

COUNCIL OF THE EUROPEAN COMMUNITIES

COMPILATION OF TEXTS

XIV

**ASSOCIATION
OF THE OVERSEAS COUNTRIES AND TERRITORIES**

FRENCH OVERSEAS DEPARTMENTS

1 January 1990 — 31 December 1990



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Part 1: OCTs

I — Transitional measures

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 5 March 1990

amending Decision 86/283/EEC on the association of the overseas countries and territories (OCT) with the European Economic Community

(90/146/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

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

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

Whereas it is necessary to maintain in force the provisions applicable by virtue of Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community (³), as last amended by Regulation (EEC) No 4041/89 (⁴), for such time as is needed to propose and adopt a new Decision on association;

Whereas the trade arrangements applicable to the ACP States should also be applied to the OCT as soon as these transitional measures come into force, without prejudice to any provisions of the new Decision on association,

HAS DECIDED AS FOLLOWS:

Article 1

Article 183 of Decision 86/283/EEC is replaced by the following:

Article 183

This Decision, including the Annexes hereto, shall remain applicable until the entry into force of new provisions applying the principles set out in Articles 131 to 135 of the EEC Treaty, or until 28 February 1991, whichever is the earlier, without prejudice to more favourable provisions that may be adopted by the Community concerning imports of products originating in the OCT.

Article 2

By way of derogation from Article 77 of Decision 86/283/EEC, the concept of originating products and the methods of administrative cooperation relating thereto shall, in the case of the OCT, be those, *mutatis mutandis*, laid down for the ACP States in Annex II to Decision No 2/90 of the ACP-EEC Council of Ministers of 27 February 1990 on the transitional measures to be applied from 1 March 1990 (⁵).

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

It shall apply with effect from 1 March 1990.

Done at Brussels, 5 March 1990.

For the Council

The President

G. COLLINS

(¹) OJ No C 44, 24. 2. 1990, p. 14.

(²) OJ No C 68, 19. 3. 1990.

(³) OJ No L 175, 1. 7. 1986, p. 1.

(⁴) OJ No L 387, 30. 12. 1989, p. 65.

(⁵) See page 2 of this Official Journal.

DECISION
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES, MEETING WITHIN THE COUNCIL,

of 5 March 1990

on the opening of tariff preferences for products within the province of the ECSC Treaty
originating in the overseas countries and territories associated with the Community

(90/147/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COAL AND
STEEL COMMUNITY, MEETING WITHIN THE
COUNCIL,

Whereas the provisions applicable by virtue of Decision
86/284/ECSC (*) should be maintained in force for such
time as is needed to propose and adopt a new Decision
on association, while at the same time allowing products
originating in the overseas countries and territories to be
covered by the same rules of origin as applied to the
ACP States, and from the same date;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

Article 7 of Decision 86/284/ECSC is replaced by the
following:

'Article 7

This Decision shall apply until not later than 28
February 1991.'

Article 2

Article 4 of Decision 86/284/ECSC is replaced by the
following:

'Article 4

The concept of originating products and the methods
of administrative cooperation relating thereto shall,
in the case of the OCT, be those, *mutatis mutandis*,
laid down for the ACP States in Annex II to
Decision No 2/90 of the ACP-EEC Council of
Ministers of 27 February 1990 on transitional
measures to be applied from 1 March 1990 (*).

(*) OJ No L 84, 30. 3. 1990, p. 2.'

Article 3

This Decision shall be published in the *Official Journal of
the European Communities*.

It shall apply with effect from 1 March 1990.

Done at Brussels, 5 March 1990.

For the Council

The President

G. COLLINS

(*) OJ No L 175, 1. 7. 1986, p. 111.

II — Implementing texts

A — Trade

a) Arrangements for trade between Spain and Portugal on the one hand and the OCTs on the other

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 December 1990

renewing the arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other

(90/669/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 136 thereof,

Having regard to the draft Decision presented by the Commission,

Whereas Decision 86/47/EEC⁽¹⁾, as renewed by Decision 86/645/EEC⁽²⁾, establishes arrangements for trade between Spain and Portugal on the one hand and the overseas countries and territories (OCT) on the other for the transition period laid down by the Act of Accession of Spain and Portugal;

Whereas the said Decision expires on 31 December 1990;

Whereas, in order to avoid an interruption of the progressive opening of the Spanish and Portuguese markets to

products originating in the OCT, Decision 86/47/EEC should be extended,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 86/47/EEC is hereby extended until 31 December 1995.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

It shall take effect on the day of its publication.

Done at Brussels, 20 December 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ OJ No L 63, 5. 3. 1986, p. 95.

⁽²⁾ OJ No L 380, 31. 12. 1986, p. 66.

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES, MEETING WITHIN THE COUNCIL,

of 20 December 1990

amending Decision 86/50/ECSC establishing arrangements for trade between
Spain and Portugal on the one hand and the overseas countries and territories
(OCT) on the other in products covered by the ECSC Treaty

(90/670/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COAL AND
STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded the Treaty
establishing the European Coal and Steel Community;

Whereas Decision 86/50/ECSC⁽¹⁾, as extended by Deci-
sion 86/644/ECSC⁽²⁾, establishes, for the transitional
period laid down by the Act of Accession of Spain and
Portugal, the arrangements for trade between Spain and
Portugal on the one hand and the overseas countries and
territories (OCT) on the other in products covered by the
ECSC Treaty;

Whereas the said Decision expires on 31 December
1990;

Whereas, in order to avoid an interruption of the progres-
sive opening of the Spanish and Portuguese markets to
products originating in the OCT, Decision 86/50/ECSC
should be extended,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

Decision 86/50/ECSC is hereby extended until 31
December 1992.

Article 2

Article 1 of Decision 86/50/ECSC shall be replaced by
the following:

Article 1

The Kingdom of Spain and the Portuguese Republic
shall apply the same arrangements as those applied by
the other Member States of the Community to
imports of products originating in the OCT, taking
account of the special conditions defined in the
Annex.

Article 3

Member States shall take the measures necessary to
implement this Decision.

Article 4

This Decision shall be published in the *Official Journal
of the European Communities*.

It shall take effect on the day of its publication.

Done at Brussels, 20 December 1990.

For the Council

The President

G. RUFFOLO

(1) OJ No L 63, 5. 3. 1986, p. 189.

(2) OJ No L 380, 31. 12. 1986, p. 65.

II — Implementing texts

A — Trade

b) Agricultural products

COUNCIL REGULATION (EEC) No 715/90

of 5 March 1990

on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to Council Regulation (EEC) No 3033/30 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, as last amended by Regulation (EEC) No 3743/87⁽²⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Whereas the Fourth ACP-EEC Convention, hereinafter referred to as the 'Convention' was signed at Lomé on 15 December 1989;

Whereas Article 168 (2) (a) of the Convention lays down that products originating in the ACP States and:

— listed in Annex II to the Treaty, when they come under a common organization of the market within the meaning of Article 40 of the Treaty, or

— subject, on importation into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community, notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

- (i) those products shall be imported free of customs duties for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any measure relating to their import;

- (ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products;

Whereas Article 168 (2) (d) of the Convention lays down that the arrangements referred to under point (a) of that paragraph shall enter into force at the same time as the Convention and shall remain applicable for its duration;

Whereas it has been agreed to apply the arrangements on trade in agricultural products and foodstuffs set out in Article 168 (2) (a) of the Convention to the ACP States signatories to the Convention as from 1 March 1990, that is to say before the Convention enters into force;

Whereas the Regulations on the common organization of the markets in the sectors concerned establish trade arrangements with third countries;

Whereas for the purposes of this Regulation, the term 'import duties' shall be interpreted in accordance with Article 1 (2) (a) of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duties⁽⁵⁾ as last amended by Regulation (EEC) No 4235/88⁽⁶⁾;

Whereas, on the one hand, these trade arrangements provide for the application of customs duties only on the import of a number of products; whereas, on the other hand, they involve the application of customs duties and/or import levies especially on certain kinds of meat and products processed from fruit and vegetables, the charging of levies in respect of cereals, rice and products processed from cereals and rice, the charging of an *ad valorem* duty and a variable component on certain goods resulting from the application of customs duties and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States under Article 168 (2) (a) of the Convention may be fulfilled by granting total or partial exemption from import duties for the products in question where they originate in the ACP States;

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1989, p. 29.

⁽³⁾ OJ No C 44, 24. 2. 1990, p. 16.

⁽⁴⁾ OJ No C 68, 19. 3. 1990.

⁽⁵⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽⁶⁾ OJ No L 273, 31. 12. 1988, p. 1.

Whereas it should be specified that the advantages resulting from Article 168 (2) (a) of the Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the Convention, the early application of which was approved in Regulation (EEC) No 714/90 (*);

Whereas, furthermore, these advantages should be combined with certain conditions and limited to certain annual and multinational quantities on a case-by-case basis;

Whereas there have traditionally been trade flows from the ACP States to the French overseas departments; whereas measures should therefore be introduced to encourage the importation of certain products originating in the ACP into these French overseas departments to cover local consumption requirements, including consumption following processing; whereas provision should be made for altering the arrangements governing access to the markets in products originating in the ACP States referred to in Article 168 (2) of the Convention, particularly in the light of the said departments' economic development requirements;

Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in specific rules introduced as a result of the implementation of the common agricultural policy are applicable; whereas by virtue of the early application of the trade cooperation provisions of the Convention, Article 177 thereof shall be applied as a complement to Council Regulation (EEC) No 1316/87 of 11 May 1987 on the safeguard measures provided for in the Third ACP-EEC Convention (*), which remains applicable during the transitional period and will be replaced by an implementing regulation valid for the duration of the Fourth Convention;

Whereas the association of the Community with the overseas countries and territories, hereinafter referred to as 'the countries and territories', is governed by Decision 86/283/EEC (*) as last amended by Decision 90/146/EEC (*) and Decision 86/47/EEC (*), as last amended by Decision 86/645/EEC (*), in respect of the import arrangements for agricultural products and certain goods resulting from the processing of agricultural products and in respect of the rules of origin,

with its safeguard clauses applying as complementary measures; whereas, upon the entry into force of a new Decision, the provisions which it lays down will be applicable;

Whereas fishery products are subject to the provisions of Article 1 of the Protocol on special arrangements for Greenland, annexed to the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities signed on 13 March 1984 (*), and to those of Council Regulation (EEC) No 225/85 of 29 January 1985 laying down certain specific measures in connection with the special arrangements on fisheries applicable to Greenland (*);

Whereas, pursuant to Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities (*), the transitional measures applicable to imports into Spain and Portugal of products originating in the ACP States, as laid down in the said Protocol, shall, for the periods provided for in that Protocol, also be applicable in the framework of the Convention,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to products originating in the ACP States listed in Annex I or in the countries and territories listed in Annex II.
2. The rules of origin applicable to products imported from the ACP States on the one hand and the countries and territories on the other shall be those in Protocol 1 to the Convention and those laid down in Article 2 of Decision 90/146/EEC respectively. These provisions shall cease with effect from the entry into force of the similar rules contained in the Decision to be taken on the association of the countries and territories.
3. Should there be a change in the status of the countries and territories listed in Annex II, the list of States, countries and territories referred to in Annexes I and II shall be adapted accordingly by the Commission.

(*) See page 1 of this Official Journal.

(*) OJ No L 125, 14. 5. 1987, p. 1.

(*) OJ No L 175, 1. 7. 1986, p. 1.

(*) See page 108 of this Official Journal.

(*) OJ No L 63, 5. 3. 1986, p. 95.

(*) OJ No L 380, 31. 12. 1986, p. 66.

(*) OJ No L 29, 1. 2. 1985, p. 1.

(*) OJ No L 29, 1. 2. 1985, p. 18.

(*) OJ No L 172, 30. 6. 1987, p. 1.

TITLE I

Beef and veal

Article 2

The products referred to in Article 1 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal (*) as last amended by Regulation (EEC) No 571/89 (**), shall be imported free of customs duties.

Where, in the course of a year, imports into the Community of products falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 or 1602 90 61, originating in an ACP State or country or territory exceed a quantity equivalent to imports into the Community during whichever year between 1969 and 1974 Community imports of products of that origin were highest, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended in accordance with the procedure laid down in Article 27.

In that event the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall determine the arrangements to be applied to the imports in questions.

Article 3

Within the country-by-country and overall limits referred to in Article 4, import duties other than customs duties, applied to products originating in the ACP States and referred to in Article 1 (a) of Regulation (EEC) No 805/68 shall be reduced by an amount to be fixed quarterly by the Commission, corresponding to 90 % of the average import duties applicable during a reference period.

Article 4

1. The reduction in import duties provided for in Article 3 shall apply on a country-by-country basis per calendar year to the following quantities of boneless meat:

Botswana:	18 916 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 363 tonnes,
Zimbabwe:	9 100 tonnes.

2. The reduction applies to 39 100 tonnes against which the quantities exported by the countries in question will be charged up to the limit of the annual quotas indicated in paragraph 1.

If deliveries do not exceed this amount, the procedure provided for under paragraph 3 shall apply.

3. If an ACP State is not able to supply its annual quota as set out in paragraph 1 or if, as a result of an actual or predicted contraction of exports due to a disaster such as drought, a cyclone or disease affecting livestock, it does not wish to benefit from the possibility of delivery in the previous or the following year, a decision may be taken at its request, submitted by 1 October of each year at the latest, and in accordance with the procedure referred to in Article 27, to reallocate the quantities laid down in paragraph 1 among the other States concerned, up to the limit of 39 100 tonnes.

TITLE II

Sheepmeat and goatmeat

Article 5

1. The products referred to in Article 1 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat (*) shall be imported free of customs duties.

2. No levy shall be applied to imports of the following products, specified in Article 1 (a) of Regulation (EEC) No 3013/89:

— live sheep and goats, other than pure-bred breeding animals, falling within CN code 0104 10 90 or 0104 20 90,

— meat of sheep and goats, fresh, chilled or frozen, falling with CN code ex 0204, other than that of domestic sheep,

— meat of sheep and goats, salted, in brine, dried or smoked, falling within CN code ex 0210 90 11 or ex 0210 90 19, other than that of domestic sheep.

3. The levy applicable to imports of meat from domestic sheep falling within CN code ex 0204, ex 0210 90 11 or ex 0210 90 19 shall be reduced by 50 % within the limits of a quota of 250 tonnes per calendar year to be charged against the quantities fixed in Article 1 of Regulation (EEC) No 3643/85 (**), as last amended by Regulation (EC) No 3939/87 (***).

(*) OJ No L 148, 28. 6. 1968, p. 24.

(**) OJ No L 61, 4. 3. 1989, p. 43.

(*) OJ No L 289, 7. 10. 1989, p. 1.

(**) OJ No L 348, 23. 12. 1985, p. 2.

(***) OJ No L 373, 31. 12. 1987, p. 1.

TITLE III

Poultry meat

Article 6

1. The levy applicable to imports of poultry meat falling within CN code 0207 shall be reduced by 50 % within the limits of a quota of 200 tonnes per calendar year.

2. The levy applicable to imports of prepared or preserved meat or offal falling within CN code 1602 31 or 1602 39 and obtained from poultry falling within CN code 0105 shall be reduced by 50 % within the limits of a quota of 250 tonnes per calendar year.

TITLE IV

Milk products

Article 7

The levy applicable to imports of milk and cream, concentrated or containing added sugar or other sweetening matter, falling within CN code 0402 and to cheese and curd falling within CN code 0406 shall be that fixed in accordance with Article 14 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products (*), as last amended by Regulation (EEC) No 3879/89 (*), reduced by 50 % within the limits of a quota of 500 tonnes per calendar year for all products in each of CN codes 0402 and 0406.

TITLE V

Pigmeat

Article 8

The levy applicable to imports of sausages and similar products of pigmeat, meat offal or blood falling within CN code 1601 00 shall be reduced by 50 % within the limits of a quota of 250 tonnes per calendar year.

TITLE VI

Fisheries

Article 9

Without prejudice to the conditions laid down in Article 1 of the Protocol on special arrangements for Greenland, and to the decisions which may be taken pursuant to Regulation (EEC) No 225/86 as regards fisheries products originating in Greenland, the products specified in Article 1 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the

market in fishery products (*), as last amended by Regulation (EEC) No 1495/89 (*), shall be imported free of customs duties.

TITLE VII

Oils and fats

Article 10

The products referred to in Article 1 (2) (a) and (b) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats (*), as last amended by Regulation (EEC) No 2902/89 (*), shall be imported free of customs duties.

TITLE VIII

Cereals

Article 11

1. The levy applicable to imports of maize falling within CN code 0709 90 60, 0712 90 19, 1005 10 90 or 1005 90 00 shall be that fixed in accordance with Article 13 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals (*), as last amended by Regulation (EEC) No 201/90 (*), reduced by ECU 1,81 per tonne.

2. The levy applicable to imports of grain sorghum falling within CN code 1007 00 shall be that fixed in accordance with Article 13 of Regulation (EEC) No 2727/75, reduced by 60 % within the limits of a quota of 100 000 tonnes per calendar year and by 50 % beyond that quota.

3. No levy shall be charged on imports of millet falling under CN code 1008 20 00 within the limits of a quota of 60 000 tonnes per calendar year. Where that quota is exceeded, the levy applicable shall be reduced by 50 %.

TITLE IX

Rice

Article 12

1. Within the limits of the quantities laid down in Article 13, the levy applicable to imports of rice falling within CN code 1006 shall be equal, per 1 000 kilograms of product, to the levy applicable to imports of rice from third countries, reduced as follows:

(*) OJ No L 379, 31. 12. 1981, p. 1.

(*) OJ No L 148, 1. 6. 1989, p. 1.

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

(*) OJ NO L 280, 29. 9. 1989, p. 2.

(*) OJ No L 281, 1. 11. 1975, p. 1.

(*) OJ No L 22, 27. 1. 1990, p. 7.

(*) OJ No L 148, 28. 6. 1968, p. 13.

(*) OJ No L 378, 27. 12. 1989, p. 1.

(a) in the case of paddy rice within CN codes 1006 10 21 to 1006 10 98:

- by 50 % and
- by ECU 3,6;

(b) in the case of husked rice falling within CN code 1006 20:

- by 50 %, and
- by ECU 3,6;

(c) in the case of semi-milled rice falling within CN codes 1006 30 21 to 1006 30 48:

- by the amount for the protection of the industry referred to in Article 14 (3) of 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⁾, converted at the conversion rate between milled rice and semi-milled rice referred to in the third indent of Article 19 (a) of that Regulation,

- by 50 % of the levy thus reduced, and
- by ECU 5,4;

(d) In the case of wholly milled rice falling within CN codes 1006 30 61 to 1006 30 98:

- by the amount for the protection of the industry referred to in Article 14 (3) of Regulation (EEC) No 1418/76,
- by 50 % of the levy thus reduced, and
- by ECU 5,4;

(e) In the case of broken rice falling within CN code 1006 40 00:

- by 50 %, and
- by ECU 3,0.

2. Paragraph 1 shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction referred to in the said paragraph has been collected by the exporting country.

Article 13

1. The reduction in the levy provided for in Article 12 shall be subject, per calendar year, to a maximum expressed as husked rice, of 125 000 tonnes of rice

falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and 20 000 tonnes of broken rice falling within CN code 1006 40 00.

Quantities of rice at other stages of processing than husked rice shall be converted at the rates laid down in Article 1 of Commission Regulation No 467/67/EEC ⁽³⁾, as last amended by Regulation (EEC) No 2325/88 ⁽⁴⁾.

2. Depending on the dates of entry into force and expiry of this Regulation, the quantities provided for in paragraph 1, expressed per calendar year, shall be calculated *pro rata temporis*.

3. The Commission shall suspend the application of Article 12 for the remainder of the year if it finds during the current year that imports under the above provisions have reached the levels referred to in paragraph 1.

TITLE X

Cereal substitutes and products processed from cereals and rice

Article 14

1. Customs duties and fixed components of levies applicable to imports of the products listed in Annex A to Regulation (EEC) No 2727/75 or in Article 1 (1) (c) of Regulation (EEC) No 1418/76 shall not be charged on any of those products.

2. The variable component shall be reduced:

- by ECU 1,81 per 1 000 kilograms for products falling within CN code 0714 10 99 or ex 0714 90 19, excluding arrowroot,

- ECU 3,63 per 1 000 kilograms for products falling within CN code 0714 10 10 or ex 1106 20, excluding flour and meal of arrowroot,

- by 50 % for products falling within CN code 1108 14 00 or ex 1108 19 90, excluding arrowroot starch.

3. The variable component of the levy shall not be charged in respect of imports of:

- arrowroot and arrowroot flour, meal and starch falling within CN code ex 0714 90 11, ex 0714 90 19, ex 1106 20 10, ex 1106 20 91, ex 1106 20 99 or ex 1108 19 90,

- products falling within CN code ex 0714 10 91 or ex 0714 90 11, excluding arrowroot.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 204, 24. 8. 1967, p. 1.

⁽⁴⁾ OJ No L 202, 27. 7. 1988, p. 41.

TITLE XI

Fruit and vegetables

Article 15

1. The products listed below shall be imported free of customs duties:

CN code	Description
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:
0706 90	– Other:
ex 0706 90 90	– – Other: – Radishes (<i>Raphanus sativus</i>) termed 'Mooli' radishes
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled:
0709	Other vegetables, fresh or chilled:
0709 30 00	– Aubergines (egg plants)
0709 40 00	– Celery, other than celeriac
0709 60	– Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> :
0709 60 10	– – Sweet peppers
0709 90	– Other:
0709 90 70	– – Courgettes
0709 90 90	– – Other
0802	Other nuts, fresh or dried, whether or not shelled or peeled:
0802 50 00	– Pistachios
0802 90	– Other:
0802 90 10	– – Pecans
0802 90 90	– – Other
0805	Citrus fruit, fresh or dried:
0805 30	– Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):
0805 30 90	– – Limes (<i>Citrus aurantifolia</i>)
0805 40 00	– Grapefruit
0805 90 00	– Other
0807	Melons (including watermelons) and pawpaws (papayas), fresh:
0807 10	– Melons (including watermelons)
0807 20 00	– Pawpaws (papayas)
0810	Other fruit, fresh:
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i> :
0810 40 30	– – Myrtilles (fruits of the species <i>Vaccinium myrtillus</i>)
0810 90	– Other

2. For the products listed below, customs duties shall be reduced as follows:

CN code	Description	Reduction
0702 00	Tomatoes excluding cherry tomatoes, fresh or chilled:	
ex 0702 00 10	– From 1 November to 14 May: – From 15 November to 30 April (within the limits of a Community tariff quota of 2 000 tonnes per year)	60 %
0709	Other vegetables, fresh or chilled:	
ex 0709 20 00	– Asparagus: – From 16 January to 31 January	40 %
0805	Citrus fruit, fresh or dried:	
0805 10	– Oranges	80 %
0805 20	– Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids	80 %

3. Imports of the products listed below shall attract the customs duty indicated:

CN code	Description	Duty (%)
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i> :	
0810 40 50	– – Fruits of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i>	3
0810 40 90	– – Other	5

Article 16

1. The customs duties applicable to imports into the Community of the products listed below shall be progressively reduced within the limits indicated, according to the rules set out in paragraph 2:

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t)
0702 00	Tomatoes, fresh or chilled: Cherry tomatoes		
ex 0702 00 10	– From 15 November to 30 April	100	TQ 2 000

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t)
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:		
0703 10	- Onions and shallots:		
	- - Onions:		
ex 0703 10 19	- Other From 1 February to 15 May	100	RQ 800
ex 0703 20 00	- Garlic: - From 1 February to 31 May	100	RQ 500
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:		
0704 90	- Other:		
ex 0704 90 90	- - Other: - Chinese cabbage, from 1 November to 31 December	100	RQ 1 000
0705	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), fresh or chilled:		
	- Lettuce:		
0705 11	- - Cabbage lettuce: - - - From 1 April to 30 November:	100	RQ 1 000
ex 0705 11 10	- Iceberg lettuce, from 1 July to 31 October		
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots fresh or chilled:		
ex 0706 10 00	- Carrots and turnips - Carrots, from 1 January to 31 March	100	RQ 800
0706 90	- Other:		
0706 90 30	- - Horseradish (<i>Cochlearia armoracia</i>)	100	-
ex 0706 90 90	- - Other: - Salad beetroot	100	RQ 100
0707 00	- Cucumbers, and gherkins, fresh or chilled: - - Cucumbers		
ex 0707 00 11	- Small winter cucumbers (*)	100	RQ 100
ex 0707 00 19			
0709	Other vegetables, fresh or chilled:		
ex 0709 10 00	- Globe artichokes: - From 1 October to 31 December	100	RQ 1 000
ex 0709 20 00	- Asparagus: - From 15 August to 15 January - Mushrooms and truffles:	100	-

(*) 'Small cucumbers' means cucumbers whose length does not exceed 15 cm.

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t.)
0709 51	-- Mushrooms:		
0709 51 90	--- Other	100	—
0802	Other nuts, fresh or dried, whether or not shelled or peeled:		
	- Walnuts:		
0802 31 00	-- In shell	100	RQ 700
0802 32 00	-- Shelled		
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:		
	- Figs:		
ex 0804 20 10	-- Fresh, from 1 November to 30 April	100	TQ 200
0805	Citrus fruit, fresh or dried:		
ex 0805 10	- Oranges, from 15 May to 30 September	100	RQ 25 000
ex 0805 20	- Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, from 15 May to 30 September	100	RQ 4 000
0808	Apples, pears and quinces, fresh:		
0808 10	- Apples	50	TQ 1 000
0808 20	- Pears and quinces:		
ex 0808 20	-- Pears	50	TQ 1 000
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:		
ex 0809 10 00	- Apricots:		
	- From 1 September to 30 April	100	RQ 2 000
0809 20	- Cherries:		
ex 0809 20 90	-- From 16 July to 30 April:		
	- From 1 November to 31 March	100	RQ 2 000
ex 0809 30 00	- Peaches, including nectarines:		
	- From 1 December to 31 March	100	RQ 2 000
0809 40	- Plums and sloes:		
	-- Plums:		
ex 0809 40 19	--- From 1 October to 30 June:		
	- From 15 December to 31 March	100	RQ 2 000
0809 40 90	- Sloes	100	RQ 500
0810	Other fruit, fresh:		
0810 10	- Strawberries:		
ex 0810 10 90	-- From 1 August to 30 April:		
	- From 1 November to end February	100	TQ 1 500

CN code	Description	Reduction (%)	Quota (TQ) Reference Quantity (RQ) (t.)
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter:		
0813 50	- Mixtures of nuts or dried fruits of this chapter:		
0813 50 30	- - Mixtures exclusively of dried nuts of heading Nos 0801 and 0802	100	

2. The duty reduction indicated in paragraph 1 shall be phased in over the same periods and in accordance with the same timetable as those laid down in the Act of Accession of Spain and Portugal for the same products imported from these countries into the Community as constituted on 31 December 1985.

During this period of gradual reduction where the customs duties applied to imports of products from Spain and Portugal into the Community as constituted on 31 December 1985 differ, the higher of the two customs duties shall be applied to products originating in the ACP States or countries and territories. Where, pursuant to Regulation (EEC) No 486/85 ⁽¹⁾, as last amended by Regulation (EEC) No 3530/89 ⁽²⁾, customs duties on the products listed in paragraph 1 are lower for the ACP States than for Spain and Portugal, the provisions of Regulation (EEC) No 486/85 shall be retained beyond 28 February 1990 and dismantling shall begin once the duties applied to the same products originating in Spain and Portugal fall below the duties applied to those originating in ACP States or countries and territories.

3. If imports of a product referred to in paragraph 1 exceed the reference quantity, a decision may be taken in accordance with the procedure provided for in Article 27 to make it subject to a ceiling equal to the reference quantity, having regard to the annual balance of trade in the product.

If a ceiling fixed in accordance with paragraph 3 is reached during the course of a year, the Commission may, by means of a Regulation, reintroduce the customs duties applicable to third countries.

TITLE XII

Sugar

Article 17

The levy applicable to imports of molasses falling within CN code 1703 shall be reduced by ECU 0,5 per 100 kg. Where the said levy is ECU 0,5 per 100 kg or less it shall not be charged. These provisions shall apply to amounts up to an overall limit of 600 000 tonnes per marketing year.

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 2.

⁽²⁾ OJ No L 347, 28. 11. 1989, p. 3.

TITLE XIII

Products processed from fruit and vegetables

Article 18

1. The products listed in Article 1 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables (*), as last amended by Regulation (EEC) No 1125/89 (**), shall be imported free of customs duties.

2. Levies shall not be charged on imports of the products listed below:

CN code	Description
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:
2007 10	- Homogenized preparations:
2007 10 10	-- With a sugar content exceeding 13 % by weight
	- Other:
2007 99	-- Other:
	--- With a sugar content exceeding 30 % by weight:
2007 99 10	---- Plum purée and plum paste in immediate packings of a net content exceeding 100 kg, for industrial processing
2007 99 20	---- Chestnut purée and paste
	---- Other:
2007 99 31	----- Of cherries
2007 99 33	----- Of strawberries
2007 99 35	----- Of raspberries
2007 99 39	----- Other
	--- With a sugar content exceeding 13 % but not exceeding 30 %:
2007 99 51	---- Chestnut purée and paste
2007 99 59	---- Other
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 20	- Pineapples:
	-- Containing added spirit:
	--- In immediate packings of a net content exceeding 1 kg:
2008 20 11	---- With a sugar content exceeding 17 % by weight
	--- In immediate packings of a net content not exceeding 1 kg:
2008 20 31	---- With a sugar content exceeding 19 % by weight
	-- Not containing added spirit:
	--- Containing added sugar, in immediate packings of a net content exceeding 1 kg:

(*) OJ No L 49, 27. 2. 1986, p. 1.

(**) OJ No L 118, 29. 4. 1989, p. 29.

CN code	Description
2008 20 51	<ul style="list-style-type: none"> ----- With a sugar content exceeding 17 % by weight ----- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 20 71	<ul style="list-style-type: none"> ----- With a sugar content exceeding 19 % by weight
2008 30	<ul style="list-style-type: none"> - Citrus fruit: -- Containing added spirit: --- With a sugar content exceeding 9 % by weight:
ex 2008 30 11	<ul style="list-style-type: none"> ----- Of an actual alcoholic strength by mass not exceeding 11,85 % mas: - Grapefruit segments
ex 2008 30 19	<ul style="list-style-type: none"> ----- Other: - Grapefruit segments -- Not containing added spirit: --- Containing added sugar, in immediate packings of a net content exceeding 1 kg:
2008 30 51	<ul style="list-style-type: none"> ----- Grapefruit segments ----- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 30 71	<ul style="list-style-type: none"> ----- Grapefruit segments
2008 40	<ul style="list-style-type: none"> - Pears: -- Containing added spirit: --- In immediate packings of a net content exceeding 1 kg:
2008 40 11	<ul style="list-style-type: none"> ----- With a sugar content exceeding 13 % by weight:
2008 40 11	<ul style="list-style-type: none"> ----- Of an actual alcoholic strength by mass not exceeding 11,85 % mas
2008 40 19	<ul style="list-style-type: none"> ----- Other --- In immediate packings of a net content not exceeding 1 kg:
2008 40 31	<ul style="list-style-type: none"> - With a sugar content exceeding 15 % by weight -- Not containing added spirit: --- Containing added sugar, in immediate packings of a net content exceeding 1 kg:
2008 40 51	<ul style="list-style-type: none"> ----- With a sugar content exceeding 13 % by weight ----- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 40 71	<ul style="list-style-type: none"> ----- With a sugar content exceeding 15 % by weight
2008 80	<ul style="list-style-type: none"> - Strawberries: -- Containing added spirit: --- With a sugar content exceeding 9 % by weight:
2008 80 11	<ul style="list-style-type: none"> ----- Of an actual alcoholic strength by mass not exceeding 11,85 % mass
2008 80 19	<ul style="list-style-type: none"> ----- Other: -- Not containing added spirit:
2008 80 50	<ul style="list-style-type: none"> --- Containing added sugar, in immediate packings of a net content exceeding 1 kg
2008 80 70	<ul style="list-style-type: none"> --- Containing added sugar, in immediate packings of a net content not exceeding 1 kg

CN code	Description
2008 92	<ul style="list-style-type: none"> -- Mixtures: --- Containing added spirit:
ex 2008 92 11	<ul style="list-style-type: none"> ---- With a sugar content exceeding 9 % by weight: ----- Of an actual alcoholic strength by mass not exceeding 11,85 % mass: <ul style="list-style-type: none"> - Mixtures of pineapple, pawpaw and passion fruit
ex 2008 92 19	<ul style="list-style-type: none"> ----- Other: <ul style="list-style-type: none"> - Mixtures of pineapple, pawpaw and passion fruit --- Not containing added spirit:
ex 2008 92 50	<ul style="list-style-type: none"> ---- Containing added sugar: ----- In immediate packings of a net content exceeding 1 kg ----- Other:
ex 2008 92 71	<ul style="list-style-type: none"> ----- Mixtures of fruit in which no single fruit exceeds 50 % of the total weight of the fruits: <ul style="list-style-type: none"> - Mixtures of pineapple, pawpaw and passion fruit
ex 2008 92 79	<ul style="list-style-type: none"> ----- Other: <ul style="list-style-type: none"> - Mixtures of pineapple, pawpaw and passion fruit
2008 99	<ul style="list-style-type: none"> -- Other: --- Containing added spirit:
2008 99 21	<ul style="list-style-type: none"> ---- Grapes: ----- With a sugar content exceeding 13 % by weight ----- Other:
2008 99 25	<ul style="list-style-type: none"> ----- With a sugar content exceeding 9 % by weight: ----- Of an actual alcoholic strength by mass not exceeding 11,85 % mass: ----- Passion fruit and guavas
2008 99 32	<ul style="list-style-type: none"> ----- Other: ----- Passion fruit and guavas --- Not containing added spirit:
2008 99 43	<ul style="list-style-type: none"> ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg: ----- Grapes
2008 99 45	<ul style="list-style-type: none"> ----- Plums ----- Other:
2008 99 46	<ul style="list-style-type: none"> ----- Passion fruit, guavas and tamarinds ---- Containing added sugar, in immediate packings of a net content not exceeding 1 kg:
2008 99 53	<ul style="list-style-type: none"> ----- Grapes
2008 99 55	<ul style="list-style-type: none"> ----- Plums ----- Other:
2008 99 61	<ul style="list-style-type: none"> ----- Passion fruit and guavas
2009	<ul style="list-style-type: none"> Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter:

CN code	Description
2009 20	– Grapefruit juice:
	– – Of a density exceeding 1,33 g/cm ³ at 20 °C:
2009 20 11	– – – Of a value not exceeding ECU 30 per 100 kg net weight
	– – – Of a density not exceeding 1,33 g/cm ³ at 20 °C:
2009 20 91	– – – – Of a value not exceeding ECU 30 per 100 kg net weight and with an added sugar content exceeding 30 % by weight
2009 40	– Pineapple juice:
	– – Of a density exceeding 1,33 g/cm ³ at 20 °C:
2009 40 11	– – – Of a value not exceeding ECU 30 per 100 kg net weight
	– – – Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar
2009 40 30	– – – – Of a value exceeding ECU 30 per 100 kg net weight
	– – – – Other:
2009 40 91	– – – – – With an added sugar content exceeding 30 % by weight
2009 40 93	– – – – – With an added sugar content not exceeding 30 % by weight
2009 80	– Juice of any other fruit or vegetable:
	– – Of a density exceeding 1,33 g/cm ³ at 20 °C:
	– – – Other:
2009 80 32	– – – – Of a value not exceeding ECU 30 per 100 kg net weight:
	– – – – – Passion fruit and guavas
	– – – – – Other:
2009 80 83	– – – – – With an added sugar content exceeding 30 % by weight:
	– – – – – – Passion fruit and guavas
2009 90	– Mixtures of juices:
	– – Of a density exceeding 1,33 g/cm ³ at 20 °C:
	– – – Other:
ex 2009 90 21	– – – – Of a value not exceeding ECU 30 per 100 kg net weight:
	– – – – – Pineapple, pawpaw and passion fruit juice
	– – – – – Other:
	– – – – – Of a value not exceeding ECU 30 per 100 kg net weight:
	– – – – – – Other:
ex 2009 90 91	– – – – – – With an added sugar content exceeding 30 % by weight
	– – – – – – – Pineapple, pawpaw and passion fruit juice

TITLE XIV

Wine

Article 19

The products listed below shall be imported free of customs duties:

CN code	Description
2009 60	– Grape juice (including grape must):
	– – Of a density exceeding 1,33 g/cm ³ at 20 °C:

CN code	Description
ex 2009 60 11	--- Of a value not exceeding ECU 22 per 100 kg net weight: - With an added sugar content exceeding 30 % by weight
ex 2009 60 19	--- Other: - With an added sugar content exceeding 30 % by weight -- Of a density not exceeding 1,33 g/cm ³ at 20 °C: --- Of a value exceeding ECU 18 per 100 kg net weight:
2009 60 51	----- Concentrated
2009 60 59	----- Other --- Of a value not exceeding ECU 18 per 100 kg net weight: ----- With an added sugar content exceeding 30 % by weight:
2009 60 71	----- Concentrated
2009 60 79	----- Other
2009 60 90	----- Other
2204 30	- Other grape must: -- Other:
2204 30 91	--- Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1 % vol
2204 30 99	--- Others

TITLE XV

Raw tobacco

Article 20

The tobacco products listed in Article 1 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco (*), as last amended by Regulation (EEC) No 203/90 (*), shall be imported free of customs duties.

Article 21

If serious disturbances occur as a result of a large increase in duty-free imports of products falling within CN code 2401, originating in the ACP States or in the countries and territories, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Council may, without prejudice to Article 30, and acting by a qualified majority on a proposal from the Commission, take measures to counteract any deflection of trade.

(*) OJ No L 94, 28. 4. 1970, p. 1.

(*) OJ No L 22, 27. 1. 1990, p. 10.

TITLE XVI

Goods to which Regulation (EEC) No 3033/80 applies

Article 22

1. No fixed component shall be charged on imports of goods to which Regulation (EEC) No 3033/80 applies.
2. The variable component shall not be charged on imports of the goods listed below:

CN code	Description
1702 50 00	- Chemically pure fructose
1704	Sugar confectionery (including white chocolate), not containing cocoa:
1704 90	- Other:
1704 90 30	-- White chocolate
1806	Chocolate and other food preparations containing cocoa:
1806 20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:
1806 20 10	-- Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter or milk fat
1806 20 30	-- Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat
	-- Other:
1806 20 50	--- Containing 18 % or more by weight of cocoa butter
1806 20 90	--- Other
	- Other, in blocks, slabs or bars:
1806 31 00	-- Filled
1806 32	-- Not filled
1806 90	- Other:
	-- Chocolate and chocolate products:
	--- Chocolates, whether or not filled:
1806 90 11	---- Containing alcohol
1806 90 19	---- Other
	--- Other:
1806 90 31	---- Filled
1806 90 39	---- Not filled
1806 90 50	-- Sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa

CN code	Description
ex 1901	<p>Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included:</p> <p>– Whether or not containing less than 1,5 % by weight of milk fat, with a starch or flour content of 50 % or over but of less than 75 % by weight, excluding malt extract</p>
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, sifungs or similar forms
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:
ex 1905 30	<p>– Sweet biscuits, waffles and wafers:</p> <p>– – Biscuits</p>
ex 1905 40 00	<p>– Rusks, toasted bread and similar toasted products:</p> <p>– Excluding ships' biscuits</p>
ex 1905 90	<p>– Other:</p> <p>– – Biscuits</p>
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 99	– – Other:
	– – – Containing added spirit
	– – – Not containing added spirit:
2008 99 85	– – – – Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)

TITLE XVII

Other markets subject to common organization

Article 23

The products referred to in the following Regulations shall be admitted free of customs duties:

- Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage (*), as last amended by Regulation (EEC) No 3991/87 (*).
- Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty (*), as last amended by Regulation (EEC) No 789/89 (*).

(*) OJ No L 55, 2. 3. 1968, p. 1.
 (*) OJ No L 377, 31. 12. 1987, p. 19.
 (*) OJ No L 151, 30. 6. 1968, p. 16.
 (*) OJ No L 85, 30. 3. 1989, p. 3.

- Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp (*), as last amended by Regulation (EEC) No 3995/87 (*).
- Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops (*), as last amended by Regulation (EEC) No 3808/89 (*).
- Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds (*), as last amended by Regulation (EEC) No 1239/89 (*).
- Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder (*), as last amended by Regulation (EEC) No 2275/89 (*).

TITLE XVIII

Provisions relating to the French overseas departments

Article 24

1. Subject to paragraphs 3 and 4, the levies shall not be applied to direct imports into the French overseas departments of the products listed below originating in the ACP States or in the countries or territories:

CN code	Description
0102	Live bovine animals:
0102 90	— Other:
	— — Domestic species:
0102 90 10	— — — Of a weight not exceeding 220 kg
	— — — Of a weight exceeding 220 kg:
0102 90 31	— — — — Heifers (female bovines that have never calved)
0102 90 33	— — — — Cows
0102 90 35	— — — — Bulls
0102 90 37	— — — — Steers (bullocks)
0201	Meat of bovine animals, fresh or chilled
0202	Meat of bovine animals, frozen
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:
0206 10	— Of bovine animals, fresh or chilled:
	— — Other:

(*) OJ No L 146, 4. 7. 1970, p. 1.
(*) OJ No L 377, 31. 12. 1987, p. 34.
(*) OJ No L 175, 4. 8. 1971, p. 1.
(*) OJ No L 371, 20. 12. 1989, p. 1.
(*) OJ No L 246, 5. 11. 1971, p. 1.
(*) OJ No L 128, 11. 5. 1989, p. 35.
(*) OJ No L 142, 30. 5. 1978, p. 1.
(*) OJ No L 218, 28. 7. 1989, p. 1.

CN code	Description
0206 10 95	--- Thick skirt and thin skirt
0206 29	-- Other: --- Other:
0206 29 91	---- Thick skirt and thin skirt
0709	Other vegetables, fresh or chilled:
0709 90	- Other:
0709 90 60	-- Sweetcorn
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared:
0712 90	- Other vegetables; mixtures of vegetables: -- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>):
0712 90 19	---- Other
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or insulin content, fresh or dried, whether or not sliced or in the form of pellets; sago pith:
0714 10	- Manioc (cassava): -- Other:
0714 10 91	--- Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced
0714 90	- Other: -- Arrowroot, salep and similar roots and tubers with high starch content:
0714 90 11	--- Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced (within the limits of a Community tariff quota of 2 000 tonnes per year)
1005	Maize (corn):
1005 10	- Seed:
1005 10 90	-- Other
1005 90 00	- Other

2. Subject to paragraph 4, the levy shall not be applied to direct imports into the overseas department of Réunion of rice falling within CN code 1006, excluding rice for sowing falling within CN code 1006 10 10.

3. If imports into the French overseas departments of maize originating in the ACP States or in the countries and territories have exceeded 25 000 tonnes in a year and are causing or are likely to cause serious disturbances on those markets, the Commission shall, at the request of a Member State or on its own initiative, take the necessary measures.

Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council, acting by a qualified majority, may take a different decision within one month.

4. This Article shall apply to products which are intended for use in the overseas departments and are released on the market there. If necessary, measures to ensure this may be taken in accordance with the procedure laid down in Article 27.

TITLE XIX

General and final provisions

Article 25

The reductions provided for by this Regulation shall be calculated by reference to:

- the variable component of levies, where the levies contain such components,
- in other cases, the levies,

applicable to imports from third countries into the Community.

However, during the period of application of any Accession, compensatory amounts in intra-Community trade measures to prevent deflection of trade shall be taken in accordance with the procedure laid down in Article 27 if this proves necessary.

Article 26

In so far as the import regime set out in this Regulation provides for quantitative limits, imports of the products concerned which originate in the countries and territories will be counted against these quantities. The using-up of these quantities will not however prevent placing in free circulation the products in question originating in the ACP States within the limits of the global quantities set out in this Regulation.

Article 27

1. If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or in the corresponding Articles of the other Regulations on the common organization of agricultural markets, as the case may be.

2. In the case of meat and rice, these detailed rules shall relate in particular to:

- (a) the basis for calculation and the reference period to be used for fixing the amount by which the import duties are to be reduced;
- (b) the arrangements for fixing the corresponding amount to be collected by the exporting country;
- (c) the issue of import licences and/or the introduction of an import licence arrangement;
- (d) the forms of proof acceptable and checking procedures.

Article 28

In the light of the economic development requirements of the French overseas departments, the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, may alter the arrangements governing access to those departments' markets for the products covered by this Regulation.

Article 29

This Regulation shall be without prejudice to the application either of Articles 89, 90, 234 and 257 of the Act of Accession of Spain and Portugal or of the corresponding Articles of the Acts of Accession of other acceding countries. Within the framework of this Regulation, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions of the Protocol to the Third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 30

1. The safeguard clauses provided for in the Regulations on the common organization of the agricultural markets and in the specific rules introduced as a result of the implementation of the common agricultural policy shall be applicable to the products covered by this Regulation.

2. As regards relations with the ACP States, the provisions of Regulation (EEC) No 1316/87 shall apply as complementary measures to the implementation of safeguard clauses pursuant to Chapter 1 of the third part of the Convention until the date given in the second paragraph of Article 31 hereof.

3. As regards the countries and territories, the provisions of Decision 86/283/EEC and of Annex III thereto shall apply as complementary measures, as shall the provisions which replace them as from the entry into

force of the new Decision on the association of the countries and territories.

It shall apply from 1 March 1990 and not later than 28 February 1991.

Article 31

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

The Council, acting by a qualified majority on a proposal from the Commission, may decide to extend this Regulation beyond that date.

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

Done at Brussels, 5 March 1990.

For the Council
The President
G. COLLINS

ANNEX I

LIST OF THE ACP STATES REFERRED TO IN ARTICLE 1

Angola	Liberia
Antigua and Barbuda	Madagascar
Bahamas	Malawi
Barbados	Mali
Belize	Mauritania
Benin	Mauritius
Botswana	Mozambique
Burkina Faso	Niger
Burundi	Nigeria
Cameroon	Papua New Guinea
Cape Verde	Rwanda
Central African Republic	São Tomé and Príncipe
Comoros	Senegal
Congo	Seychelles
Chad	Sierra Leone
Côte-d'Ivoire	Solomon Islands
Djibouti	Somalia
Dominica	Saint Kitts and Nevis
Dominican Republic	Saint Lucia
Equatorial Guinea	Saint Vincent and the Grenadines
Ethiopia	Sudan
Fiji	Suriname
Gabon	Swaziland
Gambia	Tanzania
Ghana	Togo
Grenada	Tonga
Guinea	Trinidad and Tobago
Guinea Bissau	Tuvalu
Guyane	Uganda
Haiti	Vanuatu
Jamaica	Western Samoa
Kenya	Zaire
Kiribati	Zambia
Lesotho	Zimbabwe

ANNEX II

LIST OF THE COUNTRIES AND TERRITORIES REFERRED TO IN ARTICLE 1

(This list is without prejudice to the status of these countries and territories now or in the future)

1. **Overseas countries of the Kingdom of the Netherlands:**
 - Aruba, the Netherlands Antilles (Bonaire, Curaçao, St Maarten, Saba, St Eustatius),
 2. **Overseas territories of the French Republic:**
 - New Caledonia and Dependencies,
 - Wallis and Futuna Islands,
 - French Polynesia,
 - French Southern and Antarctic Territories.
 3. **Territorial collectivities of the French Republic:**
 - Mayotte,
 - St Pierre and Miquelon.
 4. **Overseas countries and territories of the United Kingdom of Great Britain and Northern Ireland:**
 - Anguilla,
 - Cayman Islands,
 - Falkland Islands,
 - Sandwich Islands and their Dependencies,
 - Turks and Caicos Islands,
 - British Virgin Islands,
 - Montserrat,
 - Pitcairn,
 - St Helena and Dependencies,
 - British Antarctic Territory,
 - British Indian Ocean Territory.
 5. **Overseas country of the Kingdom of Denmark:**
 - Greenland.
-

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

(Official Journal of the European Communities No L 84 of 30 March 1990)

Page 98, Article 18 (2); in the table, column 'Description':

— CN code 2009 40 11 reads as follows:

- '— — — Of a value not exceeding ECU 30 per 100 kg net weight
- — — Of a density not exceeding 1,33 g/cm³ at 20 °C:
- — — Of a value exceeding ECU 30 per 100 kg net weight';

— CN code 2009 40 30, first sub-indent, reads as follows:

- '— — — Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar'.

Page 101, Article 22:

for:

'2008 99	— — Other:
	— — — Containing added spirit
	— — — Not containing added spirit:
2008 99 85	— — — — Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>);

read:

'2008 99	— — Other:
	— — — Not containing added spirit:
	— — — — Not containing added sugar:
2008 99 85	— — — — — Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)'.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)

(Official Journal of the European Communities No L 84 of 30 March 1990)

On page 89, Article 14 (3), second indent:

for: '... CN code ex 0714 10 91 ...',

read: '... CN code 0714 10 91 ...'.

COMMISSION REGULATION (EEC) No 825/90

of 6 March 1990

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or the overseas countries and territories (OCT) (1), and in particular Article 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 provides for the opening by the Community of quotas for imports into the Community of the following:

- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,
- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December, and
- 1 000 tonnes of fresh pears falling within CN codes 0808 20 10 to 0808 20 39, for the period 1 January to 31 December, originating in the countries in question.

Whereas the date of entry into force of Regulation (EEC) No 715/90 does not coincide with the beginning of the calendar year or of the season of these products, the volumes opened for the quotas in question should be set, by virtue of the *pro rata temporis* clause, at the levels indicated in Article 1.

Whereas within the limits of these tariff quotas, customs duties are phased out progressively:

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, concerning the tariff quota for fresh figs, and,
- at 50 % of the duties of the Common Customs Tariff for the tariff quotas for fresh apples and pears; and whereas this maximum rate of reduction is applicable from 1 March 1990;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention consequent on the Acces-

sion of the Kingdom of Spain and the Portuguese Republic to the European Communities (2), Portugal to postpone implementation of the preferential arrangements for fruit and vegetables falling within Regulation (EEC) No 1035/72 of the Council (3) as last amended by Regulation (EEC) No 1119/89 (4) until 31 December 1990;

whereas, consequently, the abovementioned tariff concession does apply in the Community with the exception of Portugal; that in the limit of these tariff quotas Spain must apply; customs duties calculated according to the Protocol to the aforementioned Third ACP-EEC Convention;

Whereas all Community importers should be ensured equal and continuous access to the aid quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted; whereas the necessary measures should be taken to provide for effective Community management of the quotas, so that the Member States may draw against the quotas such quantities as they may need, corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

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

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

1. The customs duties applicable to imports into the Community excluding Portugal of the following products originating in the African, Caribbean and Pacific States of the overseas countries and territories shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

(1) OJ No L 172, 30. 6. 1987, p. 1.

(2) OJ No L 118, 20. 5. 1972, p. 1.

(3) OJ No L 118, 29. 4. 1989, p. 12.

(4) OJ No L 84, 30. 3. 1990, p. 85.

Order No	CN code (*)	Description	Amount of quotas (tonnes)	Quota duty (%)
09.1607	ex 0804 20 10	Fresh figs, from 1 March to 30 April 1990	66	2,6
09.1609	0808 10 10	Fresh apples, from 1 March to 31 December 1990	833	4,9 min ECU 0,24/100 kg/netto
	0808 10 91			7 min ECU 1,2/100 kg/netto
	ex 0808 10 93			4 min ECU 1,1/100 kg/netto
	0808 10 99			3 min ECU 0,7/100 kg/netto
09.1611	0808 20 10	Fresh pears, from 1 March to 31 December 1990	833	4,9 min ECU 0,24/100 kg/netto
	ex 0808 20 31			5 min ECU 0,75/100 kg/netto
	0808 20 33			2,5 min ECU 1/100 kg/netto
	0808 20 35			5 min ECU 0,75/100 kg/netto
	0808 20 39			6,5 min ECU 1/100 kg/netto

(*) Taric codes appear in the Annex.

2. Within the limits of the tariff quotas Spain shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authori-

ties of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

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

Article 6

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 6 March 1990.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

Taric Codes (*)

Order No	CN code	Taric
09.1607	ex 0804 20 10	0804 20 10 *30
09.1609	0808 10 10	0808 10 93 *50
	0808 10 91	
	ex 0808 10 93	
	0808 10 99	
09.1609	0808 20 10	0808 20 31 *18 0808 20 31 *98
	ex 0808 20 31	
	0808 20 33	
	0808 20 35	
	0808 20 39	

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EEC) No 826/90

of 28 March 1990

on the arrangement applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by the said Regulation and originating in those countries, the progressive reduction, subject to reference quantities laid down within a set timetable, of the customs duties;

Whereas the entry into force of Regulation (EEC) No 715/90 does not coincide with the beginning of the calendar year or of the season of these products, the volumes opened for the quota in question should be set, by virtue of the *pro rata temporis* clause, at the levels indicated in the Annex thereto;

Whereas, under the provisions of Council Regulation (EEC) No 486/85 (2), as last amended by Regulation (EEC) No 3530/89 (3), when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1990;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the abovementioned Regulation (EEC) No 715/90, products are subject to a statistical surveillance;

Whereas, by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention (4) consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, Portugal is to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72 (5), as last amended by Regulation (EEC) No 1119/89 (6), until 31 December 1990 whereas, consequently, the above tariff concession does not apply in Portugal; whereas, within the limits of the quantities of reference, Spain will apply customs duties calculated in accordance with the provisions of the abovementioned Third ACP-EEC Convention;

Whereas Regulation (EEC) No 486/85 will expire at the end of the month of February; whereas, in consequence, all Community tariff ceilings provided for under Regulation (EEC) No 486/85 and established for 1990 under Commission Regulation (EEC) No 1734/89 (7) and (EEC) No 3062/89 (8), should be abrogated and replaced by the reference quantities established under the present Regulation; whereas imports of the products in question are charged against the reference quantities at Community level within pre-established timetables, as and when the products are entered with the customs authorities for free circulation; whereas, therefore, it is appropriate to establish, from 1 March 1990, reference quantities for those products listed in the Annex;

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

1. Imports of the products listed in the Annex originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall, in the Community

(1) OJ No L 84, 30. 3. 1990, p. 85.
(2) OJ No L 61, 1. 3. 1985, p. 2.
(3) OJ No L 347, 28. 11. 1989, p. 3.

(4) OJ No L 172, 30. 6. 1987, p. 1.
(5) OJ No L 118, 20. 5. 1972, p. 1.
(6) OJ No L 118, 29. 4. 1989, p. 12.
(7) OJ No L 171, 20. 6. 1989, p. 20.
(8) OJ No L 293, 12. 10. 1989, p. 32.

with exception of Portugal, be subject to reference quantities and statistic surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the said Annex.

2. From 1 March 1990 and within the limits of the quantities of reference the Kingdom of Spain will apply customs duties calculated in accordance with the provisions of the Third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities.

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

The extent to which the reference quantities are used up shall be determined at Community level on the basis of

the imports charged against them in the manner defined in the first subparagraph, as communicated to the Statistical Office of the European Communities.

Article 2

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

Article 3

Regulations (EEC) No 1734/89 and 3062/89 are hereby repealed.

Article 4

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 28 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Serial No	CN code	Taric code (*)	Description (a)	Timetable	Reference quantity (in tonnes)
12.0020	ex 0703 10	0703 10 11 ' 20 0703 10 11 ' 30 0703 10 11 ' 92 0703 10 11 ' 93	Onions, fresh or chilled	1. 3-15. 5.1990	571
12.0040	ex 0703 20 00	0703 20 00 ' 20 0703 20 00 ' 30	Garlic, fresh or chilled	1. 3-31. 5.1990	375
12.0050	ex 0705 11 10	0705 11 10 ' 21 0705 11 10 ' 33	'Iceberg' lettuce, (<i>Lactuca Sativa L.</i> , var. <i>capitata L.</i>)	1. 7-31.10.1990	1 000
12.0010	ex 0706 10 00	0706 10 00 ' 22	Carrots, fresh or chilled	1. 3-31. 3.1990	266
12.0120	ex 0706 90 90	0706 90 90 ' 28	Salad beetroot fresh or chilled	1. 3-31.12.1990	83
12.0130	ex 0707 00 11 ex 0707 00 19	0707 00 11 ' 18 0707 00 19 ' 10	Small cucumbers	1. 3-31.12.1990	83
12.0060	ex 0709 10 00	0709 10 00 ' 10 0709 10 00 ' 20	Globe artichokes fresh or chilled	1.10-31.12.1990	1 000
12.0070	ex 0802 31 00 ex 0802 32 00	0802 31 00 ' 80 0802 32 00 ' 80	Walnuts, in shell or shelled	1. 3-31.12.1990	583
12.0080	ex 0809 10 00	0809 10 00 ' 40	Apricots, fresh	1. 3-30. 4.1990	500
12.0090	ex 0809 20 90	0809 20 90 ' 41 0809 20 90 ' 45 0809 20 90 ' 49	Cherries, fresh	1. 3-31. 3.1990	400
12.0100	ex 0809 30 00	0809 30 00 ' 13 0809 30 00 ' 93	Peaches, including nectarines, fresh	1. 3-31. 3.1990	500
12.0110	ex 0809 40 19	0809 40 19 ' 51	Plums, fresh	1. 3-31. 3.1990	571

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EEC) No 1597/90

of 14 June 1990

on the arrangement applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990/91)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, and in particular Articles 16 and 27 therein,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by that Regulation and originating in those countries, the progressive reduction, subject to reference quantities laid down within a set time-table, of the customs duties.

Whereas, under the provisions of Council Regulation (EEC) No 486/85⁽²⁾, as last amended by Regulation (EEC) No 3530/89⁽³⁾, when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1990.

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the Third ACP-EEC Convention⁽⁴⁾ consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, Portugal is to postpone implementation of the preferential arrangements for fruit and vegetables falling within Council Regulation (EEC) No 1035/72⁽⁵⁾, as last amended by Regulation (EEC) No 1193/90⁽⁶⁾ until 31 December 1990 whereas, consequently, the above tariff concession does not apply until this date in Portugal;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the Regulation (EEC) No 715/90 above-

mentioned, of the products are subject to a statistical surveillance;

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

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

1. Imports into the Community of certain products originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall be subject to reference quantities and to a statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

2. The provisions of this Regulation shall apply until 31 December 1990 throughout the Community with the exclusion of Portugal.

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

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 September 1990.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 61, 1. 3. 1985, p. 2.

⁽³⁾ OJ No L 347, 28. 11. 1989, p. 3.

⁽⁴⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁶⁾ OJ No L 119, 11. 5. 1990, p. 43.

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

Done at Brussels, 14 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

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ANNEX

(tonnes)

Order No	CN code	Taric codes	Description	Period	Reference quantities
12.0030	ex 0704 90 90	0704 90 90 '92	Cabbages, fresh or chilled	1. 11 — 31. 12. 1990	1 000
12.0080	ex 0809 10 00	0809 10 00 '10 0809 10 00 '20 0809 10 00 '30 0809 10 10 '40 0809 10 00 '80	Apricots, fresh	1. 9. 1990 — 30. 4. 1991	2 000
12.0090	ex 0809 20 90	0809 20 90 '21 0809 20 90 '25 0809 20 90 '29 0809 20 90 '31 0809 20 90 '33 0809 20 90 '39 0809 20 90 '41 0809 20 90 '45 0809 20 90 '49	Cherries, fresh	1. 11. 1990 — 31. 3. 1991	2 000
12.0100	ex 0809 30 00	0809 30 00 '11 0809 30 00 '12 0809 30 00 '13 0809 30 00 '91 0809 30 00 '92 0809 30 00 '93	Peaches (including nectarines), fresh	1. 12. 1990 — 31. 3. 1991	2 000
12.0110	ex 0809 40 19	0809 40 19 '30 0809 40 19 '40 0809 40 19 '51	Plums, fresh	15. 12. 1990 — 31. 3. 1991	2 000

COMMISSION REGULATION (EEC) No 1664/90
of 20 June 1990

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1990/91)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or the overseas countries and territories⁽¹⁾, and in particular Articles 15, 16 and 27 thereof,

Whereas the Articles 15 and 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following:

- 2 000 tonnes of tomatoes, other than cherry tomatoes falling within CN codes ex 0702 00 10, for the period 15 November to 30 April,
- 2 000 tonnes of cherry tomatoes, falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,
- 1 000 tonnes of fresh apples falling within CN code 0808 10, for the period 1 January to 31 December,
- 1 000 tonnes of fresh pears falling within CN codes 0808 20 10 to 0808 20 39, for the period 1 January to 31 December, and
- 1 500 tonnes of fresh strawberries falling within CN code ex 0810 10 90, for the period 1 November to 28 February;

Whereas within the limits of these tariff quotas, customs duties are phased out progressively:

- during the same periods and in accordance with the same timetables provided for in Articles 75 and 268 of the Act of Accession of Spain and Portugal, concerning the tariff quotas for chilled tomatoes, fresh figs, and, strawberries
- at 50 % of the duties of the Common Customs Tariff for the tariff quotas for fresh apples and pears; and
- by 60 % of the said duties concerning the tariff quota in relation to tomatoes other than cherry-tomatoes

and that these maximal reduction rates shall be applied from the moment of entry into force of the present Regulation;

Whereas under Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community⁽²⁾, Portugal may postpone implementation of the preferential arrangements for fruit and vegetables covered by Regulation (EEC) No 1035/72⁽³⁾, as last amended by Regulation (EEC) No 1193/90⁽⁴⁾, whereas, consequently, the abovementioned tariff concession; it will apply throughout the Community except in Portugal until 31 December 1990; whereas within the limits of its tariff quotas Spain and, from 1 January 1991, Portugal must apply customs duties calculated in accordance with the abovementioned protocol to the third ACP-EEC Convention;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3;

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

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

⁽¹⁾ OJ No L 172, 30. 6. 1987, p. 1.
⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽³⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

HAS ADOPTED THIS REGULATION: -

Article 1

1. The customs duties applicable to imports into the Community of the following products originating in the African, Caribbean and Pacific States of the overseas countries and territories shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November 1990 to 30 April 1991	2 000	4,4 min 0,8 ECU/100 kg/net
09.1613	ex 0702 00 10	Cherry tomatoes, fresh or chilled from 15 November 1990 to 30 April 1991	2 000	— from 15 November to 31 December 1990 : 4,4 min 0,8 ECU/100 kg/net — from 1 January to 28 February 1991 : 1,8 min 0,33 ECU/100 kg/net — from 1 March to 30 April 1991 : 3,6 min 0,66 ECU/100 kg/net
09.1608	ex 0804 20 10	Fresh figs, from 1 November 1990 to 30 April 1991	200	— from 1 November to 31 December 1990 : 2,6 — from 1 January to 30 April 1991 : 2,2
09.1610	0808 10 10 0808 10 91 0808 10 93 0808 10 99	Fresh apples, from 1 January to 31 December 1991	1 000	4,5 min 0,22 ECU/100 kg/net 7 min 1,2 ECU/100 kg/net 4 min 1,1 ECU/100 kg/net 3 min 0,7 ECU/100 kg/net
09.1612	0808 20 10 0808 20 31 0808 20 33 0808 20 35 0808 20 39	Fresh pears, from 1 January to 31 December 1991	1 000	4,5 min 0,22 ECU/100 kg/net 7 min 0,75 ECU/100 kg/net 2,5 min 1 ECU/100 kg/net 5 min 0,75 ECU/100 kg/net 6,5 min 1 ECU/100 kg/netto
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November 1990 to 28 February 1991	1 500	5,6

(*) Taric codes appear in the Annex.

2. The provisions of this Regulation shall apply throughout the Community except for Portugal from 1 January 1990.

3. From that date and within the limits of the tariff quotas Spain and, from 1 January, Portugal shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

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

Done at Brussels, 20 June 1990.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

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

Article 6

This Regulation shall enter into force on 1 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX
Taric codes

Order No	CN code	Taric code (*)
09.1601	ex 0702 00 10	0702 00 10 * 29 0702 00 10 * 39 0702 00 10 * 49 0702 00 10 * 59 0702 00 10 * 69 0702 00 10 * 79 0702 00 10 * 84
09.1613	ex 0702 00 10	0702 00 10 * 21 0702 00 10 * 31 0702 00 10 * 41 0702 00 10 * 51 0702 00 10 * 61 0702 00 10 * 71 0702 00 10 * 81
09.1608	ex 0804 20 10	0804 20 10 * 10 0804 20 10 * 20
09.1603	ex 0810 10 90	0810 10 90 * 30

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EEC) No 2245/90

of 31 July 1990

laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Whereas, under Article 14 (1) and (3) of Regulation (EEC) No 715/90, levies are not charged on imports of products falling within CN codes 0714 10 90 and 0714 90 11 originating in the ACP States or in the OCT; whereas the detailed rules for the application of such arrangements should be limited to imposing an obligation to import from the ACP State or OCT indicated in the import licence the product released for free circulation and exempted from the levy, and to setting up a regular notification system;

Whereas, under Article 24 (1) of Regulation (EEC) No 715/90, levies are not applied to direct imports into the French overseas departments (ODs) of products falling within CN code 0714 90 11 within the limits of a Community tariff quota of 2 000 tonnes; whereas the detailed rules for the application of such arrangements should relate to the lodging of applications for import licences and the issue of such licences and guarantee direct importation into the ODs and observance of the maximum quantity laid down; whereas, in order to comply with the objective of the measure and to ensure the management and supervision of the quota, the use of licences for release for free circulation into the abovementioned departments should be strictly limited; whereas these detailed rules either supplement or derogate from, as the case may be, Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (2), as last amended by Regulation (EEC) No 1599/90 (3), or Commission Regulation (EEC) No 891/89 of 5 April 1989 on special detailed rules for

the application of the system of import and export licences for cereals and rice (4), as amended by Regulation (EEC) No 1105/90 (5);

Whereas, so that the actual use made of licences can be monitored better, the provision of Regulation (EEC) No 3719/88 on early submission of proof of release for free circulation should apply;

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

This Regulation lays down the detailed rules for importing:

- into the Community products falling within CN codes 0714 10 91 and 0714 90 11 originating in the ACP States or the OCT (Title I),
- into the French overseas departments products falling within CN code 0714 90 11 originating in the ACP States and the OCT (Title II).

TITLE I

Article 2

1. For the purposes of Article 14 (1) and (3) of Regulation (EEC) No 715/90 and with a view to the release for free circulation into the Community of products falling within CN codes 0714 10 91 and 0714 90 11, the licence application and the import licence shall contain in box 8 the name of the ACP State or OCT in which the product originates. The licence shall constitute an obligation to import from that country and/or territory.

2. The licence shall contain one of the following entries in box 24:

- *Producto ACP/PTU:*
 - no hay lugar a exacción reguladora
 - apartados 1 y 3 del artículo 14 y apartado 2 del artículo 1 del Reglamento (CEE) n° 715/90;

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 331, 2. 12. 1988, p. 1.

(3) OJ No L 151, 15. 6. 1990, p. 29.

(4) OJ No L 94, 7. 4. 1989, p. 13.

(5) OJ No L 111, 1. 5. 1990, p. 48.

- AVS/OLT-produkt :
 - fritagelse for afgift
 - forordning (EØF) nr. 715/90 : artikel 1, stk. 2, og artikel 14, stk. 1 og 3;
- Erzeugnis AKP/ULG :
 - Freistellung von der Abschöpfung
 - Verordnung (EWG) Nr. 715/90, Artikel 1 Absatz 2 und Artikel 14 Absätze 1 und 3;
- Προϊόν ΑΚΕ/ΥΧΕ:
 - απαλλαγή από την εισφορά
 - κανονισμός (ΕΟΚ) αριθ. 715/90, άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3;
- ACP/OCT product :
 - exemption from the levy
 - Regulation (EEC) No 715/90, Article 1 (2) and Article 14 (1) and (3);
- Produit ACP/PTOM :
 - exemption du prélèvement
 - règlement (CEE) n° 715/90 : article 1^{er} paragraphe 2 et article 14 paragraphes 1 et 3;
- Prodotto ACP/PTOM :
 - esenzione dal prelievo
 - regolamento (CEE) n. 715/90, articolo 1, paragrafo 2 e articolo 14, paragrafi 1 e 3;
- Produkt ACS/LGO :
 - vrijstelling van heffing
 - Verordening (EEG) nr. 715/90 : artikel 1, lid 2, en artikel 14, leden 1 en 3;
- Produto ACP/PTU :
 - isenção do direito nivelador
 - Regulamento (CEE) n° 715/90 : n° 2 do artigo 1° e n° 1 e 3 do artigo 14°

Article 3

Member States shall notify the Commission before the end of each month of the quantities in respect of which import licences for products originating in the ACP States/OCT have been applied for, during the preceding four weeks, broken down by tariff nomenclature code and country of origin.

TITLE II

Article 4

With a view to the release for free circulation into the French overseas departments in accordance with Article 24 of Regulation (EEC) No 715/90 of products falling within CN code 0714 90 11, the following special provisions shall apply :

1. Licence applications shall be for a quantity not exceeding 500 tonnes per individual applicant acting on his own account.

2. The licence application and the import licence shall contain in box 8 the name of the ACP State or the overseas country or territory (OCT) in which the product originates. The licence shall constitute an obligation to import from that country or territory.

3. The licence shall contain one of the following entries in box 24 :

- Producto ACP/PTU :
 - no ha lugar a exacción reguladora
 - apartado 1 del artículo 24 del Reglamento (CEE) n° 715/90
 - exclusivamente válido para el despacho a libre práctica en los D.U.;
- AVS/OLT-produkt :
 - fritagelse for afgift
 - forordning (EØF) nr. 715/90 : artikel 24, stk. 1
 - gælder udelukkende for overgang til fri omsætning i de oversøiske departementer;
- Erzeugnis AKP/ULG :
 - Freistellung von der Abschöpfung
 - Verordnung (EWG) Nr. 715/90, Artikel 24 Absatz 1
 - gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements;
- Προϊόν ΑΚΕ/ΥΧΕ:
 - απαλλαγή από την εισφορά
 - κανονισμός (ΕΟΚ) αριθ. 715/90, άρθρο 24 παράγραφος 1
 - ισχύει αποκλειστικά για θέση σε ελεύθερη κυκλοφορία στα υπερπόντια διαμερίσματα;
- ACP/OCT product :
 - exemption from the levy
 - Regulation (EEC) No 715/90, Article 24 (1)
 - valid only for release for the circulation in the OD;
- Produit ACP/PTOM :
 - exemption du prélèvement
 - règlement (CEE) n° 715/90 : article 24 paragraphe 1
 - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer;
- Prodotto ACP/PTOM :
 - esenzione dal prelievo
 - regolamento (CEE) n. 715/90 : articolo 24, paragrafo 1
 - valido solamente per l'immissione in libera pratica nei DOM;
- Produkt ACS/LGO :
 - vrijstelling van heffing
 - Verordening (EEG) nr. 715/90 : artikel 24, lid 1
 - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen;

— Produto ACP/PTU :

- isenção do direito nivelador
- Regulamento (CEE) n° 715/90 : n° 1 do artigo 24°
- válido exclusivamente para uma introdução em livre prática nos DU.

Article 5

1. Licence applications shall be lodged with the competent authorities of the Member States every Monday before 1 p.m. or, if that day is not a working day, on the first working day following.
2. Member States shall, by telex not later than 1 p.m. on the working day following the day on which the application is lodged, notify the Commission of the origin of the product, the quantity applied for and the name of the applicant.
3. Not later than the third working day following the day on which the applications are lodged, the Commission shall determine and inform the Member States by telex to what extent the licence applications are accepted.
4. Subject to paragraph 3, licences shall be issued on the fifth working day following the day on which the applications were lodged, in the case of applications notified in accordance with paragraph 2.
5. The licences issued shall be valid exclusively for the release for free circulation into the French overseas departments from the day of effective issue until the end of the second month following that date. However, they shall not be valid beyond 31 December of the year in which they are issued.

Article 6

Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not

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

Done at Brussels, 31 July 1990.

be greater than that entered in boxes 17 and 18 of the import licence; the figure 0 shall be entered for this purpose in box 19 of the licence.

Article 7

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

TITLE III

General Provisions

Article 8

1. Notwithstanding Article 12 of Regulation (EEC) No 891/89, the amount of the security in respect of the import licence shall be ECU 0,5 per tonne.
2. In cases where, as a result of the application of Article 5 (3), the quantity for which the licence is issued is less than that for which it was applied for, the amount of the security corresponding to the difference shall be released.
3. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

Article 9

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

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3598/90

of 13 December 1990

on the arrangements applicable to agricultural products subject to reference quantities and originating in the African, Caribbean and Pacific States or in the overseas countries and territories (1991)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹⁾, and in particular Articles 16 and 27 thereof,

Whereas Article 16 of Regulation (EEC) No 715/90 stipulates for certain agricultural products, covered by that Regulation and originating in those countries, the progressive reduction, subject to reference quantities laid down within a set timetable, of the customs duties;

Whereas, under the provisions of Council Regulation (EEC) No 486/85⁽²⁾, as last amended by Regulation (EEC) No 3530/89⁽³⁾, when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1991;

Whereas by Commission Regulation (EEC) No 2573/90 of 5 September 1990 totally suspending certain customs duties applicable by the Community of Ten to imports from Spain and Portugal⁽⁴⁾ of the products listed in Annex II to the Treaty, the said duties shall be totally suspended when they reach a level of 2 % or less; whereas the same rates of duties should be applied to imports of these products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas by virtue of Council Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers

on the advance implementation of the Protocol to the Third ACP-EEC Convention⁽⁵⁾ consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities, the said reference quantities shall be applied in Spain and Portugal;

Whereas, in order to enable the competent authorities within the Commission to establish an annual trade balance sheet for each of the products and, if necessary, to put into application the arrangement provided for in Article 16 (3) of the abovementioned Regulation (EEC) No 715/90, these products are subject to a statistical surveillance in accordance with Council Regulations (EEC) No 2658/87⁽⁶⁾ and (EEC) No 1736/75⁽⁷⁾;

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

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

1. Imports into the Community of certain products originating in the African, Caribbean and Pacific States or in the overseas countries and territories shall be subject to reference quantities and to a statistical surveillance.

The products referred to in the first subparagraph, their CN codes, the periods of validity and the levels of the reference quantities are set out in the Annex.

2. Quantities shall be charged against the reference quantities as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate. If the movement certificate is

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 61, 1. 3. 1985, p. 2.

⁽³⁾ OJ No L 347, 28. 11. 1989, p. 3.

⁽⁴⁾ OJ No L 243, 6. 9. 1990, p. 19.

⁽⁵⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁷⁾ OJ No L 183, 14. 7. 1973, p. 3.

submitted *a posteriori*, the goods shall be charged against the corresponding reference quantity at the moment when the goods are entered for free circulation.

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

tical Office of the European Communities in application of Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

Article 2

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

Article 3

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 13 December 1990.

For the Commission
Christiane SCRIVENER
Member of the Commission

ANNEX

<i>(tonnes)</i>					
Order No	CN code	Taric code (*)	Description	Period	Reference quantities
12.0020	ex 0703 10 19	0703 10 19 * 91 0703 10 19 * 92 0703 10 19 * 93	Onions, fresh or chilled	1. 2 — 15. 5. 1991	800
12.0040	ex 0703 20 00	0703 20 00 * 10 0703 20 00 * 20 0703 20 00 * 30	Garlic, fresh or chilled	1. 2 — 31. 5. 1991	500
12.0010	ex 0706 10 00	0706 10 00 * 11	Carrots, fresh or chilled	1. 1 — 31. 3. 1991	800
12.0120	ex 0706 90 90	0706 90 90 * 20	Salad beetroot, fresh or chilled	1. 1 — 31. 12. 1991	100
12.0130	ex 0707 00 11 ex 0707 00 19	0707 00 11 * 11 0707 00 11 * 18 0707 00 19 * 10	Small cucumbers	1. 1 — 31. 12. 1991	100
12.0070	0802 31 00 0802 32 00	0802 31 00 * 00 0802 32 00 * 00	Walnuts, in shell or shelled	1. 1 — 31. 12. 1991	700
12.0140	ex 0805 10 21 ex 0805 10 25 ex 0805 10 29 ex 0805 10 31 ex 0805 10 35 ex 0805 10 39 ex 0805 10 70	0805 10 21 * 0805 10 25 * 0805 10 29 * 0805 10 31 * 10 0805 10 35 * 10 0805 10 39 * 10 0805 10 70 * 12 0805 10 70 * 92	Oranges, fresh or dried	15. 5 — 30. 9. 1991	25 000
12.0160	0809 40 90	0809 40 90 * 00	Sloes	1. 1 — 31. 12. 1991	500

(*) The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

II — Implementing texts

A — Trade

c) Cereals

COMMISSION REGULATION (EEC) No 865/90
of 4 April 1990

laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Whereas Article 11 of Regulation (EEC) No 715/90 provides that the levy applicable to imports of grain sorghum covered by CN code 1007 00 is to be that fixed pursuant to Article 13 of Council Regulation (EEC) No 2727/75 (2), as last amended by Regulation (EEC) No 2011/90 (3), reduced by 60 % within the limit of a quota of 100 000 tonnes per calendar year and reduced by 50 % in excess of that quota; whereas that Regulation provides that no import levy is to be collected on millet covered by CN code 1008 20 00 within the limit of a quota of 60 000 tonnes per calendar year and that the levy applicable in excess of that quota is to be reduced by 50 %;

Whereas detailed rules on the administration of those quotas should first be laid down; whereas, in this context, it should be provided that licences for the importation of the products in question are to be issued after a period for reflection and after, where appropriate, the fixing of a single coefficient for reducing the quantities applied for; whereas, in addition, in the interests of the operators, the possibility of withdrawing licence applications after the fixing of the reduction coefficient should be provided for;

Whereas detailed rules relating additionally to imports outside the quotas are also required;

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

HAS ADOPTED THIS REGULATION:

I. Provisions on quotas

Article 1

1. Import licence applications under the quotas for grain sorghum covered by CN code 1007 00 and millet

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 281, 1. 11. 1975, p. 1.

(3) OJ No L 22, 27. 1. 1990, p. 7.

covered by CN code 1008 20 00 fixed by Regulation (EEC) No 715/90 shall be lodged with the competent authorities in any Member State up to 1 p.m. (Brussels time) on Mondays or, if that day is not a working day, on the first following working day.

2. Import licence applications may not relate to a quantity exceeding the quota.

3. The Member States shall transmit information concerning the import licence applications to the Commission by telex or telefax by 6 p.m. (Brussels time) at the latest on the day laid down in paragraph 1. That information must be communicated separately from that regarding other import licence applications for cereals.

4. If import licence applications exceed the quantities in the annual quota, the Commission shall fix a single coefficient for reducing the quantities applied for on the third working day at the latest following the submission of the applications. Licence applications may be withdrawn within one working day following the date on which the reduction coefficient was fixed.

5. Without prejudice to the application of paragraph 4, a licence shall be issued on the fifth working day following the day on which the application for the licence was lodged.

6. By way of derogation from Article 8 (4) of Commission Regulation (EEC) No 3719/88 (4), the quantity imported may not exceed that indicated in sections 17 and 18 of the import licence. The figure zero shall be entered to that effect in section 19 of the licence.

Article 2

For grain sorghum, import licence applications and licences shall bear:

(a) under the heading 'Notes' and in section 24, the words 'levy reduced by 60 % (ACP/OCT quota) — Regulation (EEC) No 715/90';

(4) OJ No L 331, 2. 12. 1988, p. 1.

- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import levy must be fixed in advance.

Article 3

For millet, import licence applications and licences shall bear :

- (a) under the heading 'Notes' and in section 24, the words 'non-application of the levy (ACP/OCT quota) — Regulation (EEC) no 715/90';
- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import levy must be fixed in advance. The levy shall neither be increased nor adjusted.

II. Provisions on imports outside quotas

Article 4

For quantities to be imported outside the quotas, import licence applications and licences shall bear :

- (a) under the heading 'Notes' and in section 24, the words 'levy reduced by 50 % (ACP/OCT) — Regulation (EEC) No 715/90';
- (b) the letters 'ACP' or 'OCT', as the case may be, in section 8.

Licences shall entail an obligation to import from those countries. In addition, the import licence must be fixed in advance.

Article 5

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

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

Done at Brussels, 4 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 999/90

of 20 April 1990

laying down detailed implementing rules for imports of rice originating in the African, Caribbean and Pacific States (ACP), and the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas and territories (OCT) (1), and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (2), as last amended by Regulation (EEC) No 1636/87 (3), and in particular Article 12 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Regulation (EEC) No 715/90 provides that the levy calculated in accordance with Article 11 of Council Regulation (EEC) No 1418/76 (4), as last amended by Regulation (EEC) No 1806/89 (5), shall be reduced by an amount of 50 % of the said levy and by a flat-rate component, which differs according to the extent to which the rice has been milled, provided that an equivalent charge has been collected on export from the non-member country concerned;

Whereas this export charge cannot be collected in a precise manner unless the levy that will be applied on import into the Community is known; whereas, for this purpose, the import levy must be fixed in advance, thereby enabling the trade to know the amount that will be deducted from the levy and, consequently, the amount that must be collected on export;

Whereas it is necessary to ascertain that the exporting country has actually collected the export charge of an amount equivalent to the reduction on the levy applied;

Whereas suitable administrative measures should be laid down in order to ensure that the volume of the quota fixed is not exceeded;

Whereas, in order to enable the Commission, should the need arise, to implement Article 13 of Regulation (EEC) No 715/90, it should be laid down that the Member States should notify the Commission daily of the quantities in respect of which applications for import licences in

respect of rice originating in the ACP States and the overseas countries and territories (OCT) have been made;

Whereas for the year 1990, the quantities to be imported should be established pro rata with the quantities fixed respectively under the old and new regime by application of Article 13 of Regulation (EEC) No 715/90.

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

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the levies referred to in Article 12 (1) of Regulation (EEC) No 715/90 shall be calculated each week by the Commission on the basis of the levies fixed according to the criteria set out Article 11 of Regulation (EEC) No 1418/76.

Article 2

1. Article 12 (1) of Regulation (EEC) No 715/90 shall apply only to imports of rice in respect of which an export charge equivalent to the difference between the levy applicable to imports of rice from non-member countries and the amounts referred to in Article 1 has been collected by the country of exportation.

2. One of the following indications shall be placed in the 'Remarks' box of the EUR 1 movement certificate by the customs authorities of the country of exportation as proof that the amount has been collected:

- Tasa especial percibida a la exportación del arroz
- Særafgift der opkræves ved eksport af ris
- Bei der Ausfuhr von Reis erhobene Sonderabgabe
- Ειδικός φόρος που εισπράττεται κατά την εξαγωγή ορούλης
- Special charge collected on export of rice
- Taxe spéciale perçue à l'exportation du riz
- Tasa speciale ricossa all'esportazione del riso
- Bij uitvoer van de rijst opgelegde bijzondere heffing

(amount in national currency)

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 164, 24. 6. 1985, p. 1.

(3) OJ No L 153, 13. 6. 1987, p. 1.

(4) OJ No L 166, 25. 6. 1976, p. 1.

(5) OJ No L 177, 24. 6. 1989, p. 1.

(signature and stamp of office).

3. Where the charge collected by the country of exportation is less than the reduction referred to in Article 12 (1) of Regulation (EEC) No 715/90, the reduction shall not exceed the amount collected.

4. Where the amount of the export charge collected is expressed in a currency other than that of the Member State of importation, the exchange rate to be used to determine the amount of the charge actually collected shall be the rate recorded on the most representative foreign exchange market or markets in that Member State on the day of the advance fixing of the levy.

Article 3

1. In addition to the other conditions laid down by Community rules, in order to qualify for the reduced levy referred to in Article 12 of Regulation (EEC) No 715/90, the application for a licence and the import licence itself shall include :

(a) under the heading 'Notes' and in section 24, respectively one of the following indications :

- Exacción reguladora reducida ACP/PTU
- Reduceret afgift AVS/OLT
- Verringerte Abschöpfung AKP/ÜLG
- Μειωμένη εισφορά ΑΚΕ/ΥΧΕ
- Reduced levy ACP/OCT
- Prélèvement réduit ACP/PTOM
- Prelievo ridotto ACP/PTOM
- Verminderde heffing ACS-Staten/LGO,

(b) In box 8, the name of the State, country or territory in which the product originates.

2. The licence shall require importation to be made from the country of origin stated. In addition, the import levy must be fixed in advance.

3. The import licence referred to in paragraph 1 shall be issued on the fifth working day following the date on which the application was submitted, provided that no measure suspending the advance fixing of the levy has been taken during that period and that the quantity qualifying for the reduced levy has not already been reached.

4. On the day when the quantities applied for exceed the quantities for which a reduced levy is granted, the

Commission shall fix a single percentage reduction in respect of the quantities applied for.

Article 4

The Member States shall communicate to the Commission each day by telex the following information :

- (a) the quantities of each type of rice that have been the subject of an application for a licence for importation from ACP States and the overseas countries and territories (OCT), stating in each case the country of exportation ;
- (b) the quantities of each type of rice in respect of which an import licence has actually been issued, stating in each case the date and the country of exportation ;
- (c) the quantities of each type of rice for which a licence was issued but not used ;
- (d) the quantities of each type of rice for which the import licences issued have been cancelled within the meaning of Article 36 of Commission Regulation (EEC) No 3719/88 (1).

This information must be communicated separately from the information relating to other applications for import licences for rice.

Article 5

1. The quantities that may be imported into the Community from ACP States and the overseas countries and territories (OCT) from 1 January to 31 December 1990 shall be 124 500 tonnes of husked rice falling within CN code 1006 20 and 19 500 tonnes of broken rice falling within CN code 1006 40 00.

2. Quantities of rice imported in a form other than husked shall be entered into the accounts as husked rice on the basis of the conversion rates referred to in Article 1 Regulation No 467/67/EEC (2).

Article 6

Commission Regulation (EEC) No 551/85 (3) is repealed.

Article 7

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

It shall apply from 1 March 1990.

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

Done at Brussels, 20 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 204, 24. 8. 1967, p. 1.

(3) OJ No L 63, 2. 3. 1985, p. 10.

II — Implementing texts

A — Trade

d) Beef and veal

e) Pigmeat

f) Poultry meat

COMMISSION REGULATION (EEC) No 970/90

of 18 April 1990

laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and amending Regulation (EEC) No 2377/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (¹), and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (²), as last amended by Regulation (EEC) No 1636/87 (³), and in particular Article 3 thereof,

Whereas Article 3 of Regulation (EEC) No 715/90 lays down that the duties on imports of beef and veal originating in the African, Caribbean and Pacific States are to be reduced;

Whereas the amounts of import duties depend upon the level of the levy applicable and that levy may be adjusted by monetary compensatory amounts; whereas, having regard to the trend in the currencies of the individual Member States, the amount of the reduction should be calculated separately for each Member State taking account of the monetary compensatory amount applicable to imports into the Member State concerned;

Whereas it appears useful to outline the manner in which the amount actually to be levied on imports is calculated;

Whereas the amount by which the import duties are reduced is fixed quarterly;

Whereas the amount representing import duties is that applicable on the day of acceptance of the declaration of release for free circulation; whereas these duties are reduced by the reduction applicable on that date;

Whereas Regulation (EEC) No 2377/80 (⁴), as last amended by Regulation (EEC) No 252/90 (⁵), lays down special detailed rules for the application of the system of import and export licences in the beef and veal sector; whereas the special detailed rules for licences issued under Regulation (EEC) No 715/90 which replaces

Council Regulation (EEC) No 486/85 (⁶) should be adapted;

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

1. Import licences shall be issued for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe under the conditions laid down in this Regulation and within the limits of the quantities, expressed in tonnes of boned meat, fixed in Regulation (EEC) No 715/90.

2. For the purposes of this Regulation, 100 kilograms of boned meat shall be equivalent to 130 kilograms of unboned meat.

Article 2

Importation under the arrangements for import duty reduction may take place only if the origin of the products concerned is certified by the competent authorities of the exporting countries in accordance with the rules of origin applicable to the products in question pursuant to Protocol 1 to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989.

Article 3

1. The amount provided for in Article 3 of Regulation (EEC) No 715/90 for each product intended for importation into a Member State shall be equal to 90 % of the amount of the levy, adjusted as appropriate by the monetary compensatory amount valid for imports into that Member State during the week preceding that in which the quarter for which the reduction is calculated begins.

The reduction shall be fixed for each Member State in its national currency.

2. The reduction shall be deducted from the levy valid on the day on which the entry of the goods for free circulation is accepted in the Member State concerned, adjusted as appropriate by the monetary coefficient shown

(¹) OJ No L 84, 30. 3. 1990, p. 85.

(²) OJ No L 164, 24. 6. 1985, p. 1.

(³) OJ No L 153, 13. 6. 1987, p. 1.

(⁴) OJ No L 241, 4. 9. 1980, p. 5.

(⁵) OJ No L 27, 31. 1. 1990, p. 34.

(⁶) OJ No L 61, 1. 3. 1985, p. 4.

in Annex II to the relevant Commission Regulation fixing the monetary compensatory amounts and by the monetary compensatory amount valid in the Member State concerned on the same date.

3. The amount by which the import duties shall be reduced shall be that applicable on the date on which the entry of the goods for release for free circulation is accepted.

4. The application of this Regulation may in no case result in the granting of an amount.

Article 4

Regulation (EEC) No 2377/80 is hereby amended as follows:

1. Article 13 (1) is replaced by the following:

'1. Applications for import licences for products to be imported duty free pursuant to Article 2 of Regulation (EEC) No 715/90 and qualifying, as appropriate, for either a reduction of import duties other than customs duties in accordance with Article 3 of the said Regulation or exemption from levies in accordance

with Article 24 of the said Regulation and the licences themselves shall contain:

(a) the heading 'notes' and section 24 respectively one of the following:

- Producto ACP/PTU — Reglamento (CEE) n° 715/90,
- AVS/OLT-varer — forordning (EØF) nr. 715/90,
- AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 715/90,
- Προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ. 715/90,
- ACP/OCT-product — Regulation (EEC) No 715/90,
- Produit ACP/PTOM — règlement (CEE) n° 715/90,
- Prodotto ACP/PTOM — regolamento (CEE) n. 715/90,
- ACS/LGO-produkt — Verordening (EEG) nr. 715/90.

(b) in Section 8, the name of the State, country or territory in which the product is to originate.

2. Point 1 of Section I of Annex I is replaced by the following:

'1. ACP/OCT products
(Under Regulation (EEC) No 715/90)

(expressed in tonnes of boned meat)

CN code	Code	From				
		Madagascar	Botswana	Swaziland	Kenya	Zimbabwe
0201	110	370	391	393	346	382
0206 10 95						
0202	120'					
0206 29 91						

Article 5

Commission Regulation (EEC) No 552/85 (*) is hereby repealed.

Article 6

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

It shall apply from 1 March 1990

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

Done at Brussels, 18 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

(*) OJ No L 63, 2. 3. 1985, p. 13.

COMMISSION REGULATION (EEC) No 904/90

of 9 April 1990

laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the ACP States or in the overseas countries and territories (OCT)

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 715/90 of 5 March 1990 concerning the arrangements applied to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT)⁽¹⁾, and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽²⁾, as last amended by Regulation (EEC) No 1249/89⁽³⁾, and in particular Article 22 thereof,

Whereas Regulation (EEC) No 715/90 in particular introduces arrangements for reducing import levies on certain products in the pigmeat sectors within the limit of a quota; whereas detailed rules for the application of that Regulation should be adopted as regards the pigmeat products concerned with a view to administering the quota concerned; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EEC) No 1903/89⁽⁵⁾;

Whereas, in order to ensure proper administration of the quota, a security should be required for applications for import licences and certain conditions be laid down as regards applicants themselves; whereas the quota should be staggered over the year and the term of validity of licences should be specified;

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

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 184, 30. 6. 1989, p. 22.

Article 1

All imports into the Community under Regulation (EEC) No 715/90 of products covered by CN code 1601 00 shall be subject to the presentation of an import licence.

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quota fixed by Regulation (EEC) No 715/90.

Article 2

1. The quota shall be staggered over the year as follows:

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

2. However, the following shall apply for 1990:

- 50 % in the period 1 April to 30 June 1990,
- 25 % in the period 1 July to 30 September 1990,
- 25 % in the period 1 October to 31 December 1990.

Article 3

1. In order to qualify under the import arrangements provided for in Regulation (EEC) No 715/90:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in the commercial activity in the pigmeat sector for at least the preceding 12 months;
- (b) licence applications may only relate to the quota provided for in Article 8 of Regulation (EEC) No 715/90. The application may comprise several products covered by CN codes 1601 00 exported from one of the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT). In

such cases, all the CN codes shall be indicated in section 16 and their description in section 15;

- (c) licence applications must relate to at least to one tonne and not more than 25 % of the quantity available under the quota and the quarter in respect of which licence applications are lodged;
- (d) section 7 of licence applications and licences shall show the exporting country; licences shall carry with them an obligation to import from the country indicated;
- (e) the heading 'notes' and section 24 of licence applications and licences shall show respectively one of the following:

- Exacción reguladora reducida en un 50 %, Producto ACP/PTUM — Reglamento (CEE) n° 904/90;
- Nedsættelse af importafgiften med 50 %, AVS/OLT-Varer — forordning (EØF) nr. 904/90;
- Verminderung der Abschöpfung um 50 %, AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 904/90;
- Μειωμένη εισφορά κατά 50 %, προϊόν AKE/YXE — κανονισμός (ΕΟΚ) αριθ. 904/90;
- Levy reduced by 50 %, ACP/OCT-Product — Regulation (EEC) No 904/90;
- Prélèvement réduit de 50 %, Produit ACP/PTOM — règlement (CEE) n° 904/90;
- Prelievo ridotto del 50 %, Prodotto ACP/PTOM — regolamento (CEE) n. 904/90;
- Hefning verminderd met 50 %, ACS/LGO-Produkt — Verordening (EEG) nr. 904/90;
- Direito nivelador reduzido de 50 %, Produto ACP/PTU — Regulamento (CEE) n° 904/90.

Article 4

1. Licence applications may only be lodged during the first 10 days of each quarter.
2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the current quarter, concerning products in to the same quota in the Member State in which his application is lodged nor in other Member States; where the same party submits applications relating to products covered by the same quota, all applications from that person shall be inadmissible.
3. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the quota in question. Such notification shall comprise a list of applicants, the product code and quantities applied for by quota and the export-

ing countries. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated.

4. Subject to a decision on acceptance of applications by the Commission, licences shall be issued on the 21st day of each quarter.

5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarter.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue.

However, licences may not be valid after 31 December of the year of issue.

Import licences, issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under Regulation (EEC) No 715/90 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of licences.

Article 8

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 9 April 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1155/90
of 7 May 1990

on import licences for pigmeat products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 904/90 (2) provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quota;

Whereas no licence applications have been lodged from 1 to 10 April 1990;

Whereas Article 4 (5) of Regulation (EEC) No 904/90 stipulates that if the total quantity for which applications have been submitted is less than that available the

Commission shall calculate the quantity remaining, which is to be added to that available for the following quarter; whereas the quantity available for the third quarter of 1990 of the products referred to in Article 8 of Regulation (EEC) No 715/90 should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 904/90 during the first 10 days of July 1990 in respect of an overall quantity of 187,5 tonnes of products falling within CN code 1601 00.

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, 7 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 93, 10. 4. 1990, p. 23.

COMMISSION REGULATION (EEC) No 1740/90
of 26 June 1990

amending Regulation (EEC) No 904/90 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat (2), as last amended by Regulation (EEC) No 1249/89 (3), and in particular Article 22 thereof,

Whereas Regulation (EEC) No 715/90 introduces in particular a system for reducing import levies on certain products in the pigmeat sector within the limit of a quota; whereas Commission Regulation (EEC) No 904/90 (4) lays down detailed rules for applying that Regulation as regards the products concerned in the pigmeat sector in order to permit the administration of the quota concerned; whereas those detailed rules supplement the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (5), as last amended by Regulation (EEC) No 1599/90 (6);

Whereas Regulation (EEC) No 904/90 should be amended in the light of practical experience gained in implementing the special arrangements provided for in Regulation (EEC) No 715/90, in particular as regards the

staggering of the quota, the quantity per licence application and the validity of import licences;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 904/90 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The overall quota of 250 tonnes referred to in Article 8 of Regulation (EEC) No 715/90 shall be staggered over the year as follows:

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.'

2. Article 3 (1) (c) is replaced by the following:

'(c) licence applications must relate to at least one tonne and not more than 100 % of the quantity available under the quota and the six-monthly period in respect of which licence applications are lodged.'

3. In Article 4 (1) (2) and (4) and the third subparagraph of Article 4 (5), the word 'quarter' is replaced by 'six-monthly period'.

4. The first and second paragraphs of Article 5 are replaced by the following:

'Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 180 days from the date of actual issue.'

Article 2

This Regulation shall enter into force on 1 July 1990.

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 282, 1. 11. 1975, p. 1.

(3) OJ No L 129, 11. 5. 1989, p. 12.

(4) OJ No L 93, 10. 4. 1990, p. 23.

(5) OJ No L 331, 2. 12. 1988, p. 1.

(6) OJ No L 151, 15. 6. 1990, p. 29.

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

Done at Brussels, 26 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1843/90
of 29 June 1990

amending Regulation (EEC) No 1155/90 on import licences for pigment products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

licence applications may be lodged for the second half of 1990,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Article 1

Regulation (EEC) No 1155/90 is amended as follows:

Article 1 is replaced by the following:

'Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 904/90 during the first 10 days of July 1990 in respect of an overall quantity of 250 tonnes of products falling within CN code 1601 00.'

Whereas Article 2 of Commission Regulation (EEC) No 904/90 (2) providing for the staggering of the quota by three-month periods has been amended by Regulation (EEC) No 1749/90 (3), which introduces such staggering by the half year; whereas Commission Regulation (EEC) No 1155/90 (4) needs accordingly to be amended as regards the quantity laid down therein in respect of which

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, 29 June 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 93, 10. 4. 1990, p. 23.

(3) OJ No L 161, 27. 6. 1990, p. 30.

(4) OJ No L 116, 8. 5. 1990, p. 7.

COMMISSION REGULATION (EEC) No 903/90

of 9 April 1990

laying down detailed rules for the application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

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 712/90 of 5 March 1990 concerning the arrangements applied to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat (2), as last amended by Regulation (EEC) No 1235/89 (3), and in particular Article 15 thereof,

Whereas Regulation (EEC) No 715/90 in particular introduces arrangements for reducing import levies on certain products in the poultrymeat sector within the limit of quotas; whereas detailed rules for the application of this Regulation should be adopted as regards the poultrymeat products concerned with a view to administering the quota concerned; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (4), as last amended by Regulation (EEC) No 1903/89 (5);

Whereas, in order to ensure proper administration of the quotas, a security should be required for applications for import licences and certain conditions be laid down as regards applicants themselves; whereas the quotas should be staggered over the year and the term of validity of licences should be specified;

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

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 282, 1. 11. 1975, p. 77.

(3) OJ No L 128, 11. 5. 1989, p. 29.

(4) OJ No L 331, 2. 12. 1988, p. 1.

(5) OJ No L 184, 30. 6. 1989, p. 22.

Article 1

All imports into the Community under Regulation (EEC) No 715/90 of products covered by CN codes 0207, 1602 31 and 1602 39 shall be subject to the presentation of an import licence.

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quota fixed by Regulation (EEC) No 715/90.

Article 2

1. The quotas for the products covered by CN codes 0207, 1602 31 and 1602 39 shall be staggered over the year as follows :

- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June,
- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December.

2. However, the following shall apply for 1990 :

- 50 % in the period 1 April to 30 June 1990,
- 25 % in the period 1 July to 30 September 1990,
- 25 % in the period 1 October to 31 December 1990.

Article 3

1. In order to qualify under the import arrangements provided for in Regulation (EEC) No 715/90 :

- (a) applicants for import licences must be natural or legal persons who at the time applications are submitted must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in commercial activity in the poultrymeat sector for at least the preceding 12 months;
- (b) licence applications may only relate to the quota provided for in Article 6 of Regulation (EEC) No 715/90. The application may comprise several products covered by CN codes 0207 or 1602 31 and 1602 39 exported from one of the African, Caribbean and Pacific States (ACP) or the overseas countries and

territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and their description in section 15;

- (c) licence applications must relate to at least to one tonne and not more than 25 % of the quantity available under the quota and the quarter in respect of which licence applications are lodged;
- (d) section 7 of licence applications and licences shall show the exporting country; licences shall carry with them an obligation to import from the country indicated;
- (e) the heading 'notes' and section 24 of licence applications and licences shall show respectively one of the following:
 - Exacción reguladora reducida en un 50 %, Producto ACP/PTUM — Reglamento (CEE) n° 903/90;
 - Nedsættelse af importafgiften med 50 %, AVS/OLT-Varer — forordning (EØF) nr. 903/90;
 - Verminderung der Abschöpfung um 50 %, AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 903/90;
 - Μειωμένη εισφορά κατά 50 %, προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ. 903/90;
 - Levy reduced by 50 %, ACP/OCT-Product — Regulation (EEC) No 903/90;
 - Prélèvement réduit de 50 %, Produit ACP/PTOM — règlement (CEE) n° 903/90;
 - Prelievo ridotto del 50 %, Prodotto ACP/PTOM — regolamento (CEE) n. 903/90;
 - Heffing verminderd met 50 %, ACS/LGO-Produkt — Verordening (EEG) nr. 903/90;
 - Direito nivelador reduzido de 50 %, Produto ACP/PTU — Regulamento (CEE) n° 903/90.

Article 4

1. Licence applications may only be lodged during the first 10 days of each quarter.
2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications, in respect of the current quarter, concerning products in the same quota in the Member State in which his application is lodged nor in other Member States; where the same party submits applications relating to products covered by the same quota, all applications from that person shall be inadmissible.
3. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the quotas in question. Such

notification shall comprise a list of applicants, the product code and quantities applied for by quota and the exporting countries. All notifications, including notifications of nil applications, shall be made by telex or telecopy on the working day stipulated.

4. Subject to a decision on acceptance of applications by the Commission, licences shall be issued on the 21st day of each quarter.

5. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarter.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 90 days from the date of actual issue.

However, licences may not be valid after 31 December of the year of issue.

Import licences, issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under Regulation (EEC) No 715/90 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of licences.

Article 8

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

It shall apply with effect from 1 March 1990.

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

Done at Brussels, 9 April 1990.

For the Commission
By **MAC SHARRY**
Member of the Commission

COMMISSION REGULATION (EEC) No 1156/90
of 7 May 1990

on import licences for poultrymeat products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 thereof,

Whereas Article 4 (5) of Commission Regulation (EEC) No 903/90 ⁽²⁾ provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas no application for a licence has been lodged from 1 to 10 April 1990;

Whereas Article 4 (5) of Regulation (EEC) No 903/90 stipulates that if the total quantity for which applications have been submitted is less than that available the Commission shall calculate the quantity remaining, which is to be added to that available for the following

quarter; whereas the quantity available for the third quarter of 1990 of the products referred to in Article 6 of Regulation (EEC) No 715/90 should therefore be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1990 for:

- 150 tonnes of products falling within CN code 0207,
- 187,5 tonnes of products falling within CN codes 1602 31 and 1602 39.

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, 7 May 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 93, 10. 4. 1990, p. 20.

COMMISSION REGULATION (EEC) No 1741/90
of 26 June 1990

amending Regulation (EEC) No 903/90 laying down detailed rules for application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

staggering of quotas, the quantity per licence application and the validity of import licences ;

Having regard to the Treaty establishing the European Economic Community,

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs.

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 903/90 is hereby amended as follows :

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat (2), as last amended by Regulation (EEC) No 1235/89 (3), and in particular Article 15 thereof,

1. Article 2 is replaced by the following :

'Article 2

The overall quota of 200 tonnes referred to in Article 6 (1) of Regulation (EEC) No 715/90 and the overall quota of 250 tonnes referred to in Article 6 (2) of that Regulation shall be staggered over the year as follows :

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.'

Whereas Regulation (EEC) No 715/90 introduces in particular a system for reducing import levies on certain products in the poultrymeat sector within the limit of quotas ; whereas Commission Regulation (EEC) No 903/90 (4) lays down detailed rules for applying that Regulation as regards the products concerned in the poultrymeat sector in order to permit the administration of the quotas concerned ; whereas those detailed rules supplement the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (5), as last amended by Regulation (EEC) No 1599/90 (6) ;

2. Article 3 (1) (c) is replaced by the following :

'(c) licence applications must relate to at least one tonne and not more than 100 % of the quantity available under the quota and the six-monthly period in respect of which licence applications are lodged.'

Whereas Regulation (EEC) No 903/90 should be amended in the light of practical experience gained in implementing the special arrangements provided for in Regulation (EEC) No 715/90, in particular as regards the

3. In Article 4 (1) (2) and (4) and the third subparagraph of Article 4 (5), the word 'quarter' is replaced by 'six-monthly period'.

4. The first and second paragraphs of Article 5 are replaced by the following :

'Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 180 days from the date of actual issue.'

Article 2

This Regulation shall enter into force on 1 July 1990.

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 282, 1. 11. 1975, p. 77.

(3) OJ No L 128, 11. 5. 1989, p. 29.

(4) OJ No L 93, 10. 4. 1990, p. 20.

(5) OJ No L 331, 2. 12. 1988, p. 1.

(6) OJ No L 151, 15. 6. 1990, p. 29.

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

Done at Brussels, 26 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1842/90

of 29 June 1990

amending Regulation (EEC) No 1156/90 on import licences for poultrymeat products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Regulation (EEC) No 1156/90 is amended as follows:

Article 1 is replaced by the following:

Article 1

Licence applications may be lodged in accordance with Article 4 of Regulation (EEC) No 903/90 during the first 10 days of July 1990 for:

- 200 tonnes of products falling within CN code 0207,
- 250 tonnes of products falling within CN codes 1602 31 and 1602 39.

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Article 2

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

Whereas Article 2 of Commission Regulation (EEC) No 903/90 (2) providing for the staggering of the quotas by three-month periods has been amended by Regulation (EEC) No 1741/90 (3), which introduces such staggering by the half year; whereas Commission Regulation (EEC) No 1156/90 (4) needs accordingly to be amended as regards the quantities laid down therein in respect of which licence applications may be lodged for the second half of 1990;

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

Done at Brussels, 29 June 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 84, 30. 3. 1990, p. 85.
(2) OJ No L 93, 10. 4. 1990, p. 20.
(3) OJ No L 161, 27. 6. 1990, p. 32.
(4) OJ No L 116, 8. 5. 1990, p. 8.

II — Implementing texts

A — Trade

g) Milk products

COMMISSION REGULATION (EEC) No 1150/90

of 4 May 1990

laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

All imports into the Community under Regulation (EEC) No 815/90 of products covered by CN codes 0402 and 0406 shall be subject to the submission of an import licence.

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 (1) thereof,

Licences shall be issued under the conditions laid down in this Regulation and within the limit of the quota fixed by Regulation (EEC) No 715/90.

Article 2

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽²⁾, as last amended by Regulation (EEC) No 3879/89 ⁽³⁾, and in particular Article 28 thereof,

1. The overall quota of 500 tonnes referred to in Article 7 of Regulation (EEC) No 815/90 shall be staggered over the year as follows :

- 50 % in the period 1 January to 30 June,
- 50 % in the period 1 July to 31 December.

2. However, the following shall apply for 1990 :

- 50 % in the period 1 April to 31 July 1990,
- 50 % in the period 1 August to 31 December 1990.

Article 3

Whereas Regulation (EEC) No 715/90 established, *inter alia*, arrangements for reducing import levies on certain products in the milk and milk products sector within the limit of a quota ; whereas detailed rules for the application of that Regulation should be adopted as regards the milk products concerned with a view to administering the quota concerned ; whereas those detailed rules are either supplementary to or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾, as last amended by Regulation (EEC) No 1903/89 ⁽⁵⁾ ;

In order to qualify under the import arrangements provided for in Regulation (EEC) No 715/90 :

- (a) applicants for an import licence must be natural or legal persons who, at the time the application is submitted must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in commercial activity in the milk and milk products sector for at least the preceding 12 months ;
- (b) an application for a licence may relate to the quota provided for in Article 7 of Regulation (EEC) No 715/90 for a licence. It may comprise several products covered by CN codes 0402 and 0406 exported from one of the African, Caribbean and Pacific States (ACP States) or in overseas countries and territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and their description in section 15 ;
- (c) section 7 of licence applications and licences shall show the country which certified the origin of the product in question ; licences shall carry with them an obligation to import from the country indicated ;

Whereas, in order to ensure proper administration of the quota, a security should be required for applications for import licences and certain conditions should be laid down as regards applicants themselves ; whereas the quota and the period during which licences one valid should be staggered over the year ;

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

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽³⁾ OJ No L 378, 27. 12. 1989, p. 1.
⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.
⁽⁵⁾ OJ No L 184, 30. 6. 1989, p. 22.

(d) the heading 'notes' and section 24 of licence applications and licences shall show respectively one of the following :

- Exacción reguladora reducida en un 50 %, Producto ACP/PTOM — Reglamento (CEE) n° 715/90,
- Nedsættelse af importafgiften med 50 %, AVS/OLT-varer — forordning (EØF) nr. 715/90,
- Verminderung der Abschöpfung um 50 %, AKP/ÜLG-Erzeugnis — Verordnung (EWG) Nr. 715/90,
- Μειωμένη εισφορά κατά 50 %, Προϊόν ΑΚΕ/ΥΧΕ — κανονισμός (ΕΟΚ) αριθ. 715/90,
- Levy reduced by 50 %, ACP/OCT-Product — Regulation (EEC) No 715/90,
- Prélèvement réduit de 50 %, produit ACP/PTOM — règlement (CEE) n° 715/90,
- Vermieho ridotto del 50 %, Prodotto ACP/PTOM — regolamento (CEE) n. 715/90,
- Heffing verminderd met 50 %, ACS/LGO-produkt — Verordening (EEG) nr. 715/90,
- Direito nivelador reduzido de 50 %, Produto ACP/PTOM — Regulamento (CEE) n° 715/90.

Section 8 of the EUR 1 movement certificate referred to in Article 12 of Protocol 1 to the Fourth ACP-EEC Convention signed on 15 December 1989 shall indicate the Combined Nomenclature code of the product in question. A separate certificate shall be drawn up for each product.

Article 4

1. Licence applications may be lodged during the first 10 days of each six-monthly period only. However, in the case of the first six months of 1990, applications may be lodged from 7 to 17 May 1990.
2. The Member States shall notify the Commission on the third working day following the end of the application submission period, of applications lodged for each of the products covered by the quota in question. Such notification shall comprise a list of applicants, the product code and quantities applied for by quota and the countries of provenance. All notifications, including notifications of nil applications, shall be made by telex or teletype on the working day stipulated.
3. Subject to a decision on acceptance of applications by the Commission, licences shall be issued on the 21st

day of each six-monthly period. However, in the case of the first six months of 1990, licences shall be issued on 31 May 1990.

4. The Commission shall decide to what extent quantities may be awarded in respect of applications as referred to in Article 3.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reducing the quantities applied for.

If the overall quantity covered by applications is less than the quantity available, the Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following six-monthly period.

Article 5

Pursuant to Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 180 days from the date of actual issue

Import licences issued pursuant to this Regulation shall not be transferable.

Article 6

A security of ECU 30 per 100 kilograms shall be lodged together with import licence applications for all products referred to in Article 1.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under Regulation (EEC) No 715/90 may not exceed that indicated in sections 17 and 18 of import licences. The figure 0 shall be entered to that effect in section 19 of such licences.

Article 8

The Member States concerned shall notify the Commission, each six months in respect of the preceding six-monthly period, of the quantities actually imported by country of origin.

Article 9

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

It shall apply from 1 March 1990.

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

Done at Brussels, 4 May 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 1880/90

of 3 July 1990

on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) (1), and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 (2) provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas a single licence application was lodged from 7 to 17 May 1990;

Whereas Article 4 (4) of Regulation (EEC) No 1150/90 provides that if the total quantity for which applications have been submitted is less than that available the Commission is to calculate the quantity remaining, which is to be added to that available for the following half; whereas under these circumstances the quantity available

for the second half of 1990 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 7 to 17 May 1990 are hereby accepted.
2. Further licence applications may be lodged during the first ten days of August 1990 for the following quantities:
 - 400 tonnes of products falling within CN code 0406,
 - 450 tonnes of products falling within CN code 0402.

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, 3 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 114, 5. 5. 1990, p. 21.

COMMISSION REGULATION (EEC) No 2415/90
of 20 August 1990

on import licences for milk and milk products originating in the African,
Caribbean and Pacific States (ACP States) or in the overseas countries and
territories (OCT)

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

Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural goods originating in the ACP
States or in the overseas countries and territories (OCT) (1),
and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC)
No 1150/90 (2) provides that the Commission is to decide
to what extent quantities may be awarded in respect of
applications for import licences; whereas, however,
imports must not exceed the quotas;

Whereas applications for licences have been made for a
total quantity greater than that available; whereas a
percentage reduction in the quantities applied for should
therefore be made,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications lodged pursuant to Article 4 of
Regulation (EEC) No 1150/90 from 1 to 10 August 1990
and notified to the Commission shall be accepted for
95,24 % of the tonnage applied for.

The part of the security corresponding to the difference
between the quantity applied for and the quantity for
which the licence is issued, shall be released.

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, 20 August 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

(1) OJ No L 84, 30. 3. 1990, p. 85.
(2) OJ No L 114, 5. 5. 1990, p. 21.

COMMISSION REGULATION (EEC) No 2975/90

of 15 October 1990

amending Regulation (EEC) No 1150/90 laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 (1) thereof,

Whereas, when Commission Regulation (EEC) No 1150/90 ⁽²⁾ was being drafted, certain errors or inconsistencies found their way into the text; whereas, therefore, these errors should be eliminated and the text of certain Articles of the Regulation in question improved;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1150/90 is hereby amended as follows:

1. In Article 2 (1), the initial sentence is replaced by the following:

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

Done at Brussels, 15 October 1990.

The quotas referred to in Article 7 of Regulation (EEC) No 715/90 shall be staggered over the year as follows:

2. In Article 3:

— points (b) and (c) are replaced by the following:

(b) the application for a licence may only relate to the quotas provided for in Article 7 of Regulation (EEC) No 715/90. It may comprise several products falling within CN codes 0402 and 0406 originating in one of the African, Caribbean and Pacific States (ACP States) or one of the overseas countries and territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and the description of the products in section 15;

(c) section 8 of the licence application and the licence shall show the ACP State or OCT in which the product originated; the licence shall carry an obligation to import from the country indicated;

— the second paragraph is deleted.

3. In Article 4 (2), the words 'countries of provenance' are replaced by 'countries of origin'.

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 114, 5. 5. 1990, p. 21.

II — Durchführungstexte

A — Handelsverkehr

h) Ursprung

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2913/90

of 8 October 1990

derogating from the definition of the concept of 'originating products' to take account of the special situation of the Netherlands' Antilles with regard to cigarettes falling within CN code 2402 20 00

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, as last amended by Decision 90/146/EEC⁽²⁾,

Having regard to the proposal from the Commission,

Whereas Article 28 of Annex II to the said Decision, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, provides that derogations from the rules of origin may be adopted by the Council where the development of existing industries or the creation of new industries in a country or territory justifies them;

Whereas the Dutch Government has requested, on behalf of the Netherlands' Antilles, a derogation from the rules of origin for cigarettes manufactured there, which, for a temporary period, cannot satisfy the rules of origin laid down in the abovementioned Annex II;

Whereas the said Article 28 sets out the conditions which must be fulfilled in order for a derogation to be granted; whereas the derogation requested is not likely to cause serious injury to an established Community industry;

Whereas the percentage of raw materials used, originating in the African, Caribbean and Pacific States (the ACP States), in the overseas countries and territories (OCT) or in the Community, would confer originating status on the final product, except for one processing operation being carried out in a third country for technical, financial and geographical reasons;

Whereas a derogation is indispensable for the realization of an important investment programme and to enable the company concerned to investigate diversification possibi-

lities in the near future; whereas the relevant conditions of Article 28 are therefore respected in the present case,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions of Annex II to Decision 86/283/EEC, cigarettes falling within CN code 2402 20 00 shall be considered as originating in the Netherlands' Antilles when they are manufactured there, subject to the conditions set out in this Regulation.

Article 2

1. The derogation provided for in Article 1 shall relate to an annual global quantity of 216 million cigarettes, exported from the Netherlands' Antilles during the period from 1 January 1991 to 31 December 1993 and obtained from tobacco processed in Brazil.

2. The derogation shall be granted subject to the condition that, on an annual basis, at least 70 % in weight of the tobacco manufactured originates in the ACP States, in the OCT or in the Community.

3. For the purpose of implementing paragraphs 1 and 2, a proof of origin shall be submitted on import into Brazil by means of a movement certificate EUR. 1 drawn up by the competent authorities of the exporting state for tobacco intended to be processed in Brazil prior to its manufacture as such in the Netherlands' Antilles.

4. For each re-export to the Netherlands' Antilles of tobacco processed in Brazil, the exporter shall draw up a declaration in accordance with the layout in the Annex.

The declaration shall be authenticated by the 'Carteira de Comercio Exterio do Banco do Brasil SA' subject to compliance with the conditions laid down in paragraphs 2 and 3,

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 108.

This declaration shall be submitted to the authorities in the Netherlands' Antilles which are competent for issuing movement certificates EUR. 1.

Article 3

1. The competent authorities of the Netherlands' Antilles shall carry out quantitative checks on exports as referred to in Article 2 (1) and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued on the basis of this Regulation.

2. Not later than three months after the end of each year of application of the derogation, the aforementioned authorities shall also forward to the Commission a statement of the quantities of tobacco imported, with the references to the EUR. 1 certificates presented in Brazil

and to the declarations referred to respectively in Article 2 (3) and (4).

Article 4

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

2. It shall apply only where the government of the Netherlands' Antilles and the 'Carteira de Comercio Exterior do Banco do Brasil SA' have undertaken to comply with the terms of this Regulation and to provide the administrative cooperation between themselves and with the Community in order to ensure the correct issue and verification of the relevant documentation.

3. Notwithstanding Article 2, this Regulation shall cease to apply at the latest on the date of expiry of Decision 86/283/EEC or of any equivalent trade provisions which may replace that Decision.

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

Done at Luxembourg, 8 October 1990.

For the Council
The President
E. RUBBI

ANNEX

DECLARATION REFERRED TO IN ARTICLE 2 (4)

I, the undersigned, exporter of the tobacco covered by this invoice (1), declare that this tobacco was processed in Brazil in conformity with the provisions of Article 2 (2) and (3) of Regulation (EEC) No 2913/90 of 8 October 1990.

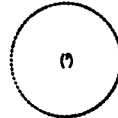
I undertake to make available to the competent authorities any evidence they may judge necessary in support of this declaration.

..... (1) (1)
..... (1)

ENDORSEMENT BY THE CARTEIRA DE COMÉRCIO EXTERIOR DO BANCO DO BRASIL SA

Declaration certified

..... (1)
..... (1)



(1) If a document other than the invoice or an annex to the invoice is used, the name of the document shall be mentioned instead of the word 'invoice'.
(2) Place and date.
(3) Name and function in the company.
(4) Signature.
(5) Stamp.

II — Implementing texts

A — Trade

i) Rum

j) Sugar

COUNCIL REGULATION (EEC) No 1800/90

of 27 June 1990

opening and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the overseas countries and territories (OCT) associated with the European Economic Community (1990/91)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, as extended by Decision 90/146/EEC⁽²⁾ and in particular Articles 3 and 4 of Annex V thereto,

Having regard to the proposal from the Commission,

Whereas Annex V to Decision 86/283/EEC provides that rum, tafia and arrack shall be imported into the Community free of customs duties within the limits of a Community tariff quota;

Whereas the Community has established by Decision 86/47/EEC⁽³⁾ as extended by Decision 86/645/EEC⁽⁴⁾, arrangements for trade between the Kingdom of Spain and the Portuguese Republic on the one hand and the overseas countries and territories (OCT) on the other; whereas this Decision lays down provisions concerning the quota duties to be applied by those two Member States on imports of products originating in the OCT;

Whereas the annual size of the quota is to be fixed on the basis of a basic annual quantity, calculated in hectolitres of pure alcohol, equal to the amount of imports during the best of the past three years for which statistics are available and to which quantity a growth rate equal to 27 % is applied; whereas the quota period ranges from 1 July to 30 June;

Whereas Community statistics for these products and the trend for the years 1987 to 1989 show that the highest volume of imports into the Community of the products in question originating in the OCT, namely 1 126,49

hectolitres of pure alcohol, occurred in 1989, whereas, on that basis, the quota volume should therefore be fixed at 1 430,64 hectolitres of pure alcohol;

Whereas by application of the provisions of Article 3 (3) of Annex V to Decision 86/283/EEC the quota volume in question should however be increased to 15 000 hectolitres of pure alcohol;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas it is appropriate to take the necessary measures to ensure effective Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1990 to 30 June 1991, the following products originating from the OCT shall be imported duty free into the Community within the limit of the relevant Community tariff quota mentioned:

Order No	CN code	Description	Quota Volume (in hl of pure alcohol)	Quota duty
09.1621	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrack	15 000	Free

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 108.

⁽³⁾ OJ No L 63, 5. 3. 1986, p. 95.

⁽⁴⁾ OJ No L 380, 31. 12. 1986, p. 66.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those set out in Annex II to Decision 86/283/EEC.

3. Within the limit of this quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the 1985 Act of Accession and Decision 86/47/EEC.

Article 2

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

Article 3

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

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

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

Done at Luxembourg, 27 June 1990.

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

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

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

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 July 1990.

For the Council

The President

J. P. WILSON

COMMISSION REGULATION (EEC) No 1389/90

of 23 May 1990

providing for the administration of a Community quota for molasses originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Articles 1, 17 and 27 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽²⁾, as last amended by Regulation (EEC) No 1069/89 ⁽³⁾,

Whereas Article 17 of Regulation (EEC) No 715/90 provides for a reduction of ECU 0,5 per 100 kilograms in the levy applicable to imports of molasses falling within CN code 1703 and originating in the ACP States or the OCT and lays down that it is not to be charged when it is ECU 0,5 per 100 kilograms or less; whereas this preferential system applies up to an overall limit of 600 000 tonnes per marketing year, hereinafter called 'the quota';

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

cooperation between the Member States and the Commission;

Whereas Protocol 1 annexed to the Fourth ACP-EEC Lomé Convention defines the concept of 'originating product' and the methods of administrative cooperation applicable to the product in question;

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

Whereas Article 17 of Regulation (EEC) No 715/90 repeats provisions which have been applied since 2 June 1989; whereas because a system of administration for the quota has not been established, those concerned have until now been unable to request the grant of preferential terms; whereas it is appropriate to lay down measures applicable from that date;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levy applicable to imports into the Community of molasses originating in the African, Caribbean and Pacific States or the overseas countries and territories shall be reduced to the level laid down in Article 17 of Regulation (EEC) No 715/90, subject to the limit specified therein, as follows:

Order No	CN code	Description	Amount of quota in tonnes per marketing year ⁽¹⁾	Reduction in the levy ⁽²⁾
09.1631	1703 10 00	Cane molasses	600 000	ECU 0,5 per 100 kg
	1703 90 00	Other molasses		

⁽¹⁾ Amount applicable from 1 July of one year to 30 June of the following year.

⁽²⁾ The levy shall not be charged when it is ECU 0,5 per 100 kg or less.

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 1.

2. For the application of this Regulation the definitions of the concept of 'originating product' and of the methods of administrative cooperation shall be those laid down in Protocol 1 annexed to the Fourth ACP-EEC Lomé Convention.

Article 2

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

Article 3

1. To obtain the preferential benefit, the importer must present the competent authorities of the importing Member State with a declaration of entry into free circulation including a request for the benefit for the product covered by this Regulation. If this declaration is accepted by the competent authorities of that Member State, those authorities shall communicate to the Commission the requests for drawing from the quota involved.

2. The requests for drawing, bearing the date of acceptance of the declaration of entry into free circulation, shall be communicated to the Commission without delay.

3. The drawings are granted by the Commission on the basis of the date of acceptance of the declarations of entry into free circulation by the competent authorities of the importing Member State, to the extent that the available balance so permits.

Any drawing not used shall be returned as soon as possible to the quota for the marketing year for which it was allocated.

When the quantities requested are greater than the available balance of the quota, allocation shall be made on a pro rata basis with respect to the requests. The Commission shall inform Member States of the drawings made as quickly as possible.

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to

the quota for such time as the residual balance of the quota volume so permits.

Article 5

1. For quantities of molasses originating in the ACP States and in the overseas countries and territories and for which the declaration of entry into free circulation was accepted by the customs authorities of the importing Member State during the periods 2 June 1989 to 30 June 1989 and 1 July 1989 to 30 June 1990, the preferential benefit referred to in Article 17 of Regulation (EEC) No 715/90 shall be granted on written request within the limit of the relevant quota in the form of a repayment within the meaning of Council Regulation (EEC) No 1430/79 (*) providing that the import levy has been paid and that all the conditions covering the preferential benefit are fulfilled.

2. The importer must present the request referred to in paragraph 1 to the competent authorities of the importing Member State within the time limit referred to in Article 2 (2) of Regulation (EEC) No 1430/79 accompanied by the necessary supporting documents.

3. For declarations of entry into free circulation accepted during the period 2 to 30 June 1989 the quota is hereby fixed at 50 000 tonnes.

4. Requests for repayment shall be accepted by the Commission on the basis of the date of presentation of these requests to the competent authorities of the Member States, to the extent that the available balance so permits.

5. The Commission shall inform Member States of the repayments made.

Article 6

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

Article 7

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

It shall apply from 1 July 1990 with the exception of Article 5 which shall apply from 2 June 1989.

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

Done at Brussels, 23 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(*) OJ No L 175, 12. 7. 1979, p. 1.

II — Implementing texts

B — Fisheries

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2209/90

of 27 July 1990

derogating from the definition of 'originating products' to take account of the special situation of Saint-Pierre and Miquelon with regard to certain fisheries products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, as last amended by Decision 90/146/EEC⁽²⁾, has applied to Saint-Pierre and Miquelon since 1 July 1986;

Whereas Regulation (EEC) No 499/87⁽³⁾ granted Saint-Pierre and Miquelon a derogation from the rules of origin in respect of certain fisheries products processed for the period 1 December 1986 to 30 November 1989; whereas, given that the local conditions prevailing during that period remain unchanged, the French Government has requested, on behalf of Saint-Pierre and Miquelon, a further derogation;

Whereas Decision 90/146/EEC lays down that, as from 1 March 1990, the rules of origin applicable in preferential trade between overseas countries and territories and the Community shall temporarily be those of Protocol 1 to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989; whereas those rules provide for the use of originating fish, which cannot be obtained at the present stage by the processing industry in Saint-Pierre and Miquelon;

Whereas Article 31 of the said Protocol 1 sets out the conditions for the granting of a derogation; whereas these conditions are satisfied in so far as the geographical situation of Saint-Pierre and Miquelon prevents the utilization of raw materials wholly obtained or processed in other countries and territories, in the African, Caribbean and Pacific (ACP) States or in the Community, and the application of the rules of origin would prevent an existing

industry continuing to export its product to the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding the rules of origin referred to in Decision 90/146/EEC and under the conditions set out in this Regulation, the fisheries products listed in the Annex to this Regulation manufactured in Saint-Pierre and Miquelon from non-originating fish shall be considered as originating in Saint-Pierre and Miquelon.

Article 2

The derogation provided for in Article 1 shall relate to the annual quantities and finished products listed in the Annex, exported from Saint-Pierre and Miquelon for the period 1 December 1989 to 30 November 1994.

Article 3

The competent authorities of Saint-Pierre and Miquelon shall carry out quantitative checks on exports as referred to in Article 2 and shall forward to the Commission every three months a statement of the quantities in respect of which movement certificates EUR. 1 have been issued on the basis of this Regulation.

Article 4

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

However, it shall cease to apply on 28 February 1991 if a decision replacing Decision 90/146/EEC or equivalent transitional trade provisions have not been implemented by that date.

⁽¹⁾ OJ No L 175, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 84, 30. 3. 1990, p. 108.

⁽³⁾ OJ No L 51, 20. 2. 1987, p. 1.

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

Done at Brussels, 27 July 1990.

For the Council
The President
E. RUBBI

ANNEX

Product	Combined nomenclature code	Annual quantities
— Smoked Atlantic salmon	ex 0305 41 00	100 tonnes
— Frozen fillets of American plaice	ex 0304 20 98	320 tonnes
— Frozen skate wings	ex 0303 79 99	200 tonnes
— Frozen monkfish (<i>Lophius spp</i>)	0303 79 81	100 tonnes

COUNCIL REGULATION (EEC) No 1875/90

of 27 June 1990

amending Regulation (EEC) No 4054/89 allocating, for 1990, Community catch quotas in Greenland waters

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other⁽²⁾, and the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other⁽³⁾, establish the fishing quotas allocated to the Community in Greenland waters;

Whereas catch quotas in Greenland waters for 1990 were allocated by Regulation (EEC) No 4054/89⁽⁴⁾, as amended by Regulation (EEC) No 1371/90⁽⁵⁾;

Whereas, in a letter dated 23 March 1990, the Greenland Home Rule Authorities offered the Community supplementary quotas for 1990;

Whereas, in accordance with Article 8 of the abovementioned Agreement, the Community has accepted Greenland's offer of supplementary catch possibilities of 7 000 tonnes of cod from the western stock of Greenland;

Whereas it is for the Community to lay down, under the terms of Article 3 of Regulation (EEC) No 170/83, the conditions subject to which these catch quotas may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be distributed between the Member States by means of quotas in accordance with Article 4 of Regulation (EEC) No 170/83;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽⁶⁾, as amended by Regulation (EEC) No 3483/88⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The data (columns 1 to 4) relating to cod in the Annex to Regulation (EEC) No 4054/89 are hereby replaced by the following:

1	2	3	4	
Cod	NAFO 0/1	23 000	Germany	17 710
			United Kingdom	5 290
	ICES XIV/V	15 000	Germany	13 040
			United Kingdom	1 960

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 Luxembourg, 27 June 1990.

For the Council

The President

J. P. WILSON

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 29, 1. 2. 1985, p. 9.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 83.

⁽⁴⁾ OJ No L 389, 30. 12. 1989, p. 65.

⁽⁵⁾ OJ No L 133, 24. 5. 1990, p. 3.

⁽⁶⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽⁷⁾ OJ No L 306, 11. 11. 1988, p. 2.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2647/90
of 16 July 1990

on the conclusion of the Second Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other hand

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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⁾,

Whereas, pursuant to Article 14 of the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other ⁽³⁾, the two Parties have negotiated a Second Protocol laying down the conditions relating to fishing provided for in the said Agreement, intended to come into force at the end of the period of application of the First Protocol;

Whereas, as a result of these negotiations, this new Protocol was initialled on 30 June 1989;

Whereas it is in the Community's interest to approve the said Protocol,

Article 1

The Second Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Brussels, 16 July 1990.

For the Council
The President
G. DE MICHELIS

⁽¹⁾ OJ No C 53, 5. 3. 1990, p. 75.

⁽²⁾ Opinion delivered on 13 July 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No L 29, 1. 2. 1985, p. 9.

SECOND PROTOCOL

laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other

THE EUROPEAN ECONOMIC COMMUNITY,

on the one hand, and

THE GOVERNMENT OF DENMARK AND THE LOCAL GOVERNMENT OF GREENLAND,

on the other,

Having regard to the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other,

HAVE AGREED AS FOLLOWS:

Article 1

1. This Protocol shall apply to fishing activities from 1 January 1990 to 31 December 1994.
2. The quotas referred to in Article 2 of the Agreement shall be fixed at the following quantities for each year.

(tonnes)

	Western stock (NAFO 0/1)	Eastern stock (ICES: XIV/V)
Cod	16 000	15 000
Redfish	5 500	46 820
Greenland halibut	1 850	3 750
Halibut	200	—
Shrimps	730	3 620
	for the first year of application of the Protocol	for the first year of application of the Protocol
	440	3 910
	for the second year of application of the Protocol	for the second year of application of the Protocol
	295	4 180
	for the third year of application of the Protocol	for the third year of application of the Protocol
		4 525
		from the fourth year of application of the Protocol
Catfish	2 000	—
Blue whiting	—	30 000
Capelin	—	30 000

3. In addition to the quantities fixed in paragraph 2, Greenland shall each year contribute the following quantities of the following species toward establishing the balance of the reciprocal fishing possibilities laid down between the Community and the Faroe Islands in accordance with their fisheries agreement:

(tonnes)

	Western stock (NAFO 0/1)	Eastern stock (ICES : XIV/V)
Shrimps	270 for the first year of application of the Protocol	880 for the first year of application of the Protocol
	160 for the second year of application of the Protocol	990 for the second year of application of the Protocol
	105 for the third year of application of the Protocol	1 045 for the third year of application of the Protocol
	—	1 150 from the fourth year of application of the Protocol
Greenland Halibut	150	150
Redfish	—	500
Capelin	—	10 000

Article 2

The quantities referred to in the first subparagraph of Article 7 of the Agreement are hereby set at the following levels for each year :

(tonnes)

	Western stock (NAFO 0/1)	Eastern stock (ICES : XIV/V)
Cod	50 000	2 250
Redfish	2 500	5 000
Greenland halibut	4 700	—
Shrimps	25 000 (!)	1 500
Carfish	4 000	—

(!) Applicable for 1990, 1991 and 1992.

Article 3

1. The financial compensation referred to in Article 6 of the Agreement shall, during the period of validity of this Protocol, be fixed at ECU 34 250 000, payable annually at the beginning of each fishing year.
2. The compensation shall be adjusted during the course of each fishing year in proportion, calculated on the basis of cod equivalents, to the supplementary quotas allocated for the Community under Article 8 of the Agreement.
3. The procedure to be followed as regards the allocation of supplementary catch possibilities under Article 8 of the Agreement is set out in the Annex.

Article 4

Failure to implement the commitments laid down in this Protocol may, without prejudice to the provisions of Articles 7 and 10 of the Agreement, entail a corresponding reduction in the commitments referred to in Articles 1 and 3 of this Protocol.

Article 5

This Protocol shall enter into force on the date of its signature. It shall apply from 1 January 1990. The parties shall notify each other of the completion of the procedures necessary for this purpose.

Article 6

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

Hecho en Bruselas, el dieciséis de julio de mil novecientos noventa.

Udfærdiget i Bruxelles, den sekstende juli nitten hundrede og halvfems.

Geschehen zu Brüssel am sechzehnten Juli neunzehnhundertneunzig.

Έγινε στις Βρυξέλλες, στις δέκα έξι Ιουλίου χίλια εννακόσια ενενήντα.

Done at Brussels on the sixteenth day of July in the year one thousand nine hundred and ninety.

Fait à Bruxelles, le seize juillet mil neuf cent quatre-vingt-dix.

Fatto a Bruxelles, addi sedici luglio millenovecentonovanta.

Gedaan te Brussel, de zestiende juli negentienhonderd negentig.

Feito em Bruxelas, em dezasseis de Julho de mil novecentos e noventa.

Por el Consejo de las Comunidades Europeas

For Rådet for De Europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων

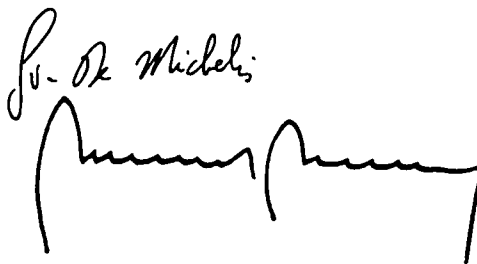
For the Council of the European Communities

Pour le Conseil des Communautés européennes

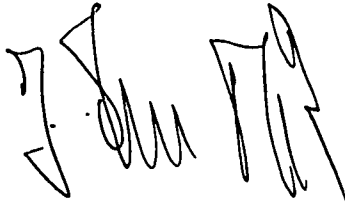
Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

Pelo Conselho das Comunidades Europeias

Handwritten signature of J. De Michelis in black ink, consisting of a stylized first name and a long, horizontal, wavy line for the surname.

Por el Gobierno de Dinamarca y el Gobierno local de Groenlandia
For den danske regering og det grønlandske landsstyre
Für die Regierung Dänemarks und die örtliche Regierung Grönlands
Για την Κυβέρνηση της Δανίας και την τοπική κυβέρνηση της Γροιλανδίας
For the Government of Denmark and the local Government of Greenland
Pour le gouvernement du Danemark et le gouvernement local du Groenland
Per il governo della Danimarca ed il governo locale della Groenlandia
Voor de Regering van Denemarken en de Autonome Regering van Groenland
Pelo Governo da Dinamarca e o Governo local da Gronelândia

A handwritten signature in black ink, consisting of several stylized, overlapping loops and lines, positioned above the name 'Kaj Sørensen'.

Kaj Sørensen

—

ANNEX

1. The authorities responsible for Greenland undertake to offer to the Community by 15 November each year such supplementary catch possibilities referred to in Article 8 of the Agreement which at that time are expected to be available the following fishing year.

The Community shall inform the authorities responsible for Greenland of its reaction to the offer not later than six weeks after receipt of the offer. If the Community either declines the offer or does not react within six weeks, the authorities responsible for Greenland will be free to offer the catch possibilities to other parties.

2. If, at any time during the fishing year, additional supplementary catch possibilities under Article 8 of the Agreement are identified, which exceed the catch possibilities contained in the offer referred to in paragraph 1, the authorities responsible for Greenland shall offer the Community such additional possibilities.

The Community shall inform the authorities responsible for Greenland of its reaction to the offer not later than six weeks after receipt of the offer. If the Community either declines the offer or does not react within six weeks, the authorities responsible for Greenland will be free to offer the catch possibilities to other parties.

Information on the date of entry into force of the second fisheries Protocol between the European Economic Community and the Government of Denmark and the Home Rule Government of Greenland⁽¹⁾

The second fisheries Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, was signed on 16 July 1990.

The second Protocol therefore entered into force on 16 July 1990, in accordance with Article 5.

⁽¹⁾ See page 2 of this Official Journal.

COUNCIL REGULATION (EEC) No 3931/90

of 20 December 1990

allocating, for 1991, Community catch quotas in Greenland waters

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as amended by the Act of Accession of Spain and Portugal ⁽²⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other ⁽³⁾, and the Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other ⁽⁴⁾, establish the catch quotas allocated to the Community in Greenland waters;

Whereas these catch quotas may be used by vessels not flying the flag of a Member State of the Community to the extent that this is necessary for the proper functioning of the fisheries agreements which the Community has concluded with third countries;

Whereas the Community shall inform the authorities responsible for Greenland of its reaction to offers regarding supplementary catch possibilities referred to in Article 8 of the Agreement on fisheries not later than six weeks after receipt of the offer;

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

Done at Brussels, 20 December 1990.

Whereas it is for the Community to lay down, under the terms of Article 3 of Regulation (EEC) No 170/83, the conditions subject to which these catch quotas may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be shared out among the Member States by means of quotas in accordance with Article 4 of Regulation (EEC) No 170/83;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽⁵⁾, as amended by Regulation (EEC) No 3483/88 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

For 1991, the allocation of the Community catch quotas in Greenland waters shall be as set out in the Annex.

Article 2

Should the authorities responsible for Greenland make an offer regarding supplementary catch possibilities referred to in Article 8 of the Agreement on fisheries, the Council shall, acting by a qualified majority on a proposal from the Commission, take a decision on that offer within six weeks of receipt thereof.

Article 3

This Regulation shall enter into force on 1 January 1991.

For the Council

The President

P. BUKMAN

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 302, 15. 11. 1985, p. 1.

⁽³⁾ OJ No L 29, 1. 2. 1985, p. 9.

⁽⁴⁾ OJ No L 252, 15. 9. 1990, p. 2.

⁽⁵⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽⁶⁾ OJ No L 306, 11. 11. 1988, p. 2.

ANNEX

Allocation of Community catch quotas in Greenland waters for 1991

Species	Geographical region	Community catch quotas (tonnes)	Quotas allocated to Member States (tonnes)	Amounts allocated to Norway (tonnes) (shown for information only)	Faroese quotas in Greenland waters according to EC/Greenland Fisheries Protocol ⁽¹⁾ (tonnes) (shown for information only)
1	2	3	4	5	6
Cod	NAFO 0/1	19 000	Germany 14 630 United Kingdom 4 370	—	
	ICES XIV/V	15 000	Germany 13 040 United Kingdom 1 960		
Redfish	NAFO 0/1	5 500	Germany 5 395 United Kingdom 105	—	
	ICES XIV/V	46 820	Germany 46 270 France 330 United Kingdom 220	—	500
Greenland halibut	NAFO 0/1	1 850	Germany 1 575 United Kingdom 75	200 ⁽²⁾	150
	ICES XIV/V	3 750	Germany 3 375 United Kingdom 175	200 ⁽²⁾	150
Halibut	NAFO 0/1	200		200 ⁽²⁾	
Deep-water prawns	NAFO 0/1	440 ⁽³⁾	Denmark 220 France 220		160
	ICES XIV/V	3 910	Denmark 705 France 705	2 500	990
Catfish	NAFO 0/1	2 000	Germany 2 000	—	
Blue whiting	ICES XIV/V	30 000	Denmark 3 000 France 3 000 Germany 24 000	—	
Capelin	ICES XIV/V	30 000	Community 30 000		10 000 ⁽²⁾

⁽¹⁾ These Faroese quotas are additional to the Community catch quotas and form part of the fishery arrangement for 1991 agreed on by the Community and the Faroe Islands.

⁽²⁾ If fishing gear other than long-line is used, Norway will submit a report on this fishing (zone, number of vessels, net specification, catch composition).

⁽³⁾ South of 68° N.

COUNCIL REGULATION (EEC) No 1371/90

of 21 May 1990

amending Regulations (EEC) No 4054/89 allocating, for 1990, Community catch quotas in Greenland waters and (EEC) No 4052/89 laying down for 1990 certain measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 4054/89⁽²⁾ allocates, for 1990, catch quotas between Member States for vessels fishing in Greenland waters;

Whereas Regulation (EEC) No 4052/89⁽³⁾ lays down, for 1990, certain measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands;

Whereas the Community and the Home Government of the Faroe Islands have held further consultations regarding their fisheries relations in 1990, resulting in a decision to exchange catch possibilities of deep-water prawns between the waters east and west of Greenland;

Whereas it is for the Community, pursuant to Article 3 of Regulation (EEC) No 170/83, to determine the conditions

subject to which this additional catch quota may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be shared among the Member States by means of quotas in accordance with Article 4 of the said Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The data relating to deep-water prawns set out in the Annex to Regulation (EEC) No 4054/89 are hereby replaced by those set out in Annex I to this Regulation.

Article 2

The data relating to Northern deep-water prawns set out in Annex 1.2 to Regulation (EEC) No 4052/89 are hereby replaced by those set out in Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 21 May 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 309, 30. 12. 1989, p. 65.

⁽³⁾ OJ No L 309, 30. 12. 1989, p. 55.

ANNEX I

Allocation of Community catch quotas in Greenland waters for 1990

Species	Area	Community Catch quotas (tonnes)	Quotas allocated to member States (tonnes)	Allocations for Norway (tonnes) (shown for information only)	Faroese quotas in Greenland waters according to EEC-Greenland Fisheries Protocol (*) (tonnes) (shown for information only)
1	2	3	4	5	6
Deep-water prawns	NAFO 0/1	776	Denmark 388 France 388		224 (*)
	ICES XIV/V	3 574	Denmark 537 France 537	2 500	926

(*) These Faroese quotas are additional to the Community catch quotas and form part of the fishery arrangement for 1990 agreed on by the Community and the Faroe Island.

(*) South of 68° N in NAFO 0/1.

ANNEX II

Quotas for Faroese vessels fishing in Greenland waters according to Article 1 (3) of EEC/Greenland Fisheries Protocol (*) (shown for information only)

Species	Fishing zones: ICES division of NAFO sub-area	Quantity (tonnes)
Northern deep-water prawn (<i>Pandalus borealis</i>)	NAFO 0/1 (*)	224
	XIV/V	926

(*) OJ No L 389, 30. 12. 1989, p. 83.

(*) South of 68° N.

COUNCIL REGULATION (EEC) No 3932/90

of 20 December 1990

laying down for 1991 certain measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as amended by the Act of Accession of Spain and Portugal ⁽²⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the procedure provided for in Article 2 of the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ⁽³⁾, the Community and the Home Government of the Faroe Islands have held consultations concerning their mutual fishing rights for 1991;

Whereas, in the course of these consultations, the delegations agreed to recommend to their respective authorities that certain catch quotas for 1991 should be fixed for the vessels of the other party;

Whereas this Agreement comprises an exchange for 1991 of certain supplementary catch quotas, as a consequence of the German unification, the Community being the legal successor to the German Democratic Republic with respect to the Agreement between the Government of Denmark and the Home Government of the Faroe Islands, on the one hand, and the Government of the German Democratic Republic on the one hand, and the Government of the German Democratic Republic on the other hand, on Fisheries;

Whereas measures should be taken to implement the results of these consultations between the Community and the Faroe Islands and thus prevent any interruption of mutual fisheries relations as at 31 December 1990;

Whereas, under the terms of Article 3 of Regulation (EEC) No 170/83, it is for the Council to fix the total catches allocated to third countries and to lay down the specific conditions under which such catches may be taken;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽⁴⁾; as amended by Regulation (EEC) No 3483/88 ⁽⁵⁾;

Whereas Article 3 (2) of Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels ⁽⁶⁾ provides that all vessels with chilled or refrigerated sea-water tanks are to keep on board a document certified by a competent authority and specifying the calibration of the tanks in cubic metres at 10-centimetre intervals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Vessels registered in the Faroe Islands are hereby authorized, until 31 December 1991, to fish for the species listed in Annex 1, within the geographical and quantitative limits laid down therein and in accordance with this Regulation, in the 200-nautical-mile fishing zone of the Member States in the North Sea, Skagerrak, Kattegat, Baltic Sea and Atlantic Ocean north of 43°00'N.
2. Fishing authorized under paragraph 1 shall be limited, except in the Skagerrak, to those parts of the 200-nautical-mile fishing zone lying seawards of 12 nautical miles from the baselines from which the fishing zones of Member States are measured.
3. Notwithstanding paragraph 1, unavoidable by-catches of species for which no quota has been fixed in a given zone shall be permitted within the limits laid down by the conservation measures in force in the zone concerned.
4. By-catches in a given zone of a species for which a quota is established in that zone shall be counted against the quota concerned.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 302, 15. 11. 1985, p. 1.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 11.

⁽⁴⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 132, 21. 5. 1987, p. 9.

Article 2

1. Vessels fishing within the quotas fixed in Article 1 shall comply with the conservation and control measures and all other provisions governing fishing in the zones referred to in that Article.

2. The vessels referred to in paragraph 1 shall keep a log book in which the information set out in Annex II shall be entered.

3. The vessels referred to in paragraph 1 shall transmit to the Commission, in accordance with the rules laid down in Annex III, the information set out in that Annex.

4. Those vessels referred to in paragraph 1 which have chilled or refrigerated sea-water tanks shall keep on board a document certified by a competent authority and specifying the calibration of the tanks in cubic metres at 10-centimetre intervals.

5. The registration letters and numbers of the vessels referred to in paragraph 1 must be clearly marked on the bow of each vessel on both sides.

Article 3

1. Fishing in the waters referred to in Article 1 and within the quotas fixed in that Article shall be permitted only where a licence issued by the Commission on behalf of the Community is kept on board and where the conditions set out in the licence are observed.

2. Licences shall be issued for the purposes of paragraph 1 provided that the number of licences valid on any one day does not exceed:

(a) 14 for the fishing of mackerel in ICES divisions VI a (north of 56°30' N), VII e, f and h, sprat in ICES sub-area IV and division VI a (north of 56°30' N), horse-mackerel in ICES sub-area IV and divisions VI a (north of 56°30' N), VII e, f and h and herring in ICES division VI a (north of 56°30' N); 4 for the fishing of herring in ICES division III a N (Skagerrak);

(b) 15 for the fishing of Norway pout in ICES sub-area IV and division VI a (north of 56°30' N) and sand-eel in ICES sub-area IV;

(c) 20 for the fishing, by long line, of ling, tusk and blue ling in ICES divisions VI a (north of 56°30' N) and VI b; however, the total number of vessels allowed to fish simultaneously shall not exceed 10;

(d) 16 for the fishing, by trawl, of blue ling in ICES divisions VI a (north of 56°30' N) and VI b;

(e) 20 for the fishing of blue whiting in ICES sub-area VII (west of 12°00' W) and ICES divisions VI a (north of 56°30' N) and VI b;

(f) 3 for the fishing, by long-line, of porbeagle in the whole Community zone with the exception of NAFO 3 PS;

(g) 12 for the fishing of cod in ICES division III d; however the total number of vessels allowed to fish simultaneously shall not exceed 9.

3. Each licence shall be valid for one vessel only. Where two or more vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

4. Licences may be cancelled with a view to the issue of new licences. Such cancellations shall take effect on the day before the date of issue of the new licences by the Commission. New licences shall take effect from their date of issue.

5. Licences shall be wholly or partially withdrawn before the date of expiry if the respective quotas, fixed in Article 1, have been exhausted.

6. Licences shall be withdrawn in the event of any failure to meet the obligations laid down in this Regulation.

7. For a period not exceeding 12 months, no licence shall be issued for any vessel in respect of which the obligations laid down in this Regulation have not been met.

8. Vessels authorized to fish on 31 December may continue their fishing activities as from the beginning of the following year, on the basis of this authorization, until the new lists of vessels for the year in question have been approved.

Article 4

When an application for a licence is submitted to the Commission, the following information must be supplied:

(a) name of the vessel;

(b) registration number;

(c) external identification letters and numbers;

(d) port of registration;

(e) name and address of the owner or charterer;

(f) gross tonnage and overall length;

- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) intended area of fishing;
- (k) species for which it is intended to fish;
- (l) period for which a licence is requested.

Article 5

Fishing in the Skagerrak within the limits of the quotas referred to in Article 1 shall be subject to the following conditions:

- 1. direct fishing for herring for purposes other than human consumption shall be prohibited;

- 2. the use of trawls and purse seines for the capture of pelagic species shall be prohibited from Saturday midnight to Sunday midnight.

Article 6

Where an infringement is duly established, Member States shall without delay inform the Commission of the name of the vessel concerned and of any action they have taken.

Article 7

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 20 December 1990.

For the Council
The President
P. BUKMAN

ANNEX I

Faroese catch quotas for 1991

1. Quotas for Faroese vessels fishing in the Community zone

Species	Fishing zone: ICES sub-area/division	Quantity (tonnes)
Ling, rusk and blue ling	VI a (1), VI b	800 (2) (3)
Blue ling	VI a (1), VI b	940 (4)
Mackerel	VI a (1), VII e, f, h	5 460 (10)
Herring	VI a (1),	660
Horse-mackerel	IV, VI a (1), VII e, f, h	7 000
Norway pout	IV, VI a (1)	} 20 000 (5)
Sprat	IV, VI a (1)	
Sand-eel	IV	
Blue whiting	VI a (1), VI b, VII (6)	62 000 (7)
Other white fish (by-catches only)	IV, VI a (1)	400
Herring	III a N (Skagerrak) (8)	500
Porbeagle	Entire Community zone except NAFO 3 PS	125 (2)
Cod	III d	340 (9)

(1) North of 56°30'N.

(2) To be fished by long line.

(3) Of which an incidental catch of other species of 20 % per ship, at any moment, is authorized in ICES divisions VI a and b. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in VI a and VI b may not exceed 75 tonnes.

(4) To be fished by trawl.

(5) The overall quota (including for Norway pout and sand-eel, unavoidable by-catches of blue whiting) includes a maximum of 2 000 tonnes of sprat.

A maximum of 6 000 tonnes of Norway pout may be fished in ICES division VI a north of 56°30'N subject to the provision on requests by the EEC of details of the quantity and composition of any by-catch taken.

(6) West of 12°00'W.

(7) Catches of blue whiting may include unavoidable by-catches of argentine.

(8) Limited in the west by a line drawn from the lighthouse of Havnsholm to the lighthouse of Landenes and in the south by a line drawn from Skagen lighthouse to the lighthouse of Tustarna and from there to the nearest coast of Sweden.

(9) A supplementary catch quota for 1991, granted to the Faroe Islands under the Agreement between Denmark and the Faroe Islands, on the one hand, and the German Democratic Republic, on the other hand, on fisheries, to be fished in the fishing zone as defined in Article 1 of that Agreement.

(10) Of which 1 000 tonnes may be fished from 1 October to 31 December 1991 in Community waters in division IV a.

2. Quotas for Faroese vessels fishing in Greenland waters according to Article 1 (3) of the EEC/Greenland Fisheries Protocol (1) (shown for information only)

Species	Fishing zones: ICES division of NAFO sub-area	Quantity (tonnes)
Northern deepwater prawn (<i>Pandalus borealis</i>)	NAFO 0/1 (2) XIV/V	160 990
Greenland halibut	NAFO 0/1 XIV/V	150 150
Redfish	XIV/V	500
Capelin	XIV/V	10 000

(1) D) No L 252, 15. 9. 1990, p. 2.

(2) South of 68° N.

ANNEX II

When fishing within the 200-nautical-mile zone off the coasts of the Member States of the Community which is covered by Community rules on fisheries, the following details are to be entered in the log-book immediately after the following events:

1. after each haul
 - 1.1. the quantity (in kilograms live weight) of each species caught;
 - 1.2. the date and the time of the haul;
 - 1.3. the geographical position in which the catches were made;
 - 1.4. the fishing method used;
 2. after each transshipment to or from another vessel
 - 2.1. the indication 'received from' or 'transferred to';
 - 2.2. the quantity (in kilograms live weight) of each species transhipped;
 - 2.3. the name, external identification letters and numbers of the vessel to or from which the transshipment occurred;
 3. after each landing in a port of the Community
 - 3.1. name of the port;
 - 3.2. the quantity (in kilograms live weight) of each species landed;
 4. after each transmission of information to the Commission of the European Communities
 - 4.1. date and time of the transmission;
 - 4.2. type of message: IN, OUT, ICES, WKL or 2 WKL;
 - 4.3. in the case of radio transmission: name of the radio station.
-

ANNEX III

1. The information to be transmitted to the Commission of the European Communities and the timetable for its transmission are as follows:
 - 1.1. On each occasion the vessel enters the 200-nautical-mile zone off the coasts of the Member States of the Community which is covered by Community rules on fisheries:
 - (a) the information specified under 1.5;
 - (b) the quantity (in kilograms live-weight) of each species of fish in the hold;
 - (c) the date and ICES division within which the master intends to commence fishing.

Where the fishing operations necessitate more than one entry into the zones referred to under 1.1 on a given day, one communication shall suffice on first entry.
 - 1.2. On each occasion the vessel leaves the zone referred to under 1.1:
 - (a) the information specified under 1.5;
 - (b) the quantity (in kilograms live-weight) of each species of fish in the hold;
 - (c) the quantity (in kilograms live-weight) of each species caught since the previous transmission;
 - (d) the ICES division in which the catches were taken;
 - (e) the quantity (in kilograms live-weight) of each species transferred to and/or from other vessels since the vessel entered the zone and the identification of the vessel to which the transfer was made;
 - (f) the quantity (in kilograms live-weight) of each species landed in a port of the Community since the vessel entered the zone.

Where the fishing operations necessitate more than one entry into the zones referred to under 1.1 on a given day, one single communication on the last exit will be sufficient.
 - 1.3. At three-day intervals, commencing on the third day after the vessel first enters the zones referred to under 1.1 when fishing for herring and mackerel, and at weekly intervals, commencing on the seventh day after the vessel first enters the zone referred to under 1.1 when fishing for all species other than herring and mackerel:
 - (a) the information specified under 1.5;
 - (b) the quantity (in kilograms live-weight) of each species caught since the previous transmission;
 - (c) the ICES division in which the catches were made.
 - 1.4. On each occasion the vessel moves from one ICES division to another:
 - (a) the information specified under 1.5;
 - (b) the quantity (in kilograms live-weight) of each species caught since the previous transmission;
 - (c) the ICES division in which the catches have been taken.
 - 1.5.
 - (a) The name, call sign, external identification letters and numbers of the vessel and the name of its master;
 - (b) the licence number if the vessel is under licence;
 - (c) the serial number of the message for the voyage concerned;
 - (d) identification of the type of message;
 - (e) the date, the time and the geographical position of the vessel.
- 2.1. The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex 24 189 FISEU-B) via one of the radio stations listed under point 3 below and in the form specified under point 4.
- 2.2. If it is impossible for reasons of *force majeure* for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel.
3.

<i>Name of radio station</i>	<i>Call sign of radio station</i>
Skagen	OXP
Blåvand	OXB
Rønne	OYE

Norddeich	DAF DAK DAH DAL DAJ DAM DAJ DAN
Scheveningen	PCH
Oostende	OST
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonchaven	GND
Portishead	GKA GKB GKC GLD
Land's End	GLD
Valencia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC
Thorshavn	OXJ
Bergen	LGN
Farsund	LGZ
Flørø	LGL
Rogaland	LGQ
Tjøme	LGT
Ålesund	LGA

4. Form of the communications

The information specified under point 1 shall contain the following particulars, which shall be given in the following order:

- name of vessel,
- call sign,
- external identification letters and numbers,
- serial number of the message for the voyage in question,
- indication of the type of message according to the following code:
 - message when entering one of the zones referred to under 1.1: 'IN',
 - message when leaving one of the zones referred to under 1.1: 'OUT',
 - message when moving from one ICES division to another: 'ICES',
 - weekly message: 'WKL',
 - three-day message: '2 WKL',
- the date, the time and the geographical position,
- the ICES divisions/sub-areas in which fishing is expected to commence,
- the date on which fishing is expected to commence,
- the quantity (in kilograms live-weight) of each species of fish in the hold using the code mentioned in point 5,
- the quantity (in kilograms live-weight) of each species of fish caught since the previous transmission using the code mentioned in point 5,
- the ICES divisions/sub-areas in which the catches were made,
- the quantity (in kilograms live-weight) of each species transferred to and/or from other vessels since the previous transmission,
- the name and call sign of the vessel to and/or from which the transfer was made,
- the quantity (in kilograms live-weight) of each species landed in a port of the Community since the previous transmission,
- the name of the master.

5. The code to be used to indicate the species on board as mentioned in point 4 above:

- PRA — Northern deep-water prawn (*Pandalus borealis*),
 - HKE — Hake (*Merluccius merluccius*),
 - GHL — Greenland halibut (*Reinhardtius hippoglossoides*),
 - COD — Cod (*Gadus morhua*),
 - HAD — Haddock (*Melanogrammus aeglefinus*),
 - HAL — Halibut (*Hippoglossus hippoglossus*),
 - MAC — Mackerel (*Scomber scombrus*),
 - HOM — Horse-mackerel (*Trachurus trachurus*),
 - RNG — Round-nose grenadier (*Coryphaenoides rupestris*),
 - POK — Saithe (*Pollachius virens*),
 - WHG — Whiting (*Merlangus merlangus*),
 - HER — Herring (*Clupea harengus*),
 - SAN — Sand-eel (*Ammodytes* spp.),
 - SPR — Sprat (*Sprattus sprattus*),
 - PLE — Plaice (*Pleuronectes platessa*),
 - NOP — Norway pout (*Trisopterus esmarkii*),
 - LIN — Ling (*Molva molva*),
 - PEZ — Shrimp (*Panaeidae*),
 - ANE — Anchovy (*Engraulis encrasicolus*),
 - RED — Redfish (*Sebastes* spp.),
 - PLA — American plaice (*Hypoglossoides platessoides*),
 - SQX — Squid (*Illex* spp.),
 - YEL — Yellowtail flounder (*Limanda ferruginea*),
 - WHB — Blue whiting (*Micromesistius poulassou*),
 - TUN — Tuna (*Thunnidae*),
 - BLI — Blue ling (*Molva dypterygia*),
 - USK — Tusk (*Brosme brosme*),
 - DGS — Dogfish (*Squalus acanthias*),
 - BSK — Basking shark (*Cetorhinus maximus*),
 - POR — Porbeagle (*Lamna nasus*),
 - SQC — Common squid (*Loligo* spp.),
 - POA — Atlantic pomfret (*Brama brama*),
 - PIL — Sardine (*Sardina pilchardus*),
 - CSH — Common shrimp (*Crangon crangon*),
 - LEZ — Megrim (*Lepidorhombus* spp.),
 - MNZ — Angler/ Monk (*Lophius* spp.),
 - NEP — Norway lobster (*Nephrops norvegicus*),
 - POL — Pollack (*Pollachius pollachius*),
 - ARG — Argentine (*Argentina sphyraena*),
 - OTH — Other.
-

COUNCIL REGULATION (EEC) No 3933/90

of 20 December 1990

allocating, for 1991, certain catch quotas between the Member States for vessels fishing in Faroese waters

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal ⁽²⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the procedure provided for in the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, the two parties have held consultations on their mutual fishing rights for 1991;

Whereas this Agreement comprises an exchange for 1991 of certain supplementary catch quotas, as a consequence of the German unification, the Community being the legal successor to the German Democratic Republic with respect to the Agreement between the Government of Denmark and the Home Government of the Faroe Islands, on the one hand, and the Government of the German Democratic Republic on the other hand, on Fisheries;

Whereas, as a result of these consultations, the two Parties have agreed on an arrangement for 1991 whereby certain catch quotas are allocated to Community vessels in the Faroese fishing zone;

Whereas it is for the Community to lay down, in accordance with Article 3 of Regulation (EEC)

No 170/83, the conditions subject to which these catch quotas may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be allocated among the Member States as quotas in accordance with Article 4 of Regulation (EEC) No 170/83;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽³⁾, as amended by Regulation (EEC) No 3483/88 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1991 catches taken by vessels flying the flag of a Member State in the waters falling within the fisheries jurisdiction of the Faroe Islands, under the arrangement on reciprocal fishing rights for 1991 between the Community and the Faroe Islands, shall not exceed the quotas set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 20 December 1990.

For the Council

The President

P. BUKMAN

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 302, 15. 11. 1985, p. 1.

⁽³⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 306, 11. 11. 1988, p. 2.

ANNEX

Allocation of Community catch quotas in Faroese waters for 1991, as referred to in Article 1

(in tonnes)

Species	Community catch quotas	Quotas allocated to Member States
Cod and haddock	500	France 60
		Germany 10
		United Kingdom 430
Saithe	2 500	Belgium 50
		France 1 510
		Germany 310
		Netherlands 50
		United Kingdom 580
Redfish	7 000	Belgium 50
		France 435
		Germany 6 440
		United Kingdom 75
Blue ling and ling	3 600 ⁽¹⁾	France 2 340
		Germany 1 055
		United Kingdom 205
Blue whiting	27 700 ⁽²⁾	Denmark 11 000
		France
		Germany
		Netherlands
		United Kingdom 11 000
Flatfish	1 000 ⁽⁴⁾	France 140
		Germany 180
		United Kingdom 680
Mackerel	4 550	Denmark 4 550
Other species	760	France 275
		Germany 305
		United Kingdom 180

⁽¹⁾ Including unavoidable by-catches of roundnose grenadier and black scabbard.

⁽²⁾ Of which 2 700 tonnes as a supplementary catch quota for 1991, granted to the Community under the Agreement between Denmark and the Faroe Islands, on the one hand, and the German Democratic Republic, on the other hand, on Fisheries.

⁽³⁾ Of which at least 2 700 tonnes are allocated to Germany under the Agreement referred to in footnote ⁽²⁾.

⁽⁴⁾ Including Greenland halibut.

Part 2: FODs

A — Sugar

COMMISSION REGULATION (EEC) No 411/90

of 16 February 1990

determining, for the period 1 February to 30 June 1990, the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86 and amending Regulation (EEC) No 2089/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar; whereas in a first stage quantities were fixed by Commission Regulation (EEC) No 2089/89⁽⁴⁾ on the basis of a forward estimate covering the period 1 July 1989 to 31 January 1990;

Whereas the final production of the French overseas department of Réunion and the quantities available for refining are now known; whereas the latter quantities which may qualify for this refining aid are accordingly to be determined for the remainder of the 1989/90 marketing year; whereas by virtue of the severe cyclone and

drought experienced by Réunion in 1989, the production of raw sugar and the quantities available for refining have been significantly reduced; whereas, in order to rectify the supplies to the various Community refineries, the quantities determined for the period 1 July 1989 to 31 January 1990 by Regulation (EEC) No 2089/89 should consequently be revised;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of sugar referred to in Article 3 (2) of Regulation (EEC) No 2225/86 shall be fixed for the period 1 February to 30 June 1990 in accordance with Annex I hereto.

Article 2

The Annex to Regulation (EEC) No 2089/89 shall be replaced by the Annex II hereto.

Article 3

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

It shall apply with effect from 1 February 1990.

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

Done at Brussels, 16 February 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(¹) OJ No L 177, 1. 7. 1981, p. 4.

(²) OJ No L 114, 27. 4. 1985, p. 1.

(³) OJ No L 194, 17. 7. 1986, p. 7.

(⁴) OJ No L 199, 13. 7. 1989, p. 11.

ANNEX I

Quantities of raw cane sugar, expressed as tonnes of white sugar :

Period from 1 February to 30 June 1990

Originating from the French overseas departments	For refining			
	in metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	0	0	0	0
2. Guadeloupe and Martinique	43	10	15	0

ANNEX II

- ANNEX

Quantities of raw cane sugar, expressed as tonnes of white sugar :

Period from 1 July 1989 to 31 January 1990

Originating from the French overseas departments	For refining			
	In metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	146	0	0	0
2. Guadeloupe and Martinique	32	0	0	0

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1835/90
of 29 June 1990

determining, for the period 1 July 1990 to 28 February 1991, the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for the raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar;

Whereas the final production of the French overseas department of Réunion for the 1990/91 marketing year will not be definitively established until the end of January 1991; whereas in these circumstances provision should be made as a first step for an apportionment of the quantity which is sufficient to enable the refineries in question to be supplied during the period 1 July 1990 to 28 February 1991.

Whereas Commission Regulation (EEC) No 2089/89⁽⁴⁾ determined the quantities of raw sugar produced in the French overseas departments for the 1989/90 marketing

year, benefiting from the refining aid referred to in Regulation (EEC) No 2225/86; whereas it was not possible for all of those quantities to be refined in due time but, in being considered as working stock, those quantities are eligible to the refining aid for the 1990/91 marketing year; whereas it is as a consequence appropriate to provide that the refining aid should be applied to those quantities by attributing them to the quantities fixed by Regulation (EEC) No 2089/89 for the 1989/90 marketing year;

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of sugar referred to in Article 3 (2) of Regulation (EEC) No 2225/86 shall be fixed for the period 1 July 1990 to 28 February 1991 in accordance with the Annex hereto.

Article 2

For the quantities of raw sugar falling within the quantities referred to in the Annex to Regulation (EEC) No 2089/89 but for which refining took place as from 1 July 1990, the refining aid in force during the 1990/91 marketing year, by virtue of Article 3 of Regulation (EEC) No 2225/86 shall be applicable. Those quantities shall be attributed to the quantities laid down in the Annex to Regulation (EEC) No 2089/89 for the 1989/90 marketing year.

Article 3

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

It shall apply from 1 July 1990.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 199, 13. 7. 1989, p. 11.

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

Done at Brussels, 29 June 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Quantities of raw cane sugar, expressed as 1 000 tonnes of white sugar

Originating from the French overseas departments	For refining			
	In metropolitan France	In Portugal	In the United Kingdom	In the other regions of the Community
1. Réunion	181	10	9	0
2. Guadeloupe and Martinique	0	0	0	0

COMMISSION REGULATION (EEC) No 2024/90

of 16 July 1990

amending Regulation (EEC) No 2750/86 in respect of aid for the marketing of sugar produced in the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 9 (6) thereof,

Whereas Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar ⁽³⁾ provides in particular for the grant of a flat-rate amount of Community aid for marketing to producers of sugar produced in the French overseas departments and delivered to European ports in the Community; whereas that aid comprises two components, one representing transport costs from the exfactory stage to the fob stage and the other representing the costs of sea transport from the fob stage in the French overseas departments to the cif ship's hold stage in European ports in the Community;

Whereas Commission Regulation (EEC) No 2750/86 ⁽⁴⁾, as amended by Regulation (EEC) No 437/87 ⁽⁵⁾, makes provision for payment in advance only after the raw sugar produced in the French overseas departments has actually arrived at European ports in the Community;

Whereas, as the producers of such sugar do not have major storage facilities in their factories, all sugar intended to be marketed to Community refineries has to be stocked after production in port silos; whereas, accordingly, those producers have to bear at an early stage the cost of transport from the factory to the port of loading; whereas in recent years the interval following that early payment has increased with the duration of storage in port silos owing to the irregular frequency of consignments, which has resulted in an increasingly greater burden on those producers; whereas provision should accordingly be made for granting an advance on the definitive payment of the aid equal to the fob component of that aid; whereas the grant of that advance should be made subject to the lodging by the applicant of a corresponding security and the other conditions required for

the grant of that advance should be laid down including in particular the quantities of sugar in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 3 is hereby added to Article 1 of Regulation (EEC) No 2750/86:

'3. Without prejudice to paragraph 2 and on application by the producer(s) of the raw sugar concerned, an initial payment in advance equal to the component of the aid referred to in point (a) of the first paragraph of Article 2 of Regulation (EEC) No 2225/86 may also be made. This initial payment in advance shall constitute an instalment on the payment in advance provided for in paragraph 2.

The advance referred to in the first subparagraph shall be calculated on the basis of the weights recorded in the silo of the port of loading by the competent French authorities or the persons acting under their supervision, converted into white sugar according to a standard yield of 96 %.

Applications as referred to in the first subparagraph must be accompanied by the lodging of a security corresponding to the amount of the advance applied for. That security shall be released in respect of quantities for which the definitive payment of the total aid referred to in points (a) and (b) of the first paragraph of Article 2 of Regulation (EEC) No 2225/86 is made under the conditions laid down in paragraph 1.

At the applicant's discretion, the security shall be in cash or in the form of a guarantee given by an establishment meeting the criteria laid down by France.

That part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been met.'

Article 2

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

It shall apply with effect from 1 July 1990.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 253, 5. 9. 1986, p. 8.

⁽⁵⁾ OJ No L 43, 13. 2. 1987, p. 21.

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

Done at Brussels, 16 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

Part 2: FODs

B — Cereals

COMMISSION REGULATION (EEC) No 2086/90

of 20 July 1990

on the sale for delivery in the French overseas departments of cereals held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾, as amended by Regulation (EEC) No 195/89⁽⁴⁾, provides that cereals held by intervention agencies are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁵⁾, as last amended by Regulation (EEC) No 244/90⁽⁶⁾, lays down the procedure and conditions for the sale of cereals held by intervention agencies; whereas Article 4 thereof allows for the possibility of resale on the Community market for specific destinations;

Whereas Council Decision 89/687/EEC⁽⁷⁾ established a programme of options specific to the remote and insular nature of the French overseas departments (Poseidom);

Whereas that programme provides for a number of measures intended to compensate, where the supply of cereals is concerned, for the effects of the geographical situation of these departments in relation to the European territory of the Community, taking account of the aims of regional cooperation;

Whereas, pending commencement of application of the provisions of Poseidom, the pressing supply requirements of these very remote parts of the Community should be met by selling products taken into intervention; whereas, given the local situation and the approach taken by the Council when Poseidom was adopted, the terms of sale should be favourable but not such as to disturb the Community market; whereas to make allowance for the cost of transport between the European territory of the

Community and the specified destinations, a derogation from Article 5 of Regulation (EEC) No 1836/82 dealing with the internal market resale price of intervention cereals should be permitted; whereas provision should also be made for the lodging of security such as to guarantee that the cereals reach the specified destinations within the specified time limits and that the successful tenderer fulfils his obligation to pass on to the new buyer of the cereals the purchase price concession he received;

Whereas Member States shall take all further action compatible with the provisions in force that is required to ensure satisfactory operation of the present arrangement and shall inform the Commission thereof;

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

HAS ADOPTED THIS REGULATION:

Article 1

The French intervention agency is authorized to sell by tender on the Community market 98 000 tonnes of cereals to be delivered to the destinations and within the time limits specified in the Annex.

Article 2

1. The invitation to tender shall be open from 1 August to 30 November 1990.

2. The cereals sold must be delivered to the destination provided for in Article 1.

3. Tenders shall not be valid unless accompanied by a written commitment:

— to pass on, when the cereals are resold after arrival at destination, the price advantage granted in application of the tender rules set out in Article 3; should the cereals not be sold for direct consumption the terms of sale must include an obligation on the purchaser to pass on in turn the price reduction granted pursuant to Article 3,

— to lodge, at the latest on payment for the cereals, a security covering the difference between the price as provided for in Article 5 (1) and (3) of Regulation (EEC) No 1836/82 and that tendered.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 27, 31. 1. 1990, p. 11.

⁽⁷⁾ OJ No L 399, 30. 12. 1989, p. 39.

Article 3

The minimum price to be observed shall be fixed in accordance with the procedure indicated in Article 26 of Regulation (EEC) No 2727/75 by way of derogation from Article 5 (1) and (3) of Regulation (EEC) No 1836/82, account being taken in particular of the cost of transport between the storage locations and the destinations specified. A minimum price shall be set for each destination.

Article 4

The security mentioned in the second indent of Article 2 (3) shall be released for quantities for which evidence of resale in the French overseas department at a price reflecting the price reduction granted pursuant to Article 3 is provided within the specified time limit. Such evidence

shall be constituted by certificate issued by the French authorities following verification that the tenderer has met his obligations.

Article 5

The French intervention agency shall take all action necessary to ensure that the provisions of this Regulation are complied with. It shall inform the Commission each week, through the Management Committee for Cereals, of the progress of the tender procedure and of the supply operation.

Article 6

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, 20 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

	Guadeloupe	Martinique	French Guiana	Réunion
Cereal	Quantity (tonnes)			
— Common wheat	40 000	5 000	1 000	10 000
— Maize	10 000	10 000	2 000	20 000

Latest delivery date: 31 December 1990.

COMMISSION REGULATION (EEC) No 3670/90
of 18 December 1990
amending Regulation (EEC) No 2086/90 on the sale for delivery in the French
overseas departments of cereals held by the French intervention agency

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 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾ and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 2086/90⁽³⁾ opened a tendering procedure for the sale for delivery in the French overseas departments of cereals held by the French intervention agency;

Whereas it is necessary to defer the final partial invitation to tender provided for by Regulation (EEC) No 2086/90; whereas in order to meet specific local requirements the total volume to be sold by tender by the French intervention agency should be raised to 115 000 tonnes;

Whereas this increase necessitates adjustments in destinations and time limits; whereas the Annex to Regulation (EEC) No 2086/90 must therefore be amended;

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

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

Done at Brussels, 18 December 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

Article 1

Article 1 of Regulation (EEC) No 2086/90 is replaced by the following :

'Article 1

The French intervention agency is authorized to sell by tender on the Community market 115 000 tonnes of cereals to be delivered to the destinations and within the time limits specified in the Annex.'

Article 2

Article 2 (1) of Regulation (EEC) No 2086/90 is replaced by the following :

'1. The invitation to tender shall be open from 1 August 1990 to 30 April 1991.'

Article 3

The Annex to Regulation (EEC) No 2086/90 is replaced by the Annex to this Regulation.

Article 4

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.
⁽³⁾ OJ No L 190, 21. 7. 1990, p. 33.

ANNEX

	Gusdeloupe	Martinique	French Guana	Réunion
Cereals	Quantity (tonnes)			
— Common wheat	50 000	5 000	1 000	15 000
— Maize	10 000	12 000	2 000	20 000

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