COMMISSION REGULATION (EEC) No 3881/90

of 19 December 1990

amending Regulation (EEC) No 606/86 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 83 thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for applying the supplementary mechanism applicable to trade [1], as last amended by Regulation (EEC) No 3296/88 [2], and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3577/90 of 4 December 1990 on the transitional measures and adjustments required in the agricultural sector [3] as a result of the integration of the territory of the former German Democratic Republic into the Community, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal [4], and in particular the first subparagraph of Article 5 (1) thereof,

Whereas, pursuant to the Act of Accession of Spain and Portugal, provision should be made for 1991 for the fixing of indicative ceilings for imports into Spain from the Community of Ten; whereas, given the potential for exports from the Community of Ten, and in order to continue to open up the Spanish market gradually, the said ceilings should be increased to 20 %; whereas, for this purpose, the Annex to Commission Regulation (EEC) No 606/86 [5], as last amended by Regulation (EEC) No 3102/90 [6], should be replaced by the Annex hereto;

Whereas Community traders may export cheese to Spain only under certain restrictive conditions, concerning in particular the length of time they have been practising their trade; whereas this rule should be derogated from for 1991 to the benefit of traders located in the territory of the former German Democratic Republic in order to allow them to export cheese to Spain;

Whereas pursuant to Article 5 (2) of Council Regulation (EEC) No 3792/85 the supplementary trade mechanism drawn up in respect of Community imports into Spain can apply to imports from Portugal where these show signs of a significant increase; whereas such a situation is likely to arise in respect of trade in milk products between Portugal and Spain; whereas the rules relating to the supplementary trade mechanism between the Community of Ten and Spain should therefore be extended to imports into Spain from Portugal and the ceilings given in the Annex raised accordingly; whereas, in addition, in order to prevent abrupt changes in the traditional trade in cheese in the Community, specific quantities should be laid down for Portugal;

Whereas the Management Committee for Milk and Milk Produccts has not delivered an opinion with the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 606/86 is hereby amended as follows:

1. '1990' in Article 1 (1) is replaced by 1991.

2. 'Article 2 (2) is replaced by the following:

'2. As regards cheese, excluding curd, the indicative ceiling referred to in the Annex shall be broken down by category, prior to quarterly division, as follows:

[1] OJ No L 55, 1. 3. 1986, p. 106.
[2] OJ No L 293, 27. 10. 1988, p. 7.
[3] OJ No L 353, 17. 12. 1990, p. 23.
[4] OJ No L 367, 31. 12. 1985, p. 7.
[5] OJ No L 58, 1. 3. 1986, p. 28.
[6] OJ No L 296, 27. 10. 1990, p. 24.

(tonnes)

	Category	Quantity	
		Community of Ten	Portugal
1.	Processed cheese	1 534	100
2.	Havarti, fat content 60 %	1 972	568'
3.	Edammer in balls, Gouda	10 074	
4.	Soft, ripened cow's milk cheese	1 862	
5.	Cheddar, Chester	300	
5 a	Fresh cheese falling within CN codes ex 0406 10, 0406 90 71, 0406 90 91, 0406 90 97, grated or powdered cheese, of all kinds, falling within CN code 0406 20, and cheeses manufactured exclusively from sheep's milk or goat's milk, the storage life of which does not exceed 45 days from the date of manufacture	900	
6.	Other, excluding blue-veined cheese, Emmentaler, Gruyère, Parmigiano Reggiano, Grana Padano	4 027	

3. In Article 2a, the following second paragraph is added:

'However, until 31 December 1990, traders established for at least 12 months in the territory of the former German Democratic Republic shall not be required to have carried on export activities for at least 12 months.'

4. In the third indent of Article 3 (1), the words 'and the corresponding securities as indicated in Article 4 shall be forfeit' are deleted.

5. The following Article 4a is inserted:

'Article 4a

The provisions of this Regulation shall apply *mutatis mutandis* to imports from Portugal within the limit of the indicative ceilings set out in the Annex.'

6. The Annex is replaced by the following:

'ANNEX

Indicative ceilings

(tonnes)

CN code	Description	Quantity Community of Ten and Portugal
ex 0401	Milk and cream not concentrated nor containing added sugar or other sweetening matter, other than in immediate packings of a net content not exceeding 2 litres	347 600
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugbar or other sweetening matter, nor flavoured, nor containing added fruit or cacao other than in immediate packings of a net content not exceeding 2 litres	
ex 0404	Whey, not concentrated nor containing added sugar or other sweetening matter; products consisting of natural milk constituents, other than in immediate packings of a net content not exceeding 2 litres	

(tonnes)

CN code	Description	Quantity Community of Ten and Portugal	
ex 0401 ex 0403 ex 0404	Milk and cream, not concentrated nor containing added sugar or other sweetening matter in immediate packings of a net content not exceeding 2 litres Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated nor containing added sugar or other sweetening matter, nor flavoured, or containing added fruit or cocoa, in immediate packings of a net content not exceeding 2 litres Whey, not concentrated or containing added sugar or other sweetening matter ; products consisting of natural milk constituents, in immediate packings of a net content not exceeding 2 litres	87 400	
0405	Butter and other fats and oils derived from milk	2 930	
		Community of Ten	Portugal
ex 0406	Cheese, excluding curd, Emmentaler, Gruyère, blue-veined cheese, Parmigiano Reggiano and Grana Padano	20 669	668'

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, 19 December 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission