COMMISSION REGULATION (EEC) No 3831/92

of 28 December 1992

amending Regulation (EEC) No 816/89 establishing the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector and determining the products which, in the case of deliveries to Spain, remain subject to that mechanism

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 81 (3) thereof,

Whereas the completion of the single market on 1 January 1993 implies the abolition of trade barriers not only between the Member States of the Community as constituted at 31 December 1985 but also, insofar as possible, between those States and the new Member States; whereas application of the supplementary trade mechanisms (STM), as regards trade with Spain, should accordingly cease in all cases where it is not strictly necessary;

Whereas experience has shown that continued application of the mechanism in the case of trade with Spain is not necessary to ensure:

— equilibrium on the Community market as constituted at 31 December 1985 except in the case of certain of the products covered by Commission Regulation (EEC) No 816/89 (1)

— equilibrium on the Spanish market except in the case of live bovine animals and milk in small packings;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the *ad hoc* committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Annex to Regulation (EEC) No 816/89 is replaced by the Annex to this Regulation.

2. In the case of deliveries to Spain, the following products only shall continue to be subject to the supplementary trade mechanism provided for in Article 81 of the Act of Accession of Spain and Portugal:

CN code	Description
ex 0401	Milk and cream, not concentrated or containing added sugar or other sweetening matter, in packings of a net content not exceeding two litres
ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa, in packings of a net content not exceeding two litres
ex 0404	Whey, not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, in packings of a net content not exceeding two litres
0102 90	Live bovine animals, other than pure-bred breeding animals and animals for bullfights

Article 2

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 28 December 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 86, 31. 3. 1989, p. 35.

ANNEX

List of products in the fruit and vegetable sector subject to the STM on import from Spain into the Community as constituted at 31 December 1985

CN code	Product
0702 00	Tomatoes
0709 10 00	Artichokes
0807 10 90	Melons (excluding watermelons)
0809 10 00	Apricots
ex 0809 30 00	Peaches (excluding nectarines)
0810 10	Strawberries