1990; whereas, so that this commitment can be met, use should be made of the possibility opened by Regulation (EEC) No 1799/87 of fixing a reduction in the import levy on the product in question by invitation to tender;

Whereas, pursuant to Article 3 (3) of Regulation (EEC) No 1799/87, the levy reduction in the levy is to be applied to grain sorghum imported into Spain under cover of a licence valid in that Member State alone;

Whereas Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agriculture products and certain goods resulting from the processing of agriculture products originating in the ACP States or in the overseas countries and territories (OCT) ⁽²⁾ provides in particular for a reduction of 60 % in the levy applicable to grain sorghum up to a quota of 100 000 tonnes per calendar year and of 50 % in excess of that quota; whereas, if that benefit is combined with the reduction provided for under this Regulation, this is likely to disturb the Spanish market for cereals; whereas such combined benefits should be ruled out for the sake of the satisfactory functioning of the invitation to tender;

Whereas specific additional rules required for administering the invitation to tender should be laid down, in particular rules on the lodging by operators and the release of securities against fulfilment of their obligations, and in particular the obligation to process or use the imported product in Spain;

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

Article 1

1. An invitation to tender is hereby opened for the reduction in the import levy on grain sorghum to be imported into Spain.
2. Under this invitation to tender, the reduction in the import levy on grain sorghum provided for in Article 11 of Regulation (EEC) No 715/90 shall not apply.
3. The invitation to tender shall be open until 31 May 1990. During that period, weekly invitations to tender shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 2

1. Tenders shall be lodged in writing with the competent authority against a receipt or forwarded to that authority by telex, telegram or telefax.
2. Tenders shall indicate :
 - the weekly invitation in response to which they are made,
 - the name and exact address of the tenderer, with telex or telefax number,
 - the type and quantity of the product to be imported,
 - the reduction in the import levy proposed, in ecus per tonne,
 - the origin of the grain sorghum to be imported.
3. Tenders shall be valid only if :
 - (a) before the closing date for the submission of tenders has expired, evidence is provided that the tenderer has lodged a security for an amount per tonne equal to that of the reduction proposed in the tender;
 - (b) they are accompanied by a written undertaking to lodge with the competent authority within two days of receipt of notification of award as referred to in Article 4 (2) an application for an import licence for the quantities awarded together with an application for advance fixing of the levy at the reduced rate proposed in the tender and an application for advance fixing of the Spanish monetary compensatory amount;
 - (c) they are for at least 1 000 tonnes.

⁽¹⁾ OJ No L 170, 30. 6. 1987, p. 1.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 85.

4. Tenders not meeting the requirements set out in paragraphs 1, 2 and 3 or incorporating terms other than those provided for in the notice of invitation to tender shall not be valid.

5. Once submitted, tenders may not be withdrawn.

Article 3

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽¹⁾, as amended by Regulation (EEC) No 1903/89 ⁽²⁾, import licences shall, for the purpose of determining their term of validity, be deemed to have been issued on the closing date for the submission of tenders.

2. Import licences issued in connection with awards made under this invitation to tender shall be valid from their date of issue as indicated in paragraph 1 to 30 June 1990.

3. By way of derogation from Article 9 of Regulation (EEC) No 3719/88, rights conferred by import licences as referred to in this Article shall not be transferable.

Article 4

1. On the basis of tenders submitted and forwarded, the Commission shall decide in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 ⁽³⁾:

- either to fix a maximum reduction in the import levy, or
- to make no award.

Where a maximum reduction in the import levy is fixed, awards shall be made to the tenderer or tenderers offering the maximum or a smaller reduction.

2. As soon as the Commission has reached a decision as referred to in paragraph 1, the competent Spanish authority shall notify all tenderers in writing of the outcome of their tenders.

Article 5

1. Where the successful tenderer lodges an application for an import licence as referred to in Article 2 (3) (b)

within the time limit laid down, a licence shall be issued for quantities for which he has been awarded a contract.

2. Where the undertaking referred to in Article 2 (3) (b) is not fulfilled, the tendering security shall be forfeit.

Article 6

1. Tendering securities shall be released:

- (a) where the tender is not accepted;
- (b) where the tenderer provides evidence pursuant to Articles 6 and 7 of Regulation (EEC) No 3015/87 ⁽⁴⁾ that the product imported has been processed or used in Spain;
- (c) where the successful tenderer provides evidence that the product imported has become unfit for any use or where import cannot be effected for reasons of *force majeure*.

2. Article 33 of Regulation (EEC) No 3719/88 shall apply to securities.

Article 7

Tenders lodged must be forwarded by the competent Spanish authority to the Commission to arrive not more than one and a half hours after the time limit laid down in the notice of invitation to tender for the lodging of tenders under weekly invitations to tender. They must be forwarded in the form shown in the Annex.

Should no tenders be received, Spain shall inform the Commission within the time limit referred to in the first paragraph.

Article 8

The times laid down in this Regulation shall be Brussels time.

Article 9

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, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 184, 30. 6. 1989, p. 22.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁴⁾ OJ No L 294, 17. 10. 1987, p. 15.

*ANNEX***Weekly invitation to tender for the reduction in the levy on grain sorghum imported from third countries**

Deadline for submission of tenders (date/time)

1	2	3	4	5
Numbering of tenderers	Quantity (tonnes)	Reduction in import levy	MCA fixed in advance	Origin of the cereals
1				
2				
3				
4				
5				
etc.				

COMMISSION REGULATION (EEC) No 885/90

of 5 April 1990

opening an invitation to tender for the sale for export of baled tobacco held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 3

Having regard to the Treaty establishing the European Economic Community,

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be 3 p.m., local time, on 28 May 1990.

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 203/90 ⁽²⁾, and in particular Article 7 (4) thereof,

Article 4

Whereas Commission Regulation (EEC) No 3389/73 ⁽³⁾, as last amended by Regulation (EEC) No 395/90 ⁽⁴⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

(a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;

(b) at the end of the sixth month following the said date for the remaining tobacco.

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

Article 5

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

1. The security specified in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and by the Bundesanstalt für landwirtschaftliche Marktordnung (BALM), Adickesallee 40, D-6000 Frankfurt/M.

HAS ADOPTED THIS REGULATION:

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Article 1

Two lots of baled raw tobacco from the 1987 harvest, held by the German intervention agency, with a total weight of 1 002 269 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.
⁽²⁾ OJ No L 22, 27. 1. 1990, p. 10.
⁽³⁾ OJ No L 345, 15. 12. 1973, p. 47.
⁽⁴⁾ OJ No L 42, 16. 2. 1990, p. 46.

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

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

Done at Brussels, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Lot No.	Variety	Harvest	Weight (kilograms)
1	Tsebelia	1987	613 254
2	Tsebelia	1987	389 015
Total			1 002 269

COMMISSION REGULATION (EEC) No 886/90

of 5 April 1990

opening an invitation to tender for the sale for export of baled tobacco held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 3

Having regard to the Treaty establishing the European Economic Community,

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be 3 p.m., local time, on 28 May 1990.

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 203/90 ⁽²⁾, and in particular Article 7 (4) thereof,

Article 4

Whereas Commission Regulation (EEC) No 3389/73 ⁽³⁾, as last amended by Regulation (EEC) No 395/90 ⁽⁴⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

(a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;

(b) at the end of the sixth month following the said date for the remaining tobacco.

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

Article 5

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

1. The security specified in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and by the Azienda di Stato per gli interventi nel mercato agricolo, sezione specializzata per il tabacco (AIMA), via Duccio Galimberti 47, I-00136 Roma.

HAS ADOPTED THIS REGULATION:

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Article 1

Nine lots of baled raw tobacco from the 1986, 1987 and 1988 harvests, held by the Italian intervention agency, with a total weight of 10 952 657 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 10.

⁽³⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁴⁾ OJ No L 42, 16. 2. 1990, p. 46.

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

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

Done at Brussels, 5 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Lot No	Variety	Harvest	Weight (kilograms)
1	Tsebelia	1986	1 228 683
2	Tsebelia	1987	1 518 707
3	Tsebelia	1987	1 518 714
4	Tsebelia	1987	1 610 455
5	Mavra	1987	1 022 791
6	Mavra	1987	1 212 508
7	Tsebelia	1988	959 619
8	Tsebelia	1988	959 618
9	Mavra	1988	921 562
Total			10 952 657

COMMISSION REGULATION (EEC) No 887/90
of 5 April 1990
on the supply of various lots of refined sunflower oil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 1 550 tonnes of refined sunflower oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Refined sunflower oil shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 5 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. Operation No (1): 536/89
2. Programme : 1989
3. Recipient : Nicaragua
4. Representative of the recipient (2): ENIPOR, Sr Andres Avelino Arauz, Sous-Directeur Général ; télex (375) 20 13)
5. Place or country of destination : Nicaragua
6. Product to be mobilized : refined sunflower oil
7. Characteristics and quality of the goods :
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.2)
8. Total quantity : 1 500 tonnes net
9. Number of lots : one
10. Packaging and marking :
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
— in new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kilograms (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof. The drums must carry the following wording:
'ACTION N° 536/89 / ACEITE DE GIRASOL / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA A NICARAGUA'
11. Method of mobilization : the Community market
12. Stage of supply : free at port of landing — landed
13. Port of shipment : —
14. Port of landing specified by the recipient : —
15. Port of landing : Corinto
16. Address of the warehouse and, if appropriate, port of landing : —
17. Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 5. 6. to 3. 7. 1990
18. Deadline for the supply : 19. 7. 1990
19. Procedure for determining the costs of supply (3): tendering
20. Date of expiry of the period allowed for submission of tenders : 24. 4. 1990 at 12 noon. Tenders shall be valid until 12 midnight on 25. 4. 1990
21. In the case of a second invitation to tender :
 - (a) deadline for the submission of tenders : 8. 5. 1990 at 12 noon. Tenders shall be considered valid until 12 midnight on 9. 5. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 19. 6. to 17. 7. 1990
 - (c) deadline for the supply : 3. 8. 1990
22. Amount of the tendering security : ECU 15 per tonne
23. Amount of the delivery security : 10 % of the amount of the tender in ecus
24. Address for submission of tenders (3): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles, telex : AGREC 22037 B or 25670 B
25. Refund payable on request by the successful tenderer : —

ANNEX II

1. **Operation No** (1): 108/90
2. **Programme**: 1989
3. **Recipient**: São Tomé and Príncipe
4. **Representative of the recipient** (2): Mr Diogenes Moniz, Ministério da Economia e Finanças, CP 36, São Tomé, Telex 225 Miplano St, Tel. 22945
5. **Place or country of destination**: São Tomé and Príncipe
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIIA.2)
8. **Total quantity**: 50 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3
— the containers and the cartons must carry the following wording:
‘ACÇÃO Nº 108/90 / ÓLEO VEGETAL / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA À REPÚBLICA DEMOCRÁTICA DE SÃO TOMÉ E PRÍNCIPE’
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: São Tomé
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 5. 6 to 3. 7. 1990
18. **Deadline for the supply**: 19. 7. 1990
19. **Procedure for determining the costs of supply** (5): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 24. 4. 1990. Tenders shall be valid until 12 midnight on 25. 4. 1990
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 8. 5. 1990. Tenders shall be considered valid until 12 midnight on 9. 5. 1990
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 19. 6 to 17. 7. 1990
 - (c) deadline for the supply: 3. 8. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6):

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles,
telex 22037 AGREC B or 25670 B
25. **Refund payable on request by the successful tenderer**: —

Notes:

- (1) The operation number is to be quoted in all correspondence.
- (2) Commission delegate to be contacted by the successful tenderer: F. Cardesa, Delegation CEE, Apartado 836, Centro Calón 1007 San José, Costa Rica Tél.: 33 27 55 — telex 3482 CEE LUX — Telefax: 21 08 93)
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (4) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (5) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annexes, evidence that the tendering security referred to in Article 7 (4) (a) of Commissions Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the office referred to in point 24 of the Annex,
 - or by telecopier on one of the following numbers in Brussels:
235 01 32
236 10 97
235 01 30
236 20 05.
- (6) The vegetable oil is packaged in hermetically sealed high density polyethylene containers which have the following characteristics:
- Content: five litres.
 - Type of material: Lupolen 5661 B or equivalent.
 - Weight: 230 g min.
 - Resistance to compression: 350 N min. 460 N max.
- The containers must be stackable, with two flat sides, with an integrated handle and a sealed screw top.
- The containers must in turn be packed in groups of four in a carton.
- Carton: (OJ No C 216, 14. 8. 1987, p. 3) (under I.3.1) with, in addition, an interlocking fitment with slot in the middle.
- (7) Commission delegate to be contacted by the successful tenderer *Conseiller résident à São Tomé e Príncipe* — C.P. 132 São Tomé — Tél.: (239) 21780 — télex (0967) 224.
-

COMMISSION REGULATION (EEC) No 888/90
of 6 April 1990
amending Regulation (EEC) No 733/90 on the supply of refined rape seed oil as
food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Commission Regulation (EEC) No 733/90 ⁽³⁾ issued an invitation to tender for the supply, as food aid, of 465 tonnes of refined rape seed oil; whereas, following a request by the beneficiary, some of the conditions specified in the Annex I to the Regulation should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex I to Regulation (EEC) No 733/90 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1990, p. 27.

ANNEX**ANNEX I**

1. **Operation Nos** (1): 866 — 872/89 and 875 — 878/89
2. **Programme**: 1989 (405 tonnes) 1988 (60 tonnes)
3. **Recipient**: Euronaid, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3) (4) (5) (7): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIIA.1)
8. **Total quantity**: 465 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (6) (10): see list published in OJ No C 216, 14. 8. 1987, p. 3, I.3.3:
 - metal cans of 20 kilograms
 - the cans must carry the following wording: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 8. 6 to 6. 7. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** (8): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 30. 4. 1990. Tenders shall be valid until 12 midnight on 1. 5. 1990
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 15. 5. 1990. Tenders shall be considered valid until 12 midnight on 16. 5. 1990
 - (b) period for making the goods available at the port of shipment: 15. 6 to 13. 7. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (9): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B / 25670 B
25. **Refund payable on request by the successful tenderer**: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer: see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁴) Radiation certificate for Sudan should contain following information:
 - (a) the amount of radiation of caesium-134 and -137;
 - (b) iodine-131.Radiation certificate must be issued by official authorities and be legalized for Sudan.
 - (⁵) The supplier should send a duplicate of the original invoice to:
MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
 - (⁶) The successful tenderer shall give the beneficiaries' representative a health certificate at the time of delivery.
 - (⁷) The successful tenderer shall give the beneficiaries' representative a certificate of origin at the time of delivery.
 - (⁸) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (⁹) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (¹⁰) To be delivered on standardized pallets wrapped in shrinked plastic/under plastic cover.
-

COMMISSION REGULATION (EEC) No 889/90**of 6 April 1990****reimposing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol No 1 thereto ;

Having regard to Article 1 of Council Regulation (EEC) No 3606/89 of 20 November 1989 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia ⁽²⁾ ;

Whereas the abovementioned Protocol No 1 and Article 15 of the Cooperation Agreement provide that the products listed in the Annex are imported exempt of Customs duty into the Community, subject to the ceiling shown, above which the Customs duties applicable to Third Countries may be re-established ;

Whereas imports into the Community of those products, originating in Yugoslavia, have reached that ceiling ;

whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be reimposed,

HAS ADOPTED THIS REGULATION :

Article 1

From 10 April to 31 December 1990, the levying of customs duties applicable to third countries shall be reimposed on imports into the Community of the products listed in the Annex, originating in Yugoslavia.

Article 2

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

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

Done at Brussels, 6 April 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

⁽²⁾ OJ No L 352, 4. 12. 1989, p. 1.

ANNEX

Order No	NC code	Description	Ceiling (tonnes)
01.0120	6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	714

COMMISSION REGULATION (EEC) No 890/90**of 6 April 1990****amending Regulation (EEC) No 2964/89 fixing depreciation percentages to be applied when agricultural products are bought in as regards paddy rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, as last amended by Regulation (EEC) No 787/89 ⁽²⁾, and in particular Article 8 thereof,Whereas, pursuant to Article 8 of Regulation (EEC) No 1883/78, the Commission fixed by Regulation (EEC) No 2964/89 ⁽³⁾ the depreciation percentage corresponding at most to the difference between the buying-in price and the foreseeable disposal price for the product concerned;

Whereas the trend in the situation for rice suggests that quantities of that product will be bought in by the intervention agencies; whereas a depreciation coefficient to be

applied on buying-in should accordingly be fixed for that product;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2964/89 is hereby replaced by the Annex hereto.

*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, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.⁽²⁾ OJ No L 85, 30. 3. 1989, p. 1.⁽³⁾ OJ No L 281, 30. 9. 1989, p. 101.

ANNEX

'K' depreciation coefficients (Article 8 (3) of Regulation (EEC) No 1883/78), to be applied to the monthly buying-in values

Products	'K' Coefficient
— Breadmaking common wheat	0,55
— Non-breadmaking common wheat	0,55
— Barley	0,55
— Rye	0,55
— Durum wheat	0,55
— Maize	0,55
— Grain sorghum	0,55
— Paddy rice	0,40
— Sunflower seed	0,50
— Rape seed	0,50
— Olive oil	
— Community without Spain	0,45
— Spain	0,30
— Sugar	0,50
— Butter	0,50
— Skimmed-milk powder	0,40
— Beef	0,50
— Alcohol as referred to in Article 40 (1) of Council Regulation (EEC) No 822/87 (1)	0,70
— Tobacco	0,65

(1) OJ No L 84, 27. 3. 1987, p. 1.

COMMISSION REGULATION (EEC) No 891/90

of 6 April 1990

fixing for the 1990 marketing year the reference prices for table grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1119/89 ⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas table grapes are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas table grapes harvested during a given crop year are marketed from May to April of the next year; whereas the quantities harvested in May and June, during the first 20 days of July and also January to April of the next year are so small that there is no need to fix reference prices for these periods; whereas, due principally to developments in production techniques, a relatively large increase in the marketing of Community products during the last 10 days of November and in the month of December can be expected; whereas, however, the figures at present available are insufficiently conclusive to justify fixing a reference price for that period; whereas, reference prices should be fixed only for the period 21 July to 20 November inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, in accordance with Articles 272 (3) of the Act of Accession, the prices of Portuguese products will not be used for the purpose of calculating reference prices, during the first stage of accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990 marketing year, the reference prices for table grapes, falling within CN codes 0806 10 15 and 0806 10 19, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

21 July to 31 August:	52,01,
September and October:	49,28,
November (1 to 20):	44,95.

Article 2

This Regulation shall enter into force on 21 July 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 892/90

of 6 April 1990

fixing for the 1990 marketing year the reference prices for apricots

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas apricots are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas apricots harvested during a given crop year are marketed from May to August; whereas the quantities harvested in May and in August are so small that there is no need to fix reference prices for these months; whereas reference prices should be fixed only for the period 1 June up to and including 31 July;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs

less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas, to take seasonal price variations into account, the marketing year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, in accordance with Article 272 (3) of the Act of Accession, the prices of Portuguese products will not be used for the purpose of calculating reference prices, during the first stage of accession;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1990 marketing year, the reference prices for apricots falling within CN code 0809 10 00, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

June (1 to 10):	106,26,
(11 to 20):	93,94,
(21 to 30):	82,07,
July:	73,15.

Article 2

This Regulation shall enter into force on 1 June 1990.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 893/90

of 6 April 1990

on an extension of the term of validity of certain export licences for common wheat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Articles 12 (2) and 16 (6) thereof,

Whereas export licences for common wheat were issued on 12 January 1990 with advance fixing of the refund applicable to exports of common wheat to the USSR; whereas the term of validity of those licences expires on 31 March 1990; whereas failure to effect export by that date entails a loss of the security;

Whereas the whole very large quantity involved can not be exported before the expiry of the term of validity of the licences owing to the quite unusual congestion in the Soviet ports of import; whereas the Soviet Union is also a major importer of cereals from the Community;

Whereas those quantities of common wheat can no longer be placed in a customs warehouse under satisfactory conditions on expiry of the term of validity of the licences in order to avoid loss of the security owing to a lack of storage capacity in customs warehouses, in view of the major quantities of cereals placed in warehouses at the end of February 1990 as a result of the congestion in the Soviet ports;

Whereas under these conditions and quite exceptionally the term of validity of licences should be extended by two

months on application by the party concerned; whereas, in order to avoid any undue advantage, provision should however be made that in his application the party concerned should forego the payment of the monthly increases in the export refund provided for in Article 16 (4) of Regulation (EEC) No 2727/75 for that period;

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

HAS ADOPTED THIS REGULATION:

Article 1

On application by the party concerned, the term of validity of export licences for common wheat issued on 12 January 1990 with advance fixing of the refund applicable to a destination in the Soviet Union shall be extended until 31 May 1990. Applications for an extension shall only be admissible if they are lodged no later than two working days after the publication of this Regulation in the *Official Journal of the European Communities* and if the party concerned foregoes the adjustments in the refund provided for in Article 16 (4) of Regulation (EEC) No 2727/75 for the duration of the extensions.

Article 2

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

It shall apply from 30 March 1990.

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 10. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

COMMISSION REGULATION (EEC) No 894/90

of 6 April 1990

laying down certain additional detailed rules for the application of the supplementary trade mechanism to fruit and vegetables as regards strawberries and amending Regulation (EEC) No 776/90

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables ⁽¹⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89 ⁽²⁾ establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas those products include strawberries;

Whereas Commission Regulation (EEC) No 3944/89 ⁽³⁾, as amended by Regulation (EEC) No 245/90 ⁽⁴⁾, lays down detailed rules for applying the supplementary trade mechanism to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 776/90 ⁽⁵⁾ determines a period III within the meaning of Article 2 of Regulation (EEC) No 3210/89 for strawberries for April and fixes the indicative ceilings provided for in Article 83 of the Act of Accession for each week during that period; whereas, on the basis of the latest information forwarded by the Member States, the ceilings previously fixed should be amended;

Whereas, moreover, in the light of experience and the most recent forward estimates of consignments, serious risks of disturbance are to be feared in the present situation during the third and fourth weeks of the month; whereas accordingly, pursuant to Article 6 of Regulation (EEC) No 3210/89, provision should be made for exit documents to be issued for up to the ceilings fixed for the

third and fourth weeks of the month and the detailed rules laid down for the submission of applications and the allocation of quantities available in accordance with Articles 5 and 7 of Regulation (EEC) No 3944/89 should be made applicable; whereas the percentage of the quantities to be allocated to traditional operators and to non-traditional consignors should also be specified;

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

HAS ADOPTED THIS REGULATION:

Article 1

For strawberries covered by CN code 0810 10 90,

1. The exit documents referred to in Article 5 of Regulation (EEC) No 3210/89 shall be issued by the competent Spanish authorities up to the quantities fixed in the Annex to Regulation (EEC) No 776/90 for the weeks 16 to 22 April and 23 to 29 April 1990, under the conditions laid down in this Article.

2. Applications for exit documents shall be lodged in accordance with Article 5 of Regulation (EEC) No 3944/89. However, for the week 16 to 22 April 1990, applications shall be lodged before 12 noon 10 April.

3. Exit documents shall be issued in accordance with Article 5 of Regulation (EEC) No 3944/89. However, for consignments in the week 16 to 22 April 1990, such documents shall be issued on 11 April at the latest.

4. Article 7 of Regulation (EEC) No 3944/89 shall apply. The percentage of the quantities reserved for traditional operators shall be 90, subject to the application of the second indent of paragraph 1 of the abovementioned Article.

Article 2

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

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽³⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁴⁾ OJ No L 27, 31. 1. 1990, p. 14.

⁽⁵⁾ OJ No L 83, 30. 3. 1990, p. 87.

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 895/90

of 6 April 1990

applying the duty in the Common Customs Tariff to fresh lemons originating in Israel

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 1627/75 of 26 June 1975 on imports of fresh lemons originating in Israel⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 8 of Protocol I to the Agreement between the European Economic Community and Israel provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Israel; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1627/75;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 1119/89⁽³⁾;

Whereas Regulation (EEC) No 1627/75 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24(2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1627/75;

Whereas, if the system is to operate normally, it 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⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Israel indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1627/75 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 10 April 1990 the duty in the Common Customs Tariff shall be applied to fresh lemons (CN code ex 0805 30 10) imported into the Community and originating in Israel.

Article 2

This Regulation shall enter into force on 10 April 1990.

⁽¹⁾ OJ No L 165, 28. 6. 1975, p. 9.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 6 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 26 March 1990

laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community

(90/167/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas the conditions with which medicated feedingstuffs should comply, in particular as concerns their preparation, supply, use and administration to animals, have no small influence on the rational development of the keeping and on the rearing of animals and the production of products of animal origin;

Whereas the keeping and rearing of animals constitutes a major portion of the common agricultural policy;

Whereas, to safeguard public health from any dangers arising from the use of medicated feedingstuffs for animals intended for food production, and to prevent distortions in competition in the keeping and rearing of farm animals, conditions should be laid down regarding the preparation, placing on the market and use of medicated feedingstuffs and regarding intra-Community trade in those products;

Whereas Community rules regarding veterinary medicinal products, and in particular Council Directive 81/851/EEC of 28 September 1981 on the approximation of the laws of Member States relating to veterinary medicinal

products ⁽⁴⁾, and Council Directive 81/852/EEC of 28 September 1981 on the approximation of the laws of Member States relating to analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products ⁽⁵⁾, as amended by Directive 87/20/EEC ⁽⁶⁾, should be taken into account;

Whereas medicated feedingstuffs must, with regard to the medicinal components, comply with the rules applicable to veterinary medicinal products; whereas, however, in the manufacture of medicated feedingstuffs simple mixing is the main process; whereas only authorized medicated pre-mixes may be used and precise instructions must be given for the use of these medicated feedingstuffs; whereas, in addition, the person responsible for manufacture must have at his disposal sufficient staff and premises so that can meet the requirements of this Directive;

Whereas it is the manufacturer's responsibility to carry out a quality control on the products placed on the market; whereas, however, the manufacturing unit should be placed under satisfactory official control;

Whereas, for the purposes of this Directive, the rules concerning checks and the safeguard measures laid down by Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽⁷⁾ should be used;

⁽¹⁾ OJ No C 41, 16. 2. 1982, p. 3; and

OJ No C 182, 8. 7. 1983, p. 7.

⁽²⁾ OJ No C 128, 16. 5. 1983, p. 76.

⁽³⁾ OJ No C 114, 6. 5. 1982, p. 17.

⁽⁴⁾ OJ No L 317, 6. 11. 1981, p. 1.

⁽⁵⁾ OJ No L 317, 6. 11. 1981, p. 16.

⁽⁶⁾ OJ No L 15, 17. 1. 1987, p. 34.

⁽⁷⁾ OJ No L 395, 30. 12. 1989, p. 13.

Whereas the supply of medicated feedingstuffs to stock-farmers may only be on prescription of a veterinarian, who must himself comply with particular conditions when issuing the prescription;

Whereas, in order for there be to effective control, the persons concerned must be required to keep a register or, where appropriate, to retain the documents for a specified period of time;

Whereas, pending the complete harmonization of the rules authorizing the placing of veterinary medicinal products on the market, the possibility of making national derogations, in particular with respect to the manufacture of intermediate products or certain medicated pre-mixes, should be kept,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down, without prejudice to the adoption of the list laid down in Article 2 (3) of Directive 81/851/EEC, the conditions other than those of animal health, governing the preparation, placing on the market and use of medicated feedingstuffs within the Community.

This Directive shall not affect Community rules applicable to additives used in feedingstuffs, or national rules adopted pursuant to the said rules, and in particular those applicable to the additives entered in Annex II of Directive 70/524/EEC⁽¹⁾, as last amended by Commission Directive 89/583/EEC⁽²⁾.

Article 2

For the purposes of this Directive the definitions appearing in Article 1 (2) of Directive 81/851/EEC and Article 2 of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs⁽³⁾, as last amended by Directive 90/44/EEC⁽⁴⁾, shall apply as necessary.

The following definitions shall also apply:

- (a) 'authorized medicated pre-mix': any pre-mix for the manufacture of medicated feedingstuffs as defined in Article 1 (2) of Directive 81/851/EEC which has been granted an authorization in accordance with Article 4 of that Directive;
- (b) 'placing on the market': the holding in the territory of the Community for sale or disposal in any other form whatever to third parties, whether or not for consideration, and actual sale or disposal.

⁽¹⁾ OJ No L 270, 14. 12. 1970, p. 1.

⁽²⁾ OJ No L 325, 10. 11. 1989, p. 33.

⁽³⁾ OJ No L 86, 6. 4. 1979, p. 30.

⁽⁴⁾ OJ No L 27, 31. 1. 1990, p. 35.

Article 3

1. Member States shall prescribe that, as regards the medicinal component, medicated feedingstuffs may be manufactured from authorized medicated pre-mixes only.

By way of derogation from the first subparagraph, Member States may, provided they comply with the requirements of Article 4 (4) of Directive 81/851/EEC:

- subject to any specific conditions laid down in authorizations to place authorized medicated pre-mixes on the market, authorize intermediate products which are prepared from such medicated pre-mixes authorized in accordance with Article 4 of Directive 81/851/EEC and from one or more feedingstuffs and which are intended for the subsequent manufacture of medicated feedingstuffs ready for use.

Member States shall take all necessary steps to ensure that intermediate products are manufactured only by establishments authorized in accordance with Article 4 and that they are the subject of a declaration to the competent authority,

- authorize the veterinarian to have manufactured under the conditions laid down in Article 4 (3) of Directive 81/851/EEC, and under his responsibility and on prescription, medicated feedingstuffs from several authorized medicated pre-mixes, provided that there is no specific authorized therapeutic agent in pre-mix form for the disease to be treated or for the species concerned.

Until the date on which the Member States have to comply with the new rules laid down in Article 4 (3) of Directive 81/851/EEC, national rules governing the above conditions shall remain applicable, with due regard for the general provisions of the Treaty.

2. Products authorized pursuant to paragraph 1 shall be subject to the rules laid down in Articles 24 to 50 of Directive 81/851/EEC.

Article 4

1. Member States shall take all necessary measures to ensure that medicated feedingstuffs are manufactured only under the conditions set out below:

- (a) the manufacturer shall have premises which have been previously approved by the competent national authority, technical equipment and suitable and adequate storage and inspection facilities;
- (b) the medicated feedingstuffs manufacturing plant shall be manned by staff whose knowledge of and qualifications in mixing technology are adequate;
- (c) the producer shall be responsible for ensuring that:

- only feedingstuffs or combinations thereof which comply with Community provisions on feedingstuffs are used,

- the feedingstuff used produces a homogeneous and stable mix with the authorized medicated pre-mix,
 - the authorized medicated pre-mix is used during the manufacturing process in accordance with the conditions laid down when authorization for placing on the market was given and, in particular, that:
 - (i) there is no possibility of any undesirable interaction between veterinary medicinal products, additives and feedingstuffs;
 - (ii) the medicated feedingstuff will keep for the stipulated period;
 - (iii) the feedingstuff to be used for producing the medicated feedingstuff does not contain the same antibiotic or the same coccidiostat as those used as an active substance in the medicated pre-mix;
 - the daily dose of medicinal product is contained in a quantity of feedingstuff corresponding to at least half the daily feed ration of the animals treated or, in the case of ruminants, corresponding to at least half the daily requirement of nonmineral supplementary feedingstuffs;
- (d) premises, staff and equipment used and participating in the entire manufacturing process must comply with the manufacturing hygiene rules and principles of the Member State in question; the manufacturing process must conform to the rules of good manufacturing practice;
- (e) the medicated feedingstuffs manufactured shall undergo regular checks — including appropriate laboratory tests of homogeneity — by the manufacturing establishments, under the supervision and periodic control of the official department, to ensure that the medicated feedingstuff complies with the requirements of this Directive, especially in respect of its homogeneity, stability and storability;
- (f) manufacturers shall be obliged to keep daily records of the types and quantities of the authorized medicated pre-mixes and feedingstuffs used and of the medicated feedingstuffs manufactured, held or dispatched, together with the names and addresses of the breeders or holders of the animals, and in the case provided for in Article 10 (2), the name and address of the authorized distributor and, where appropriate, the name and address of the prescribing veterinarian. The records, which must meet the requirements of Article 5 of Directive 81/851/EEC, must be kept for at least three years after the date of the last entry and must be made available at any time to the competent authorities in case of checking;
- (g) pre-mixes and medicated feedingstuffs shall be stored in suitable separate and secured rooms or hermetic containers which are specially designed for the storage of such products.

2. Member States may, by way of derogation from paragraph 1, subject to any additional guarantees appropriate, authorize the manufacture of medicated feedingstuffs on farms provided that the said paragraph is complied with.

Article 5

1. Member States shall prescribe that medicated feedingstuffs may be placed on the market only in packages or containers sealed in such a way that, when the package is opened, the closure or seal is damaged and they cannot be re-used.

2. Where road tankers or similar containers are used to place medicated feedingstuffs on the market, these must be cleaned before any re-use in order to prevent any subsequent undesirable interaction or contamination.

Article 6

1. Member States shall take all necessary measures to ensure that medicated feedingstuffs are not put into circulation unless the labelling complies with the Community provisions in force.

Furthermore, the packages or containers referred to in Article 5 (1) shall be clearly marked 'Medicated Feedingstuffs'.

2. Where road tankers or similar containers are used to place medicated feedingstuffs on the market, it shall be sufficient for the information referred to in paragraph 1 to be contained in the accompanying documents.

Article 7

1. Member States shall take all necessary measures to ensure that a medicated feedingstuff cannot be held, placed on the market or used unless it has been manufactured in accordance with this Directive.

2. Subject to the requirements of Article 4 (2) of Directive 81/851/EEC with regard to the tests to be carried out on veterinary medicinal products, Member States may, however, for scientific purposes, provide for derogations from this Directive, provided there is adequate official control.

Article 8

1. Member States shall ensure that medicated feedingstuffs are not supplied to stockfarmers or holders of animals except on presentation of a prescription from a registered veterinarian on the following terms:

- (a) the veterinarian's prescription shall be made out on a form which contains the headings shown on the specimen in Annex A; the original form shall be for the manufacturer or, where appropriate, a distributor approved by the competent authority of the Member State of destination of the medicated feedingstuffs;

(b) the competent national authorities shall determine the number of copies of the prescription form, the persons who are to receive a copy and the period for which the original and the copies must be kept;

(c) medicated feedingstuffs may not be used for more than one treatment under the same prescription.

The veterinary prescription shall be valid only for a period determined by the competent national authority which may not exceed three months;

(d) the veterinarian's prescription may be used only for animals treated by him. He must first satisfy himself that:

(i) the use of this medication is justified for the species concerned on veterinary grounds;

(ii) administration of the medicinal product is not incompatible with a previous treatment or use and that there is no contra-indication or interaction where several pre-mixes are used;

(e) the veterinarian must:

(i) prescribe the medicated feedingstuffs only in such quantities as, within the maximum limits laid down by the national authorization for placing medicated pre-mixes on the market, are necessary for the purpose of the treatment;

(ii) satisfy himself that the medicated feedingstuff and the feedingstuff currently used to feed treated animals do not contain the same antibiotic or the same coccidiostat as active substances.

2. However, in the case of anthelmintic medicinal products (vermifuges), Member States may, pending the review to be carried out under Directive 81/851/EEC of the risks associated with the use of these groups of substances, derogate for five years after the adoption of this Directive from the obligation laid down in paragraph 1 not to supply medicated feedingstuffs obtained from authorized medicated pre-mixes except on presentation of a veterinary prescription, provided that:

— the medicated pre-mixes used do not contain active substances which belong to the chemical groups used, in their territory, on medical prescription for human medicine,

— the medicated feedingstuffs accorded such authorization are used in their territory only prophylactically and in the dosages necessary for the purpose in question.

Member States applying such a derogation shall inform the Commission and the other Member States thereof within the Standing Veterinary Committee, before the date provided for in the first indent of the first subparagraph of Article 15, specifying in particular the nature of the medicinal products and animal species that it covers.

Not more than six months before the expiry of the five-year period laid down in the first subparagraph the Commission shall report to the Council on the risks associated with the use of these groups of substances and may include proposals on which the Council will decide by a qualified majority.

3. Where medicated feedingstuffs are administered to animals whose meat, flesh, offal or products are intended for human consumption, the stockfarmer or holder of the animals concerned must ensure that treated animals are not slaughtered in order to be offered for consumption before the end of the withdrawal period and that products obtained from a treated animal before the end of such a withdrawal period are not disposed of with a view to their being offered for human consumption.

Article 9

1. Member States shall take all necessary measures to ensure that medicated feedingstuffs are issued directly to the stockfarmer or holder of the animals only by the manufacturer or distributor specially approved by the competent authority of the Member State of destination.

Furthermore, medicated feedingstuffs for the treatment of animals whose meat, flesh, offal or products are intended for human consumption may not be issued unless:

- they do not exceed the quantities prescribed for the treatment, in accordance with the veterinary prescription where this is provided for,
- they are not issued in quantities greater than one month's requirements as established in accordance with the stipulations of the first indent.

2. However, notwithstanding paragraph 1, Member States may in special cases authorize distributors specifically approved for that purpose to issue, on the basis of a veterinary prescription, medicated feedingstuffs in small quantities, prepacked and ready for use, and prepared, without prejudice to Article 8 (2) in accordance with the requirements of this Directive, provided that these distributors:

- comply with the same conditions as the manufacturer regarding the keeping of registers and the storage, transport and issue of the products concerned,
- are subject to special checking for the purpose, under the supervision of the competent veterinary authority,
- may supply only prepacked or prepackaged medicated feedingstuffs ready for use by the holder or stockfarmer that have on the packaging or containers instructions for the use of the said medicated feedingstuffs and, in particular, an indication of the withdrawal period.

3. The provisions of paragraph 2 shall not affect national rules on the legal ownership of the medicated feedingstuffs.

Article 10

1. Member States shall ensure that, without prejudice to animal-health rules, there are no prohibitions, limitations or obstacles in respect of intra-Community trade

- in medicated feedingstuffs which have been manufactured in accordance with the requirements of this Directive, and in particular Article 4 thereof, with authorized pre-mixes which have the same active substances as pre-mixes authorized by the Member State of destination, in accordance with the criteria of Directive 81/852/EEC, and a quantitative and qualitative composition similar thereto,
- subject to the specific provisions of Council Directive 86/469/EEC of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues⁽¹⁾ and Council Directive 88/299/EEC of 17 May 1988 on trade in animals treated with certain substances having a hormonal action and their meat, as referred to in Article 7 of Directive 88/146/EEC⁽²⁾, in animals to which those medicated feedingstuffs except those produced pursuant to the second subparagraph of Article 3 (1), have been administered, or in meat, flesh, offal or their products from such animals.

2. Where the application of paragraph 1 gives rise to dispute, in particular as concerns recognition of the similar nature of the pre-mix, the Member States concerned or the Commission may submit the dispute to assessment by an expert appearing on a list of Community experts to be drawn up by the Commission on a proposal from the Member States.

If the two Member States so agree beforehand, the parties shall abide by the opinion of the expert, in compliance with Community legislation.

3. The Member State of destination may require that each consignment of a medicated feedingstuff be accompanied by a certificate issued by the competent authority, corresponding to the specimen form in Annex B.

Article 11

1. The safeguard measures laid down by Directive 89/662/EEC shall apply to trade in authorized medicated pre-mixes or medicated feedingstuffs.

2. The rules laid down concerning veterinary control and, in particular, the requirements laid down in Article 5 (2) and Article 20 of Directive 89/662/EEC shall apply to

trade in authorized pre-mixes or medicated feedingstuffs to the extent that they are subject to veterinary control.

Article 12

The Council, acting by a qualified majority on proposals from the Commission, shall adopt any amendments and additions to be made to this Directive.

Article 13

Member States shall take all necessary measures to ensure that their competent authorities satisfy themselves:

- (i) by making sampling checks at all stages of the production and marketing of the products referred to by this Directive, that the provisions of this Directive are complied with;
- (ii) in particular, by making sampling checks on farms and slaughterhouses, that medicated feedingstuffs are used in compliance with the conditions of use, and that withdrawal periods have been complied with.

Article 14

Pending the implementation of Community measures relating to imports of medicated feedingstuffs from third countries, Member States shall apply to those imports measures which are at least equivalent to those of this Directive.

Article 15

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply:

- with the requirements of Article 11 (2) on the date on which they must conform with the Community rules on the protection of feedingstuffs against pathogenic agents, but at the latest by 31 December 1992,
- before 1 October 1991, with the other provisions of this Directive.

They shall forthwith inform the Commission thereof.

Article 16

This Directive is addressed to the Member States.

Done at Luxembourg, 26 March 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

⁽²⁾ OJ No L 128, 21. 5. 1988, p. 36.

ANNEX A

..... (Copy for the manufacturer or authorized distributor) (1)
 (to be kept for) (2)

Surname, forename and address of the prescribing
 veterinarian :

PRESCRIPTION FOR A MEDICATED FEEDINGSTUFF

This prescription may not be re-used

Name or business name and address of the manufacturer or supplier of the medicated feedingstuff :

.....

Name and address of the stockfarmer or holder of the animals :

.....

Identification and number of animals :

Disease to be treated (2) :

Designation of the authorized medicated pre-mixes :

.....

Quantity of medicated feedingstuff : kg

Special instructions for the stockfarmer :

Percentage of medicated feedingstuff in the daily ration, frequency and duration of treatment :

.....

Withdrawal time before slaughtering, or waiting time before placing on the market products from treated
 animals :

.....

.....
 Personal signature of veterinarian

To be completed by the manufacturer or authorized distributor :

Date of delivery :

To be used before :

.....
 Signature of manufacturer or supplier

(1) To be filled in in accordance with Article 8 (1) (b).
 (2) To be specified by the competent national authorities.
 (3) To be entered only on the copy for the veterinarian.

ANNEX B

ACCOMPANYING CERTIFICATE IN RESPECT OF MEDICATED FEEDINGSTUFFS FOR ANIMALS INTENDED FOR TRADE

Name and address of the manufacturer or approved distributor:

.....

.....

.....

Name of the medicated feedingstuff:

— Type of animal for which the medicated feedingstuff is intended:

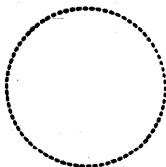
— Name and composition of the authorized medicated pre-mix:

— Dosage of the medicated pre-mix authorized in the medicated feeding stuff:

Quantity of medicated feedingstuff:

Name and address of the recipient:

It is hereby certified that the medicated feedingstuff as described above has been manufactured by an authorized person in accordance with Directive 90/167/EEC.



Stamp of the veterinary authority
or other competent authority

.....
Place and date

.....
(signature)
Name and position

COUNCIL DIRECTIVE

of 26 March 1990

amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(90/168/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal the Commission ⁽¹⁾,

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

Whereas, by Directive 77/93/EEC ⁽³⁾, as last amended by Directive 89/439/EEC ⁽⁴⁾, the Council laid down protective measures against the introduction into the Member States of organisms harmful to plants or plant products; whereas the protection of plants against such organisms is absolutely necessary to increase agricultural productivity, which is one of the objectives of the common agricultural policy;

Whereas, at present, in addition to providing for checks by consignor Member States, Directive 77/93/EEC allows checks by Member States of destination; whereas, in the interest of the free movement of plants and plant products within the Community, which is an element essential to agricultural productivity and contributes to the proper functioning of the common agricultural policy, these latter checks should be progressively reduced and a better balance established, in the matter of checks, between the consignor Member State and the Member State of destination, with greater responsibility being placed on the former; whereas Article 11 of Directive 77/93/EEC should be amended accordingly;

Whereas it has become necessary to improve the functioning of the safeguard clause provided for in Article 15 of Directive 77/93/EEC; whereas safeguard measures should normally be adopted by the Member State where the problem originates and the Commission should be informed of all events which require the adoption of safeguard measures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/93/EEC is hereby amended as follows:

1. In Article 11 (3), second subparagraph, 'one-third' is replaced by 'a certain percentage'.
2. After Article 11 (3), second subparagraph, the following subparagraph is added:

'This percentage may be determined on the basis of the plant or plant product categories, in accordance with the procedure laid down in Article 16a. It shall be lower than 33 % and shall be gradually reduced to reach zero by the time that Member States have brought into effect the new checking arrangements in compliance with the provisions intended for the completion of the internal market.'

3. The following paragraph is inserted in Article 11:

'3a. The documentary checks referred to in paragraph 1 (a) and the identity checks referred to in paragraph 1 (e) shall be carried out only at the time and place at which customs or other administrative formalities in connection with the movement of goods are completed. In accordance with the procedure laid down in Article 16a, it shall be decided what percentage of consignments should be subject to occasional documentary and identity checks by sampling, according to plant or plant product categories. This percentage shall be gradually reduced to reach zero by the time that Member States have brought into effect the new checking arrangements in compliance with the provisions intended for the completion of the internal market.'

4. Article 15 (1) is replaced by the following:

'1. (a) Each Member State shall immediately notify the Commission and the other Member States of the actual or suspected occurrence of harmful organisms not known hitherto to be present in its territory. It shall also inform the Commission and the other Member States of the protective measures which it has taken or intends to take. These measures must, *inter alia*, be such as to prevent risk of the spread of the harmful organism concerned in the territory of the other Member States.

(b) In respect of consignments of plants, plant products or other objects from third countries considered to involve an imminent danger of the introduction or spread of the harmful organisms referred to in (a), the Member State concerned shall immediately take the measures necessary to protect the territory of the Community from that danger and shall inform the Commission and the other Member States thereof.

⁽¹⁾ OJ No C 117, 4. 5. 1988, p. 11.

⁽²⁾ OJ No C 187, 18. 7. 1988, p. 213.

⁽³⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽⁴⁾ OJ No L 212, 22. 7. 1989, p. 106.

- (c) Where a Member State considers that there is an imminent danger other than that referred to in (b), it shall immediately notify the Commission and the other Member States of the measures which it would like to see taken. If it considers that these measures are not being taken in sufficient time to prevent the introduction or spread of a harmful organism in its territory, it may temporarily take any additional measures which it deems necessary, as long as the Commission has not adopted measures pursuant to paragraph 2.

The Commission will present a report to the Council on the operation of this provision, together with any proposals, by 31 December 1992.'

5. The following paragraph is added to Article 15:

'3. The detailed rules for applying paragraph 1 shall be adopted, as necessary, in accordance with the procedure laid down in Article 16a.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1991.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 26 March 1990.

For the Council

The President

M. O'KENNEDY

COUNCIL DECISION**of 29 March 1990****appointing a member of the Economic and Social Committee****(90/169/Euratom, EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 15 September 1986 appointing the members of the Economic and Social Committee for the period ending 20 September 1990 ⁽¹⁾,

Whereas a seat has fallen vacant on the above Committee following the resignation of Mr João Antonio Gomes Proenca, notified to the Council on 8 November 1989;

Having regard to the nominations submitted by the Permanent Representation of Portugal on 26 January 1990,

Having obtained the favourable opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Victor Hugo de Jesus Sequeira is hereby appointed member of the Economic and Social Committee in place of Mr João Antonio Gomes Proenca for the remainder of his term of office, which runs until 20 September 1990.

Done at Brussels, 29 March 1990.

For the Council

The President

J. P. WILSON

⁽¹⁾ OJ No C 244, 30. 9. 1986, p. 2.

COUNCIL DECISION**of 2 April 1990****on the acceptance by the European Economic Community of an OECD Decision/recommendation on the control of transfrontier movements of hazardous wastes****(90/170/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas the Environment Committee of the Organization for Economic Cooperation and Development (OECD) has forwarded to the Council of that Organization a draft Decision/recommendation recommending *inter alia* the ratification and rapid application of the Basle Convention on the control of transboundary movements of hazardous wastes and their disposal, signed on 22 March 1989 by some of the Member States of the OECD, as well as the Community;

Whereas that Decision/recommendation aims *inter alia* at obliging Member States to reinforce the control of transfrontier movements of hazardous wastes;

Whereas part of the scope of the Basle Convention and of the said Decision/recommendation falls within Community competence;

Whereas the Decision/recommendation should be approved by the Community at a forthcoming meeting of the Council of the OECD,

HAS DECIDED AS FOLLOWS:

Sole Article

The OECD Council Decision/recommendation on the control of transfrontier movements of hazardous wastes is hereby approved on behalf of the European Economic Community as far as the matters within its jurisdiction are concerned.

The text of the OECD Decision/recommendation is attached hereto.

Done at Luxembourg, 2 April 1990.

*For the Council**The President*

G. COLLINS

⁽¹⁾ OJ No C 68, 19. 3. 1990.

⁽²⁾ Opinion delivered on 28 February 1990 (not yet published in the Official Journal).

*ANNEX***DRAFT RECOMMENDATION OF THE COUNCIL ON THE CONTROL OF TRANS-FRONTIER MOVEMENTS OF HAZARDOUS WASTES****THE COUNCIL,**

Having regard to Articles 5 (a) and 5 (b) of the Convention on the Organization for Economic Cooperation and Development of 14 December 1960,

Having regard to the Decision and recommendation of the Council of 1 February 1984 on transfrontier movements of hazardous waste (C(83) 180 final),

Having regard to the Decision/recommendation of the Council of 5 June 1986 on exports of hazardous wastes from the OECD area (C(86) 64 final),

Having regard to the Decision of the Council of 27 May 1988 on transfrontier movements of hazardous wastes (C(88) 90 final),

Having regard to the Convention on the control of transboundary movements of hazardous wastes and their disposal, adopted in Basle on 22 March 1989,

Having regard to resolution No 4 attached to the Final Act of the Conference of plenipotentiaries on the global convention on the control of transboundary movements of hazardous wastes, on the responsibility of States for the implementation of the Basle Convention,

Welcoming the efforts at the global level to establish a system to control the transfrontier movements of hazardous wastes ;

Considering that steps should be taken as soon as possible to implement a number of principles that are contained in the abovementioned instruments ;

On the proposal of the Environment Committee :

- I. DECIDES that Member countries shall, without prejudice to the provisions of paragraph I of Decision/recommendation C(86) 64 final, take appropriate steps to prohibit the export of hazardous wastes to any country that has prohibited the import of such wastes for disposal therein ;
 - II. RECOMMENDS that Member countries take appropriate steps to sign and ratify the Basle Convention at the earliest possible date, consistent with their respective national procedures ;
 - III. RECOMMENDS that Member countries take appropriate steps to provide technical assistance and training in the field of waste management to countries in need of such assistance ;
 - IV. RECOMMENDS that Member countries further cooperate in harmonizing the notification systems and procedures for the control of transfrontier movements of hazardous wastes among themselves.
-

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 845/90 of 2 April 1990 reintroducing the levying of the customs duties on footwear falling within CN codes 6401 and 6402 originating in China to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3896/89 apply

(Official Journal of the European Communities No L 88 of 3 April 1990)

In the contents and in the title on page 29 :

for: 'China',

read: 'Thailand'.
