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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 936/89**of 12 April 1989****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2401/88⁽⁵⁾ and subsequent amending Regulations;

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

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

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 11 April 1989;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2401/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 April 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 12 April 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	23,43	130,00
0712 90 19	23,43	130,00
1001 10 10	57,12	188,94 ⁽¹⁾ ⁽²⁾
1001 10 90	57,12	188,94 ⁽¹⁾ ⁽²⁾
1001 90 91	33,89	123,74
1001 90 99	33,89	123,74
1002 00 00	61,56	115,60 ⁽²⁾
1003 00 10	52,12	117,78
1003 00 90	52,12	117,78
1004 00 10	43,18	84,44
1004 00 90	43,18	84,44
1005 10 90	23,43	130,00 ⁽²⁾ ⁽³⁾
1005 90 00	23,43	130,00 ⁽²⁾ ⁽³⁾
1007 00 90	46,77	139,10 ⁽²⁾
1008 10 00	52,12	23,45
1008 20 00	52,12	34,33 ⁽⁴⁾
1008 30 00	52,12	0,00 ⁽²⁾
1008 90 10	(?)	(?)
1008 90 90	52,12	0,00
1101 00 00	61,97	188,17
1102 10 00	100,71	176,37
1103 11 10	102,11	306,43
1103 11 90	65,30	201,59

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

⁽²⁾ In accordance with Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

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

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

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

COMMISSION REGULATION (EEC) No 937/89

of 12 April 1989

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 15⁽⁶⁾ thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2402/88⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 11 April 1989;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 April 1989.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 12 April 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0,75
1001 90 99	0	0	0	0,75
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	1,07

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	0	0	1,34	1,34
1107 10 19	0	0	0	1,00	1,00
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 938/89
of 11 April 1989
establishing unit values for the determination of the customs value of certain
perishable goods

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

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3773/87 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 April 1989.

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

Done at Brussels, 11 April 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	35,02	1 526	283,28	72,89	246,09	6 191	27,32	53 485	82,22	22,89
1.20	0702 00 10 0702 00 90	Tomatoes	110,71	4 825	895,54	230,43	777,95	19 572	86,38	169 080	259,92	72,38
1.30	0703 10 19	Onions (other than sets)	25,66	1 118	207,59	53,41	180,33	4 537	20,02	39 194	60,25	16,77
1.40	0703 20 00	Garlic	210,20	9 161	1 700,28	437,49	1 477,03	37 160	164,02	321 018	493,49	137,42
1.50	ex 0703 90 00	Leeks	33,95	1 484	275,54	70,85	241,09	5 907	26,53	51 655	79,99	21,70
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	38,06	1 659	308,56	79,12	269,72	6 651	29,67	58 324	89,33	24,62
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea var. italica</i>)	150,98	6 580	1 221,28	314,24	1 060,92	26 691	117,81	230 581	354,46	98,70
1.100	ex 0704 90 90	Chinese cabbage	54,49	2 374	440,76	113,41	382,88	9 633	42,51	83 217	127,92	35,62
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	63,86	2 783	516,62	132,93	448,78	11 291	49,83	97 539	149,94	41,75
1.120	ex 0705 29 00	Endives	35,98	1 568	291,05	74,89	252,83	6 361	28,07	54 951	84,47	23,52
1.130	ex 0706 10 00	Carrots	22,67	987	183,37	47,18	159,29	4 007	17,68	34 621	53,22	14,82
1.140	ex 0706 90 90	Radishes	97,60	4 253	789,50	203,14	685,83	17 255	76,16	149 059	229,14	63,81
1.150	0707 00 11 0707 00 19	Cucumbers	49,12	2 140	397,34	102,24	345,17	8 684	38,33	75 020	115,32	32,11
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	185,44	8 081	1 499,99	385,96	1 303,03	32 783	144,69	283 202	435,35	121,23
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna spp., Phaseolus spp.</i>)	142,69	6 218	1 154,24	296,99	1 002,69	25 226	111,34	217 924	335,00	93,28
1.180	ex 0708 90 00	Broad beans	48,32	2 105	390,86	100,57	339,54	8 542	37,70	73 796	113,44	31,59
1.190	0709 10 00	Globe artichokes	85,49	3 726	691,57	177,94	600,77	15 114	66,71	130 571	200,72	55,89
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	310,50	13 531	2 511,53	646,23	2 181,76	54 891	242,27	474 183	728,94	202,99
1.200.2	ex 0709 20 00	— other	346,42	15 097	2 802,13	721,01	2 434,21	61 242	270,31	529 051	813,29	226,47
1.210	0709 30 00	Aubergines (egg-plants)	96,81	4 219	783,10	201,49	680,28	17 115	75,54	147 851	227,28	63,29
1.220	ex 0709 40 00	Celery stalks and leaves	44,57	1 942	360,58	92,78	313,24	7 880	34,78	68 079	104,65	29,14
1.230	0709 51 30	Chantarelles	660,65	28 685	5 250,36	1 368,47	4 657,88	110 953	510,76	1 022 231	1 542,93	437,30
1.240	0709 60 10	Sweet peppers	151,18	6 588	1 222,90	314,66	1 062,33	26 727	117,96	230 887	354,93	98,83
1.250	0709 90 50	Fennel	22,39	976	182,01	46,65	157,86	3 933	17,46	34 299	52,61	14,50
1.260	0709 90 70	Courgettes	39,83	1 735	322,18	82,90	279,88	7 041	31,08	60 830	93,51	26,04
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	81,99	3 573	658,40	170,36	582,01	14 177	63,82	125 542	192,34	53,17
2.10	ex 0802 40 00	Chestnuts (<i>Castanea spp.</i>), fresh	71,58	3 124	577,39	149,21	508,93	12 383	55,77	109 540	168,40	45,76
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	54,98	2 396	444,78	114,44	386,38	9 721	42,90	83 977	129,09	35,94
2.30	ex 0804 30 00	Pineapples, fresh	48,52	2 114	392,48	100,98	340,95	8 578	37,86	74 102	113,91	31,72
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	177,67	7 743	1 437,15	369,79	1 248,45	31 409	138,63	271 338	417,11	116,15
2.50	ex 0804 50 00	Guavas and mangoes, fresh	181,40	7 905	1 467,33	377,55	1 274,67	32 069	141,54	277 036	425,87	118,59
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	44,24	1 928	357,86	92,08	310,87	7 821	34,52	67 565	103,86	28,92

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	41,16	1 794	332,97	85,67	289,25	7 277	32,12	62 865	96,64	26,91
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	33,52	1 461	271,19	69,77	235,58	5 927	26,16	51 201	78,71	21,91
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	49,72	2 166	402,18	103,48	349,37	8 789	38,79	75 932	116,72	32,50
2.70.2	ex 0805 20 30	— Monreales and Satsumas	50,52	2 203	410,57	105,23	356,11	8 873	39,39	77 370	118,69	32,71
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	69,17	3 014	559,51	143,96	486,04	12 228	53,97	105 637	162,39	45,22
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	60,73	2 646	491,26	126,40	426,76	10 737	47,39	92 752	142,58	39,70
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	37,77	1 646	305,55	78,62	265,43	6 678	29,47	57 690	88,68	24,69
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	148,00	6 450	1 197,12	308,02	1 039,93	26 163	115,48	226 019	347,45	96,75
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	38,88	1 694	314,55	80,93	273,25	6 874	30,34	59 389	91,29	25,42
2.90.2	ex 0805 40 00	— pink	55,05	2 399	445,31	114,58	386,84	9 732	42,95	84 077	129,24	35,99
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	99,88	4 353	807,96	207,89	701,87	17 658	77,94	152 545	234,50	65,30
2.110	0807 10 10	Water-melons	72,21	3 147	584,13	150,30	507,43	12 766	56,34	110 286	169,53	47,21
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	65,87	2 871	532,86	137,10	462,89	11 646	51,40	100 605	154,65	43,06
2.120.2	ex 0807 10 90	— Other	247,31	10 778	2 000,48	514,74	1 737,81	43 721	192,97	377 696	580,62	161,68
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	61,31	2 672	495,99	127,62	430,86	10 840	47,84	93 644	143,95	40,08
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	67,39	2 937	545,14	140,27	473,56	11 914	52,58	102 924	158,22	44,06
2.150	0809 10 00	Apricots	163,41	7 144	1 325,90	340,93	1 160,13	28 426	127,69	248 566	384,95	104,46
2.160	0809 20 10 0809 20 90	Cherries	142,33	6 213	1 148,11	296,70	1 011,97	24 623	110,90	217 814	334,85	90,99
2.170	ex 0809 30 00	Peaches	84,99	3 704	687,46	176,89	597,19	15 024	66,31	129 794	199,52	55,56
2.180	ex 0809 30 00	Nectarines	89,38	3 895	722,99	186,03	628,06	15 801	69,74	136 503	209,84	58,43
2.190	0809 40 11 0809 40 19	Plums	107,15	4 669	866,72	223,01	752,91	18 942	83,60	163 639	251,55	70,05
2.200	0810 10 10 0810 10 90	Strawberries	191,14	8 330	1 546,13	397,83	1 343,12	33 791	149,14	291 913	448,74	124,96
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	193,15	8 445	1 567,23	402,98	1 371,28	33 600	150,93	293 809	455,01	123,48
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	158,87	6 923	1 285,08	330,66	1 116,35	28 086	123,96	242 628	372,98	103,86
2.230	ex 0810 90 90	Pomegranates	64,94	2 834	523,88	135,38	461,76	11 235	50,60	99 388	152,79	41,52
2.240	ex 0810 90 90	Khakis	260,62	11 358	2 108,09	542,43	1 831,29	46 073	203,35	398 013	611,85	170,38
2.250	ex 0810 90 90	Lychees	294,55	12 846	2 393,61	613,51	2 076,13	51 732	229,68	451 069	691,99	190,71

COMMISSION REGULATION (EEC) No 939/89

of 12 April 1989

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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 2306/88⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 766/68 of the Council of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Regulation (EEC) No 394/70 of the Commission of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus

calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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 export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 April 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 12 April 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	(ECU) Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	30,71 ⁽¹⁾	
1701 11 90 910	28,89 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	30,71 ⁽¹⁾	
1701 12 90 910	28,89 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3339
1701 99 10 100	33,39	
1701 99 10 910	32,75	
1701 99 10 950	32,75	
1701 99 90 100		0,3339

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 940/89
of 12 April 1989
fixing the sluice-gate prices and levies for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 3207/88⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2771/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Council Regulation (EEC) No 2773/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for eggs⁽³⁾, as last amended by Regulation (EEC) No 4155/87⁽⁴⁾;

Whereas, since sluice-gate prices and levies for eggs were, by Commission Regulation (EEC) No 137/89⁽⁵⁾, last fixed for the period 1 February to 30 April 1989, they must be fixed anew for the period 1 May to 31 July 1989; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 November 1988 to 31 March 1989;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed, changes in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2773/75, the minimum was set at 3 %;

Whereas the price of the quantity of feed grain required does not vary by 3 % or more from that used for the

preceding quarter; whereas the sluice-gate prices fixed by Regulation (EEC) No 137/89 should accordingly be maintained unchanged until 31 July 1989;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, world market prices for feed grain are to be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since no new sluice-gate prices have been fixed, the levies fixed by Regulation (EEC) No 137/89 should accordingly be maintained unchanged until 31 July 1989;

Whereas, Commission Regulation (EEC) No 630/86 of 28 February 1986 on the application of import levies on egg products from Portugal⁽⁶⁾ suspended the application of import levies on egg products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2771/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall, for the period 1 May to 31 July 1989 be as fixed by Regulation (EEC) No 137/89.

2. For imports from Portugal of products specified in paragraph 1, application of the levies shall be suspended.

Article 2

This Regulation shall enter into force on 1 May 1989.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 286, 20. 10. 1988, p. 2.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 64.

⁽⁴⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽⁵⁾ OJ No L 17, 21. 1. 1989, p. 13.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 10.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

**COMMISSION REGULATION (EEC) No 941/89
of 12 April 1989**

fixing the sluice-gate prices and import duties for ovalbumin and lactalbumin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽¹⁾, as last amended by Regulation (EEC) No 4001/87 ⁽²⁾, and in particular Article 2 (2) and the second subparagraph of Article 5 (5) thereof,

Whereas the sluice-gate prices and import duties of the products specified in Article 1 of Regulation (EEC) No 2783/75 must be fixed quarterly in advance in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 2084/88 of 13 July 1988 fixing sluice-gate prices and import duties for ovalbumin and lactalbumin ⁽³⁾;

Whereas, since sluice-gate prices and import duties for ovalbumin and lactalbumin were, by Commission Regulation (EEC) No 139/89 ⁽⁴⁾ fixed for the period 1 February to 30 April 1989 they must be fixed anew for the period 1 May to 31 July 1989; whereas such prices and duties should be calculated by reference to the sluice-gate price and levy applicable to eggs in shell during the same period;

Whereas these have been fixed by Commission Regulation (EEC) No 940/89 of 12 April 1989 fixing the sluice-gate prices and levies for eggs ⁽⁵⁾;

Whereas the sluice-gate price and levy applicable to eggs in shell have been maintained unchanged by the afore-

mentioned Regulation; whereas it is therefore necessary likewise to maintain unchanged the sluice-gate prices and import duties for ovalbumin and lactalbumin fixed by Regulation (EEC) No 139/89;

Whereas Commission Regulation (EEC) No 632/86 of 28 February 1986 on the application of import duties on ovalbumin and lactalbumin products from Portugal ⁽⁶⁾ suspended the application of import levies on ovalbumin and lactalbumin products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties provided for in Article 2 of Regulation (EEC) No 2783/75 in respect of the products specified in Article 1 of that Regulation, and the sluice-gate prices provided for in Article 5 thereof in respect of the like products, shall, for the period 1 May to 31 July 1989, be as fixed by Regulation (EEC) No 139/89.

2. Application of the duties shall be suspended in respect of imports from Portugal of the products specified in paragraph 1.

Article 2

This Regulation shall enter into force on 1 May 1989.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 11. 11. 1975, p. 104.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽³⁾ OJ No L 183, 14. 7. 1988, p. 19.

⁽⁴⁾ OJ No L 17, 21. 1. 1989, p. 20.

⁽⁵⁾ See page 10 of this Official Journal.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 12.

COMMISSION REGULATION (EEC) No 942/89
of 12 April 1989
fixing the sluice-gate prices and levies for poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 3907/87⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3986/87⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulations (EEC) No 138/89⁽⁵⁾ last fixed for the period 1 February to 30 April 1989, they must be fixed anew for the period 1 May to 31 July 1989; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 November 1988 to 31 March 1989;

Whereas, when the sluice-gate prices applicable from 1 November, 1 February and 1 May are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required does not vary by 3 % or more from that used for the preceding quarter; whereas the sluice-gate prices fixed by Regulation (EEC) No 138/89 should accordingly be maintained unchanged until 31 July 1989 for these products;

Whereas, when the levies applicable from 1 November, 1 February and 1 May are being fixed, changes in world

market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since no new sluice-gate prices have been fixed, the levies fixed by Regulation (EEC) No 138/89 should accordingly be maintained unchanged until 31 July 1989;

Whereas, Commission Regulation (EEC) No 631/86 of 28 February 1986 on the application of import levies on products from Portugal suspended the application of import levies on poultrymeat products from Portugal⁽⁶⁾ owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The levies provided for in Article 3 of Regulation (EEC) No 2777/75 in respect of the products specified in Article 1 (1) of that Regulation and the sluice-gate prices provided for in Article 7 of that Regulation in respect of the like products shall, for the period 1 March to 31 July 1989, be as fixed by Regulation (EEC) No 138/89.

2. However for products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71, 0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90 for which the rate of duty has been bound under GATT, the levies shall be limited to the amount resulting from that binding.

3. For imports of products specified in paragraph 1 from Portugal, application of the levies shall be suspended.

Article 2

This Regulation shall enter into force on 1 May 1989.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 11.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 14.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 376, 31. 12. 1987.

⁽⁵⁾ OJ No L 17, 21. 1. 1989, p. 15.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 943/89**of 12 April 1989****fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88**

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2210/88 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3421/88 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3421/88 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 April 1989.

Article 2

This Regulation shall enter into force on 13 April 1989.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 301, 4. 11. 1988, p. 39.

ANNEX

to the Commission Regulation of 12 April 1989 fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88

(ECU/100 kg)	
Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	—
1509 90 00 100	72,00
1509 90 00 900	—
1510 00 90 100	18,00
1510 00 90 900	55,50

NB: The products codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (Euratom) No 944/89

of 12 April 1989

laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency

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

Having regard to Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency⁽¹⁾, and in particular Article 7 thereof,

Whereas, in accordance with Regulation (Euratom) No 3954/87, the Commission shall adopt a list of minor foodstuffs, together with the maximum levels of radioactive contamination to be applied thereto;

Whereas, the group of experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Euratom Treaty has been consulted;

Whereas the foodstuffs to be considered are those of minor dietary importance which make only a marginal contribution to food consumption by the population;

Whereas foodstuffs for inclusion in the list of minor foodstuffs must be identified by means of their combined nomenclature code number and description set out in Commission Regulation (EEC) No 3174/88 of 21 September 1988 amending Annex 1 to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾;

Whereas the *ad hoc* Committee, instituted by Council Regulation (Euratom) No 3954/87 has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The list of minor foodstuffs established pursuant to Article 7 of Regulation (Euratom) No 3954/87 is set out in the Annex.

Article 2

For the minor foodstuffs given in the Annex, the maximum permitted levels to be applied are 10 times those applicable to 'other foodstuffs except minor foodstuffs' fixed in the Annex of Regulation (Euratom) No 3954/87 or pursuant to Regulations adopted on the basis of Article 3 of that Regulation.

Article 3

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

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

Done at Brussels, 12 April 1989.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

⁽¹⁾ OJ No L 371, 30. 12. 1987, p. 11.

⁽²⁾ OJ No L 298, 31. 10. 1988, p. 1.

ANNEX

List of minor foodstuffs

CN code	Description
0703 20 00	Garlic (fresh or chilled)
0709 52 00	Truffles (fresh or chilled)
0709 90 40	Capers (fresh or chilled)
0711 30 00	Capers (provisionally preserved, but unsuitable in that state for immediate consumption)
0712 30 00	Truffles (dried, whole, cut, sliced, broken or in powder, but not further prepared)
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh or dried, whether or not sliced or in the form of pellets; sago pith
0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
0903 00 00	Maté
0904	Pepper of the genus <i>Piper</i> ; dried or crushed of ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>
0905 00 00	Vanilla
0906	Cinnamon and cinnamon-tree flowers
0907 00 00	Cloves (whole fruit, cloves and stems)
0908	Nutmeg, mace and cardamons
0909	Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries
0910	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices
1106 20	Flour and meal of sago, roots or tubers of heading No 0714
1108 14 00	Manioc (cassava) starch
1210	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin
1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered
1301	Lac; natural gums, resins, gum-resins and balsams
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
1604 30	Caviar and caviar substitutes
1801 00 00	Cocoa beans, whole or broken, raw or roasted
1802 00 00	Cocoa shells, husks, skins and other cocoa waste
1803	Cocoa paste, whether or not defatted
2003 20 00	Truffles (prepared or preserved otherwise than by vinegar or acetic acid)
2006 00	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders
2936	Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils

COMMISSION REGULATION (EEC) No 945/89

of 12 April 1989

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1115/88⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 3939/87⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 20 March 1989, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 1310/88 of 11 May 1988 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat⁽⁵⁾ the weekly amounts of the guide level are set out pursuant to Article 9a (3) of Regulation (EEC) No 1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 20

March 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 20 March 1989, the level of the premium is fixed at 95,976 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 20 March 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes 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 20 March 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 12 April 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	45,109	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	95,976	0
0204 21 00	95,976	0
0204 50 11		0
0204 22 10	67,183	
0204 22 30	105,574	
0204 22 50	124,769	
0204 22 90	124,769	
0204 23 00	174,676	
0204 30 00	71,982	
0204 41 00	71,982	
0204 42 10	50,387	
0204 42 30	79,180	
0204 42 50	93,577	
0204 42 90	93,577	
0204 43 00	131,007	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	124,769	
0210 90 19	174,676	
1602 90 71 :		
— unboned (bone-in)	124,769	
— boned or boneless	174,676	

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 946/89

of 12 April 1989

on the supply of various lots of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1870/88 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 600 tonnes of white sugar;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas given the situation on the sugar market and the special nature of the sector, the supplies should be taken from C-sugar produced outside the production quotas, as defined in Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector ⁽⁵⁾, as last amended by Regulation (EEC) No 2306/88 ⁽⁶⁾; whereas under that Regulation refunds and monetary compensatory amounts may not be granted or export levies and monetary compensatory amounts may not be charged on exports of C-sugar,

HAS ADOPTED THIS REGULATION:

Article 1

C-Sugar shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ No L 201, 27. 7. 1988, p. 65.

ANNEX

1. Operation No (1): 28/89
2. Programme: 1988
3. Recipient (2): ICRC, 17, avenue de la Paix, CH-1211 Genève; telex 22269 CICR-CH
4. Representative of the recipient (2): Délégation Managua, Apartado 2005, reparto Belmonte — KM 7, Carretera Sur, Managua, Nicaragua; tel. 52 081/2/3/4/5, telex 2268 CICRNIC NK
5. Place or country of destination: Nicaragua
6. Product to be mobilized: white sugar
7. Characteristics and quality of the goods (3): white sugar of category 2 standard quality (Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1)) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. Total quantity: 100 tonnes
9. Number of lots: one
10. Packaging and marking (4): new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kg
Marking on bags: a red cross 10 × 10 cm. followed by, in letters at least 5 cm high:
'ACCIÓN N° 28/88 / NI-88 / AZÚCAR / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DISTRIBUCIÓN GRATUITA / CORINTO'
11. Method of mobilization (7): C-sugar produced in the Community as defined at (c) in the fourth subparagraph of Article 24 (1) of Regulation (EEC) No 1785/81, as last amended by Regulation No 2306/88
12. Stage of supply: free at port of landing — landed
13. Port of shipment: —
14. Port of landing specified by the recipient: —
15. Port of landing: —
16. Address of the warehouse and, if appropriate, port of landing: Delegación del CICR, Reparto Belmonte km 7 Carretera Sur, Apartado 2005, Managua/Nicaragua; tel. 520 81-4, 520 81-5, telex 2268 CICR-NIC
17. Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 17. 5. 1989 to 31. 5. 1989
18. Deadline for the supply: 7. 7. 1989
19. Procedure for determining the costs of supply: invitation to tender
20. In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders: 2. 5. 1989 at 12 noon
21. In the case of a second invitation to tender:
 - (a) deadline for the submission of tenders: 16. 5. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. 6. 1989 to 15. 6. 1989
 - (c) deadline for the supply: 21. 7. 1989
22. Amount of the tendering security: ECU 15 per tonne
23. Amount of the delivery security: 10 % of the amount of the tender in ecus
24. Address for submission of tenders (5):

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. Refund payable on request by the successful tenderer (6): —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to be contacted by the successful tenderer :
see list published in OJ No C 227, 7. 9. 1985, p. 4.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 levels.
The successful tenderer shall supply to the beneficiary or its representative on delivery the following documents :
 - phytosanitary certificate,
 - certificate of origin.
 - (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
 - (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
 - (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.
 - (⁷) The rule provided at the second indent in point (a) of Article 18 (2) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
 - (⁸) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
-

COMMISSION REGULATION (EEC) No 947/89

of 12 April 1989

introducing a countervailing charge on fresh lemons originating in Spain
(except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing for the 1988/89 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the period from November 1988 to April 1989 at ECU 47,15 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended byRegulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 8 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the fourth year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 1,51 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 14 April 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 948/89

of 12 April 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾ as last amended by Regulation (EEC) No 2238/88⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

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

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 14 April 1989, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 949/89

of 12 April 1989

fixing the maximum export refund for white sugar for the 49th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 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 2306/88⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1035/88, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 49th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

For the 49th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at ECU 35,743 per 100 kilograms.

Article 2

This Regulation shall enter into force on 13 April 1989.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 950/89
of 12 April 1989
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 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 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 934/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 April 1989.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 99, 12. 4. 1989, p. 22.

ANNEX

to the Commission Regulation of 12 April 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,51 ⁽¹⁾
1701 11 90	32,51 ⁽¹⁾
1701 12 10	32,51 ⁽¹⁾
1701 12 90	32,51 ⁽¹⁾
1701 91 00	39,15
1701 99 10	39,15
1701 99 90	39,15 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 951/89
of 12 April 1989
fixing the aid for cotton

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

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87⁽¹⁾;

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 791/89⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 3026/88⁽⁴⁾, as last amended by Regulation (EEC) No 892/89⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3026/88 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 46,132 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 13 April 1989.

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

Done at Brussels, 12 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 271, 1. 10. 1988, p. 69.

⁽⁵⁾ OJ No L 94, 7. 4. 1989, p. 22.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 March 1989

authorizing certain Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of isolated bark of conifers originating in California (USA)

(Only the Danish, German, French and Dutch texts are authentic)

(89/247/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products ⁽¹⁾, as last amended by Directive 89/83/EEC ⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the requests made by the Member States concerned,

Whereas under the provisions of Directive 77/93/EEC, isolated bark of conifers originating in non-European countries may in principle not be introduced into the Community because of the risk of introducing harmful organisms;

Whereas, however, Article 14 (3) of the abovementioned Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas it has appeared that coniferous bark originating in California of the quality available there is particularly appropriate as a growing medium or part of a growing medium for orchid plants, thus reducing the number of

transplanting or repotting operations necessary in the process of orchid growing;

Whereas the Commission has established on the basis of the information available at present that the risk of spreading harmful organisms, in particular Scolytidae and *Bursaphelenchus xylophilus* through the introduction of coniferous bark originating in California for the aforementioned purpose is obviated provided that certain technical conditions are satisfied; whereas this Decision might be revised in the light of the effectiveness of certain fumigation schedules on the control of *Bursaphelenchus xylophilus*;

Whereas the Member States concerned should therefore be authorized to provide for derogations in respect of coniferous bark originating in California under those technical conditions;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Belgium, Denmark, the Federal Republic of Germany, France, Luxembourg and the Netherlands are hereby authorized to provide, under the conditions laid down in paragraph 2, for derogations from Article 4 (1) of Directive 77/93/EEC, with regard to the prohibition referred to in Part A (5) of Annex III thereto, for coniferous bark, originating in California (USA) provided that it is intended as a growing medium for orchid plants.

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 32, 3. 2. 1989, p. 29.

2. For the purposes of paragraph 1, the following conditions shall be satisfied:

- (a) The bark shall be stored in heaps on hard standing in the open and subsequently, within two weeks prior to dispatch and under a gas-proof cover, undergo fumigation with methylbromide which is carried out at a minimum rate of 32 g/m³ of total volume for at least 72 hours at an initial temperature of + 10 °C. It may be decided, on the basis of scientific evidence and in accordance with the procedure laid down in Article 16 of Directive 77/93/EEC, that other schedules shall or may be used.
- (b) The fumigation procedures as described in (a) shall be carried out by officially licensed fumigation operatives using proper fumigation facilities and qualified staff to requisite standards. The operatives shall be informed of the details of the procedure required for bark fumigation.
- (c) The individual fumigation procedure shall systematically be supervised at the fumigation site directly by officials of the official plant protection organization of the USA or by cooperating State officials in such a way as to guarantee compliance with the requirements laid down in (a) and (b).
- (d) The bark shall be consigned in bags or other containers which have been closed, sealed and labelled with the indication 'fumigated' immediately after fumigation under the supervision of the official plant protection organization of the USA.
- (e) The bark shall be accompanied by an official plant health certificate issued by the official plant protection organization of the USA after finalization of fumigation, closing and sealing.
- (f) Without prejudice to the information required under the section relating to disinfestation and/or disinfection treatment, the certificate shall bear the following additional declaration:
'It is hereby certified that the bark shipped under this certificate been fumigated by (licensed fumigation operative) at (fumigation

site) in accordance with Commission Decision 89/247/EEC.'

- (g) The importing Member States shall draw representative samples from each consignment for official examination in respect of the presence of harmful organisms and the effectiveness of fumigation.

Article 2

The authorization granted in Article 1 shall expire on 31 December 1991. It shall be revoked in so far as it is established that the conditions laid down therein are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 3

Member States shall notify the Commission and the other Member States of the provisions under which they make use of the authorization granted in Article 1. They shall provide the Commission and the other Member States, before 1 March of each year, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1 (2) (g); copies of each plant health certificate shall be transmitted to the Commission.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Done at Brussels, 28 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 30 March 1989

authorizing the agreements on supplies of solid fuels to six steelworks by
Ruhrkohle AG

(Only the German text is authentic)

(89/248/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof,

Having regard to the application submitted by Ruhrkohle on 4 November 1988 in its own name and in the name of the steelworks concerned,

Whereas :

I. THE FACTS

A. Steelworks agreement 1969

(1) With effect from 1 January 1969, Ruhrkohle AG (RAG) concluded with the steelworks Salzgitter Hüttenwerk AG, Hoesch AG, Fried. Krupp Hüttenwerke AG, Ilseder Hütte, August Thyssen-Hütte AG, Mannesmann AG, Rheinische Stahlwerke and Klöckner-Werke AG supply agreements in which the steelworks undertook to obtain their solid fuel requirements for their plants in the common market from RAG. In the agreements, RAG undertook to supply such requirements (steelworks agreements).

(2) The steelworks agreements were part of the measures which were taken in 1969 by 23 German mining companies in agreement with the Government of the Federal Republic of Germany and which led to the establishment of RAG. The relevant undertakings (parent companies) gave up their mining assets and transferred them to RAG, in return for which they acquired shares in RAG in proportion to the value of the physical fixed assets transferred to it. In the case of the mining companies which, at the time when RAG was established, also operated steelworks, the giving-up of their mining assets meant that they lost their own coal supply used in their steel production. So as to ensure the continuation of these traditional links in the manner and to the extent that they would have developed without the transfer of mining assets to RAG, identical steelworks agreements were concluded between RAG and the relevant parent companies.

(3) The main provisions of the agreements are as follows: RAG charges such customers a contract price determined in accordance with a uniform procedure. The contract price takes account of the fact that imports of cheap coking coal into the Federal Republic from outside the Community are restricted by law. Consequently, so as to avoid competitive disadvantages for the parties to the steelworks agreements *vis-à-vis* the steel industry in other Community countries, the contract price is set in such a way that it results in cost prices for the parties to the steelworks agreements that are equivalent to the cost prices they would have had to pay if they too imported coal from outside the Community. The same applies in the case of blast-furnace coke taking account of processing costs in the coke-ovens. Both sides start from the assumption in these arrangements that the difference between RAG's production costs and the competitive price is covered by State aid. RAG has reserved the right to operate the steelworks agreements appropriately if the system for covering the difference between production costs and the competitive price through aid no longer applies or is no longer sufficient to cover the total amount. Coking coal supplies would be reduced or cease whereas coke supplies would continue with coke made from third-country coal.

RAG is required to grant the parties to the agreements most-favoured-customer treatment.

The steelworks must not have coking carried out against payment by other undertakings or hire any coking capacity. They must clear the creation or extension of their own coking capacity with RAG and reach agreement with RAG on any financial consequences resulting from this.

(4) The steelworks agreements were concluded for a period of 20 years and could be terminated only on 31 December 1988, subject to five years' notice being given. They were to be extended by a year at a time if notice to terminate was not given five years before their expiry.

(5) When RAG was set up, the steelworks agreements formed an integral part of the merger plan which was authorized by the Commission on 27 November 1969 under Article 66 (2) of the Treaty.

- (6) During the period covered by the agreement, from 1969 to 1988, patterns of ownership in the relevant steelworks have undergone some changes. The steelworks at present bound by the steelworks agreement are the following undertakings:

Krupp Stahl AG, Bochum,
Mannesmann AG, Düsseldorf,
Thyssen Stahl AG, Duisburg,
Stahlwerke Peine-Salzgitter AG, Salzgitter,
Hoesch Stahl AG, Dortmund,
Klöckner Stahl GmbH, Duisburg.

- (7) Depending on the fluctuations in the cyclical situation, the steelworks agreement governs some 16 to 18 million tonnes (coal equivalent) of demand for coking coal and coke of the steel industry in the Federal Republic of Germany.

B. Follow-up agreement to the steelworks agreement

- (8) The application submitted by the parties concerned is aimed at repealing the agreed rules governing termination of the steelworks agreement and adopting an amended form to 31 December 2000.
- (9) In the new steelworks agreement (follow-up agreement to the steelworks agreement), the steelworks' exclusive procurement obligation (100 % of their requirements) is dropped. The steelworks additional right to purchase, to a limited extent, from other sources is set out in Annex 1 to the follow-up agreement and in an interpretation declared by RAG to be binding in this respect. Under this, the parties to the agreement are free to obtain special fuels and solid fuels other than coal or coal products (e.g. petroleum coke and pulverized lignite) from other sources. The steelworks are merely required in this respect to afford RAG the opportunity of making a counter-offer, which they do not have to accept, even if it is technically and economically equivalent to the other offer.
- (10) RAG is also in one other respect no longer the sole supplier of the steelworks which are parties to the agreement, since it has concluded an agreement with the mining company Auguste Victoria, under which Auguste Victoria may throughout the entire period covered by the follow-up agreement supply to RAG limited amounts within the framework of the follow-up agreement and subject to its conditions, for supply to the steelworks.
- (11) The follow-up agreement to the steelworks agreement is for a period of 12 years and will be renewed by tacit agreement by one year each year if notice is not given to terminate it four years before it is due to expire.
- (12) In the follow-up agreement to the steelworks agreements it is foreseen that a subsequent change

in the situation, such as that which could result from a decision of the Commission of the European Communities or other decisions, could render the execution of the contract impossible. It is also foreseen that the system whereby the differences between the cost of production and competitive prices is covered by State aids could be modified. The contract, *inter alia*, thus takes into account the fact that Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾ will expire on 31 December 1993 and that no forecasts regarding a possible follow-up decision can be made.

II. LEGAL ASSESSMENT

Article 65 (1)

- (13) Article 65 (1) prohibits certain types of anticompetitive agreements and practices. The agreements concluded by RAG and the relevant steelworks meet the criteria laid down in Article 65 (1) for prohibition for the following reasons:

RAG and the parties to the agreements are undertakings within the meaning of Article 80 of the Treaty.

Normal competition is restricted by the fact that the fact that the steelworks which are parties to the agreements must acquire solely from RAG all solid fuels except special fuels and except solid fuels other than coal or coal products.

RAG prevents the steelworks from producing blast-furnace coke through the provision prohibiting them from having coking carried out against payment by other companies or hiring coking capacity. RAG also influences the steelworks' decisions regarding their investment in the expansion and creation of their own coking capacity, by requiring them to agree with it on periods of notice and the offsetting of any financial consequences arising for it.

In addition, the steelworks which are parties to the agreements have agreed with RAG on a price formation process which, in conjunction with most-favoured-customer treatment results in mutually coordinated prices. The right to most-favoured-customer treatment allowed them by RAG also influences RAG's price formation process in relation to other steelworks in the Community.

- (14) The agreements concluded by RAG and the steelworks which are associated with the application are therefore prohibited under Article 65 (1).

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

Article 65 (2)

- (15) However, the Commission may, under Article 65 (2), authorize specialization agreements, joint buying or joint selling agreements, and strictly analogous agreements in respect of particular products, provided the conditions set out are fulfilled.
- (16) The agreement concluded by the parties in accordance with the principles of the follow-up agreement to the steelworks agreement is strictly analogous to an agreement within the meaning of the said paragraph, and in particular with a view to rationalization and joint buying.
- (17) RAG supplies the steelworks which are parties to the agreement with coking coal or with blast-furnace coke, or with both products, depending on the extent to which such steelworks have coking capacities of their own. Within the framework of the contractually agreed amounts, though subject to the order situation in the steel industry and bearing in mind substitution possibilities indicated in point 9, the follow-up agreement to the steelworks agreement allows RAG to ensure long-term planning of its production of coking coal and blast-furnace coke. Because of the high capital costs in mining and the unsatisfactory profit situation that has existed for decades because of competition from non-Community coal and other forms of energy, but also because of strongly declining demand in the various sectors of consumption, the mining companies must endeavour to adjust their capacities to sales as far as possible. They must however, in the Federal Republic of Germany, simultaneously take care to ensure that their capacity for supplying coking coal is sufficient to cover in full the requirements of the steelworks, since the German steelworks do not in principle have any alternatives in procuring the fuels they require. This is due firstly to the fact that the import of coking coal from non-Community countries into the Federal Republic except for use in a coastal coking plant (some 2 % of consumption in the Federal Republic of Germany) is restricted and secondly to the fact that suitable Community coal (coking coal) is not available to the steelworks that are parties to the agreement at a competitive price, either because of the other Community producer countries' own requirement for such coal or because of the high subsidy requirement. Long-term agreements on as large a proportion as possible of the total requirements of the steelworks that are parties to the agreement therefore help to secure their supplies and at the same time to minimize RAG's production costs. The agreement therefore makes for a substantial improvement in the production of coking coal and blast-furnace coke.
- (18) The follow-up agreement to the steelworks agreement is not more restrictive than is necessary for achieving the abovementioned improvement in production and supplies. The newly introduced relaxation of the steelworks' obligation to procure their requirements from RAG allows, to a limited extent, other suppliers to have access if they can make competitive offers.
- (19) Nor does the agreement enable the parties concerned to determine prices for the products in question. The contract price is determined by factors which lie outside the sphere of influence of RAG and the parties to the agreement, namely the prices of coal imported from non-Community countries and the extent of the aid intended to cover the difference between RAG's costs and revenue.
- (20) The restriction of blast-furnace coke production by the agreement is not such as to involve a substantial part of blast-furnace coke production in the common market. When RAG was set up, the steel-producing parent companies that operated their own coking plants retained them, while the other mining companies transferred theirs together with their coal mining to RAG. This procedure is covered by the Commission Decision of 27 November 1969. Coking capacities at that time were appropriate to the circumstances when RAG was established and to the taking-over of its supply obligation for blast-furnace coke under the steelworks agreement. It is normal that such plants should be maintained and renewed over periods of more than 20 years. Furthermore, the trend in the steelworks' requirements of blast-furnace coke during the period covered by the steelworks agreement has tended to be downwards. Consequently, only minor importance is to be attached to the possible restriction in the production of their own coke which is imposed on the steelworks through the follow-up agreement to the steelworks agreement.
- (21) The question of whether the parties concerned, in particular RAG, are shielding themselves against effective competition from other undertakings within the common market through the agreement must be answered in the negative in view of the factors set out in point 17 regarding the producers of coking coal and of blast-furnace coke produced from Community coal. However, this question must also be put with regard to the suppliers of coal which the steelworks in certain circumstances use in addition to coking coal (sinter coal) and of blast-furnace coke produced from non-Community coal.

- (22) Blast furnace works need sinter fuels, either low volatile coal (not coking coal) or coke (coke breeze), in order to transform fine ore before it is placed in the blast furnace into sinter of appropriate size. The steelworks decide for or against one or other type of fuel in the light of their technical requirements. The parties to the steelworks agreements accordingly reject the use of coal for sinter purposes. In their experience, the volatile components of coal may form tars which condense in the electrostatic filters situated after the sintering plants and could lead to fires there. They therefore use only coke breeze. This is produced in their own coking plants in so far as they produce blast-furnace coke themselves, i.e. in the case of four of the six steelworks. The coke breeze tonnages which the other two undertakings must according to the agreement obtain from RAG are of an insignificant level.

Community coking plants that wished to supply blast-furnace coke produced from non-Community coal to the undertakings bound by the follow-up agreement to the steelworks agreement would have to fulfil two conditions. They would have to have capacity available and purchase the non-Community coal at prices that are lower than those which RAG in accordance with the agreement takes as the reference for alignment. These conditions can, under the circumstances known to the Commission, be fulfilled consistently only in the case of marginal amounts or for spot supplies. For reasons of the homogeneity of the blast-furnace coke required and with a view to ensuring security of supplies, the steelworks that are parties to the agreements are interested in neither alternative.

The agreement does not therefore give the undertakings concerned the power to shield themselves against effective competition from other undertakings within the common market.

- (23) The Commission considers it necessary to restrict the authorization for the notified agreement to the period until 31 December 1997, which is a sufficiently long time to allow the planning described in point 17.
- (24) Subject to this restriction in time, the agreement meets the conditions for authorization under Article 65 (2) and can therefore be authorized.
- (25) As pointed out in points 3 and 12, the agreement itself shows that its operation is largely dependent on the granting of State aid. The authorization and in particular duration of this agreement in no way prejudices any future Commission decision concerning State aids. In addition, any change in circumstances may make appropriate a review of the authorization under the fourth subparagraph of Article 65 (2) of the Treaty.
- (26) This Decision is without prejudice to the Commission's evaluation of investment programmes pursuant to Article 54 of the Treaty establishing the European Coal and Steel Community,

HAS ADOPTED THIS DECISION :

Article 1

The agreement concluded by Ruhmkohle AG and the steelworks Krupp Stahl AG, Mannesmann AG, Thyssen Stahl AG, Stahlwerke Peine-Salzgitter AG, Hoesch Stahl AG and Klöckner Stahl GmbH on the supply and procurement of solid fuels is hereby authorized.

Article 2

This Decision is addressed to the following undertakings :

Ruhrkohle AG, Essen ; Krupp Stahl AG, Bochum, Mannesmann AG, Düsseldorf, Thyssen Stahl AG, Duisburg, Stahlwerke Peine-Salzgitter AG, Salzgitter, Hoesch Stahl AG, Dortmund and Klöckner Stahl GmbH, Duisburg.

Article 3

This Decision shall take effect on the day of its notification to the undertakings concerned. It shall have effect until 31 December 1997.

Done at Brussels, 30 March 1989.

For the Commission

Sir Leon BRITTAN

Vice-President

COMMISSION DECISION**of 5 April 1989****amending Commission Decision 89/171/EEC of 1 March 1989 concerning the establishment of overall quantities of food aid for 1989 and establishing a list of products to be supplied as food aid****(89/249/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Sole Article

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last extended by Regulation (EEC) No 1870/88 ⁽²⁾, and in particular Article 5 thereof,

Annex II to Commission Decision 89/171/EEC of 1 March 1989 hereby replaced by the Annex to this Decision.

Whereas on 1 March 1989 the Commission adopted a Decision concerning the establishment of overall quantities of food aid for 1989 and establishing a list of products to be supplied as food aid ⁽³⁾;

Done at Brussels, 5 April 1989.

Whereas the list of products should be amended to include cheese and pigmeat;

For the Commission

Whereas the measures provided for in this Decision are in accordance with the opinion of the Food Aid Committee,

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1, and corrigendum OJ No L 42, 12. 2. 1987, p. 54.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 63, 7. 3. 1989, p. 30.

ANNEX

ANNEX II

CN code	Description
0202	Meat of bovine animals, frozen
0203	Meat of swine, frozen
0210	Meat or edible meat offal of all species, salted, in brine, dried or smoked
0305	Fish, dried, salted or in brine ; smoked fish, whether or not cooked before or during the smoking process ; fish meal fit for human consumption
ex 0402	Milk and cream, in powder, granules or other solid forms
ex 0405 00	Butteroil
0406	Cheese and curd
0713	Dried leguminous vegetables, shelled, whether or not skinned or split
0806 20	Dried grapes
ex Chapter 10	Cereals
1101	Cereal flours
1102	
1103	Cereal, groats, meal and pellets
1104	Cereal grains otherwise worked, except rice of CN code 1006 ; germ of cereals, whole, rolled, flaked or ground
1106 10 00	Flour and meal of the dried leguminous vegetables of CN code 0713
ex 1202	Ground-nuts
1509	Olive oil
ex 1507	Vegetable oils and their fractions, whether or not refined, but not chemically modified, for human consumption
ex 1508	
ex 1511	
ex 1512	
ex 1513	
ex 1514	
ex 1515	
ex 1602	Other prepared or preserved meat, meat offal or blood of bovine animals or of swine
ex 1604 13 to 1604 16	Prepared or preserved fish : sardines, sardinella and brisling or sprats ; tunas, skip-jack and Atlantic bonito (<i>Sarda</i> spp.) ; mackerel ; anchovies ; other
1701	Cane or beet sugar and chemically pure sucrose, in solid form
ex 1901	Food preparations of flour, meal, etc., not elsewhere specified or included
ex 1902	Uncooked pasta, not stuffed or otherwise prepared
ex 1905	Sweet biscuits ; waffles and wafers
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
ex 2106 10	Food preparations not elsewhere specified or included ; protein concentrates and textured protein substances derived from milk

COMMISSION DECISION

of 25 January 1989

fixing an indicative allocation between Member States of 85 % of the commitment appropriations of the European Regional Development Fund (ERDF) under Objective 1 as defined by Council Regulation (EEC) No 2052/88

(89/250/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, and in particular Article 12 (6) thereof,

Whereas Article 12 (4) of the abovementioned Regulation states that the Commission is to ensure that a special effort is undertaken for the least prosperous regions;

Whereas Article 12 (5) of the abovementioned Regulation states that the European Regional Development Fund (ERDF) may devote approximately 80 % of its appropriations to Objective 1;

Whereas the first subparagraph of Article 12 (6) of the abovementioned Regulation states that, to facilitate the planning of assistance in the regions concerned, the Commission is to establish, for a period of five years and as a guide, the allocation between Member States, of 85 % of the commitment appropriations of the ERDF;

Whereas the second subparagraph of Article 12 (6) of the abovementioned Regulation states that this allocation is to be based on the socio-economic criteria determining the eligibility of regions and areas for ERDF assistance under Objectives 1, 2 and 5 (b), while ensuring that the objective of doubling appropriations for the regions covered by Objective 1 takes the form of a substantial increase in assistance in those regions, particularly in the least prosperous regions;

Whereas Article 13 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for

implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund⁽²⁾ states that, before 1 January 1989, the Commission is to decide, for a period of five years and as a guide, on the indicative allocation between Member States of 85 % of the commitment appropriations of the ERDF;

Whereas Article 15 of Regulation (EEC) No 4254/88 states that Article 13 thereof is to apply with effect from the date of adoption of the Regulation;

Whereas, nevertheless, the precise basis for application of the criteria to determining the eligibility of Objective 2 areas cannot at present be established and the selection of Objective 5 b areas is to be made on a progressive basis, and indicative allocations for these objectives have not therefore been calculated;

Whereas, at the same time to respect the provisions of Article 12 (b), the Commission will establish an indicative allocation for 85 % of ERDF resources reserved for Objectives 2 and 5 b as soon as the necessary basis for application of the precise criteria determining the eligibility of regions and areas under these objectives becomes available;

Whereas Article 3 (1) of Regulation (EEC) No 2052/88 states that, in addition to its support for Objectives 1, 2 and 5 b, the ERDF is to provide support for studies or pilot schemes concerning regional development at Community level, especially where frontier regions of Member States are involved; whereas Article 15 of that Regulation permits transitional financing, as from 1 January 1989, of certain operations involving regions not covered by the said objectives; whereas therefore, the indicative allocation of the commitment appropriations of the ERDF to be fixed pursuant to Article 12 (6) of that Regulation does not concern those appropriations relating to the two categories of operations referred to above,

⁽¹⁾ OJ No L 185, 18. 7. 1988, p. 9.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 15.

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to the Member States.

Article 1

Done at Brussels, 25 January 1989.

The indicative allocation between Member States to be established pursuant to the first subparagraph of Article 12 (6) of Regulation (EEC) No 2052/88, in so far as resources to be devoted to Objective 1 as defined by that Regulation are concerned, is given in the Annex.

For the Commission

Bruce MILLAN

*Member of the Commission**ANNEX*

Indicative percentage allocation between Member States covering 85 % of the commitment appropriations of the ERDF to be devoted to Objective 1

1989-1993

Member State	Indicative allocation Objective 1
Belgium	—
Denmark	—
Federal Republic of Germany	—
Greece	16,2
Spain	32,6
France	2,1
Ireland	5,4
Italy	24,5
Luxembourg	—
Netherlands	—
Portugal	17,5
United Kingdom	1,7
Total	100,0