COUNCIL REGULATION (EEC) No 3642/90

of 11 December 1990

amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 234 (2) thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products [1], as last amended by Regulation (EEC) No 3641/90 [2], and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 857/84 [3], as last amended by Regulation (EEC) No 1183/90 [4], fixes the period during which the deliveries or direct sales of milk or milk products to a purchaser or by a producer are to be taken into account for the purpose of establishing the individual reference quantity; whereas the said Regulation should be supplemented in view of the fact that Portugal, pursuant to the Act of Accession, must implement the additional levy system from 1 January 1991; whereas the Annex to Regulation (EEC) No 857/84 must be supplemented, as regards direct sales, to include Portugal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 857/84 is hereby amended as follows:

1. The second subparagraph of Article 2 (1) is amended as follows:
   - under (a), 'Member States other than the Kingdom of Spain and, from 1 April 1991, Germany as regards the territory of the former German Democratic Republic' is replaced by 'Member States other than Spain, Portugal and, from 1 April 1991, Germany as regards the territory of the former German Democratic Republic',
   - the following is added as (d):
     '(d) In Portugal, the reference quantity referred to in the first subparagraph shall be equal to the quantity of milk or milk equivalent delivered or purchased during the 1990 calendar year, weighted where applicable by a percentage established so as not to exceed the guaranteed quantity defined in Article 5c of Regulation (EEC) No 804/68.'

2. The last sentence of the first subparagraph of point 3 of Article 3 is replaced by the following:

   'However,
   - in Spain, the producers shall, at their request, obtain the taking into account of another reference year within the 1983 to 1985 period,
   - in the territory of the former German Democratic Republic, these producers shall, at their request, obtain the taking into account of another reference year within the 1987 to 1989 period,
   - in Portugal, these producers shall, at their request, obtain the taking into account of another reference year within the 1988 to 1990 period.'

3. Paragraph 6 (1) is amended as follows:
   - in the second subparagraph, under (a), 'Member States other than the Kingdom of Spain' is replaced by 'Member States other than Spain and Portugal.',
   - in the second subparagraph the following is added as (c):
     '(c) In Portugal, the reference quantity for the producer shall be equal to the quantity of direct sales which he has made during the 1990 calendar year, weighted where applicable by a percentage.',
   - the following subparagraph is added:
     'The previous subparagraph shall also apply to Portugal, and the period taken into consideration shall be from 1988 to 1990.'

4. The Annex is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1991.

It shall be applicable as from 1 April 1991.

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(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) See page 5 of this Official Journal.
(3) OJ No L 90, 1. 4. 1984, p. 13.
(4) OJ No L 119, 11. 5. 1990, p. 27.

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

Done at Brussels, 11 December 1990.

For the Council

The President

V. SACCOMANDI

ANNEX

'ANNEX

Quantities referred to in Article 6 (2) (milk producers selling direct to the consumer) of this Regulation and the application periods referred to in Article 5c (2) of Regulation (EEC) No 804/68

('000 tonnes)

	2.4.1984 to 31.3.1985	1.4.1985 to 31.3.1986	1.4.1986 to 31.3.1987	1.4.1987 to 31.3.1988	1.4.1988 to 31.3.1989	1.4.1989 to 31.3.1990	1.4.1990 to 31.3.1991	1.4.1991 to 31.3.1992
Belgium	480	450	400	387,660	380,809	380,809	380,809	380,809
Denmark	1	1	1	0,980	0,970	0,970	0,970	0,970
Germany	305	130	130	94,400	93,100	93,100	93,100	153,100 (1)
Greece	116	116	46	45,080	44,620	4,620	4,620	4,620
Spain	—	750	750	685,000	677,500	527,500	527,500	527,500
France	1 183	1 014	874	756,520	747,780	747,780	747,780	747,780
Ireland	16	16	16	15,680	15,520	15,520	15,520	15,520
Italy	1 116	1 116	1 116	1 093,680	1 082,520	1 082,500	732,520	732,520
Luxembourg	1	1	1	0,980	0,970	0,970	0,970	0,970
Netherlands	145	95	95	93,100	92,150	92,150	92,150	92,150
Portugal	—	—	—	—	—	—	121,000	121,000
United Kingdom	398	395,426	395,426	387,517	383,563	383,563	383,563	383,563

(1) Of which 60,000 for the territory of the former German Democratic Republic'.