

Official Journal

of the European Communities

ISSN 0378-6978

L 30

Volume 32

1 February 1989

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 235/89 of 31 January 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 236/89 of 31 January 1989 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 237/89 of 31 January 1989 fixing the import levies on syrups and certain other products in the sugar sector	5
Commission Regulation (EEC) No 238/89 of 31 January 1989 fixing the export refunds on syrups and certain other sugar products exported in the natural state	7
Commission Regulation (EEC) No 239/89 of 31 January 1989 fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries	10
Commission Regulation (EEC) No 240/89 of 31 January 1989 altering the export refunds on white sugar and raw sugar exported in the natural state	11
Commission Regulation (EEC) No 241/89 of 31 January 1989 fixing the export refunds on olive oil	13
Commission Regulation (EEC) No 242/89 of 31 January 1989 fixing the aid for soya beans	15
Commission Regulation (EEC) No 243/89 of 31 January 1989 fixing for February 1989 the levy applicable in Spain to products subject to the price control system	16
Commission Regulation (EEC) No 244/89 of 31 January 1989 fixing the export refunds on oil seeds	17
Commission Regulation (EEC) No 245/89 of 31 January 1989 fixing the rate of the aid for dried fodder	20

Price : ECU 10,50

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Commission Regulation (EEC) No 246/89 of 31 January 1989 altering the corrective amount applicable to the refund on cereals	23
Commission Regulation (EEC) No 247/89 of 31 January 1989 altering the import levies on products processed from cereals and rice	25
Commission Regulation (EEC) No 248/89 of 31 January 1989 fixing the aid for cotton	30
Commission Regulation (EEC) No 249/89 of 31 January 1989 fixing the maximum export refunds on olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88	31
Commission Regulation (EEC) No 250/89 of 31 January 1989 fixing the amount of the subsidy on oil seeds	33
Commission Regulation (EEC) No 251/89 of 31 January 1989 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty	39
Commission Regulation (EEC) No 252/89 of 31 January 1989 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty	41
Commission Regulation (EEC) No 253/89 of 31 January 1989 fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty	44
Commission Regulation (EEC) No 254/89 of 30 January 1989 on the issuing of a standing invitation to tender for the resale on the internal market of 113 000 tonnes of common wheat held by the French intervention agency	47
Commission Regulation (EEC) No 255/89 of 30 January 1989 on the issuing of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of barley held by the French intervention agency	48
* Commission Recommendation No 256/89/ECSC of 30 January 1989 on Community surveillance of imports of certain iron and steel products covered by the ECSC Treaty and originating in non-member countries	49
Commission Regulation (EEC) No 257/89 of 31 January 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	53
Commission Regulation (EEC) No 258/89 of 31 January 1989 introducing a countervailing charge on fresh lemons originating in Spain (except the Canary Islands)	56

II *Acts whose publication is not obligatory*

Commission

89/71/EEC:

- * **Commission Decision of 21 December 1988 approving the varietal conversion programme for hops submitted by the French Republic pursuant to Council Regulation (EEC) No 2997/87** 58

(Continued on inside back cover)

Contents (continued)

89/72/EEC :

- * Commission Decision of 21 December 1988 on a specific programme for the provision of facilities in fishing ports presented by France pursuant to Council Regulation (EEC) No 4028/86 60

89/73/EEC :

- * Commission Decision of 21 December 1988 on applications for assistance from the European Communities concerning exceptional financial support for Greece in the social field, submitted by Greece (1988) 62

89/74/EEC :

- * Commission Decision of 23 December 1988 rejecting the complaint lodged by Smith Kline & French Laboratories Limited against Jordan under Council Regulation (EEC) No 2641/84 67

89/75/EEC :

- * Commission Decision of 23 December 1988 changing the import arrangements established by Council Regulation (EEC) No 3420/83 and applied in the Federal Republic of Germany and Greece in respect of Romania regarding various products 69

89/76/EEC :

- * Commission Decision of 23 December 1988 approving a programme to improve processing and marketing facilities for fruit and vegetables in Hessen, submitted by the Federal Republic of Germany pursuant to Council Regulation (EEC) No 355/77 71

89/77/EEC :

- * Commission Decision of 29 December 1988 authorizing the Federal Republic of Germany to restrict the marketing of seed of certain varieties of agricultural plant species 72

89/78/EEC :

- * Commission Decision of 29 December 1988 liberalizing trade in seeds of certain agricultural plant species between Portugal and other Member States 75

89/79/EEC :

- * Commission Decision of 13 January 1989 on improving the efficiency of agricultural structures in Italy (Calabria) pursuant to Council Regulation (EEC) No 797/85 78

89/80/EEC :

- * Commission Decision of 16 January 1989 approving the sixth amendment to the plan for the accelerated eradication of classical swine fever, submitted by Italy 79

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 235/89

of 31 January 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 30 January 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 1 February 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, 31 January 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 31 January 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	20,50	125,00
0712 90 19	20,50	125,00
1001 10 10	53,13	166,81 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	166,81 ⁽¹⁾ ⁽²⁾
1001 90 91	14,94	118,26
1001 90 99	14,94	118,26
1002 00 00	58,63	110,93 ⁽³⁾
1003 00 10	49,19	118,07
1003 00 90	49,19	118,07
1004 00 10	40,25	71,75
1004 00 90	40,25	71,75
1005 10 90	20,50	125,00 ⁽²⁾ ⁽³⁾
1005 90 00	20,50	125,00 ⁽²⁾ ⁽³⁾
1007 00 90	43,84	135,97 ⁽⁴⁾
1008 10 00	49,19	21,91
1008 20 00	49,19	72,71 ⁽⁴⁾
1008 30 00	49,19	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	49,19	0,00
1101 00 00	35,10	179,58
1102 10 00	96,27	169,18
1103 11 10	95,80	272,90
1103 11 90	36,65	192,86

- (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 236/89

of 31 January 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 30 January 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 1 February 1989.

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

Done at Brussels, 31 January 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 31 January 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	2	3	4	5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	7,96
1001 10 90	0	0	0	7,96
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
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	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	2	3	4	5	6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 237/89

of 31 January 1989

fixing the import levies on syrups and certain other products in the sugar sector

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,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least 0,73 ECU from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period

between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least 0,73 ECU from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 14 (1) of Council Regulation (EEC) No 2727/75⁽⁵⁾, as last amended by Regulation (EEC) No 2221/88⁽⁶⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91; 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to one hundred times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

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 Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

— 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 it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 31 January 1989 fixing the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4456	—
1702 20 90	0,4456	—
1702 30 10	—	54,23
1702 40 10	—	54,23
1702 60 10	—	54,23
1702 60 90	0,4456	—
1702 90 30	—	54,23
1702 90 60	0,4456	—
1702 90 71	0,4456	—
1702 90 90	0,4456	—
2106 90 30	—	54,23
2106 90 59	0,4456	—

COMMISSION REGULATION (EEC) No 238/89

of 31 January 1989

fixing the export refunds on syrups and certain other sugar products exported in the natural 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 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) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 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 the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EEC) No 1714/88⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the produc-

tion refund applicable, pursuant to Council Regulation (EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁸⁾, as amended by Regulation (EEC) No 1714/88;

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 210, 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 50, 4. 3. 1970, p. 1.
⁽⁶⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.
⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

- 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾;
- 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 refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situa-

tion and the level of prices no refund should be fixed in the case of exports to Portugal;

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) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 31 January 1989 fixing the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

Product code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question (1)	Amount of refund per 100 kg of dry matter (2)
1702 40 10 100		36,79
1702 60 10 000		36,79
1702 60 90 000	0,3679	
1702 90 30 000		36,79
1702 90 60 000	0,3679	
1702 90 71 000	0,3679	
1702 90 90 900	0,3679	
2106 90 30 000		36,79
2106 90 59 000	0,3679	

(1) The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

(2) Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

NB: The product 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 (EEC) No 239/89

of 31 January 1989

fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries

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, in accordance with Article 303 of the Act of Accession of Spain and Portugal, a reduced levy is applied during the period of seven years following accession on imports into Portugal of certain quantities of raw sugar originating in certain third countries;

Whereas Commission Regulation (EEC) No 599/86 ⁽³⁾, as last amended by Regulation (EEC) No 4141/88 ⁽⁴⁾, fixes

the reduced levy applicable on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries;

Whereas the levy should, in the light of the application of the detailed rules and arrangements specified in Regulation (EEC) No 599/86 to the data available to the Commission, be fixed as shown in Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of raw sugar intended for refining (CN codes 1701 11 10 and 1701 12 10) is fixed for this quality type at 25,20 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 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 58, 1. 3. 1986, p. 18.⁽⁴⁾ OJ No L 362, 30. 12. 1988, p. 27.

COMMISSION REGULATION (EEC) No 240/89
of 31 January 1989
altering the export refunds on white sugar and raw sugar exported in the natural 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 the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 108/89 ⁽³⁾, as amended by Regulation (EEC) No 171/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 108/89 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

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 the natural state, as fixed in the Annex to amended Regulation (EEC) No 108/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 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 15, 19. 1. 1989, p. 14.

⁽⁴⁾ OJ No L 22, 26. 1. 1989, p. 5.

ANNEX

to the Commission Regulation of 31 January 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	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	33,84 ⁽¹⁾	
1701 11 90 910	33,26 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,84 ⁽¹⁾	
1701 12 90 910	33,26 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3679
1701 99 10 100	36,79	
1701 99 10 910	37,02	
1701 99 10 950	37,02	
1701 99 90 100		0,3679

⁽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 241/89
of 31 January 1989
fixing the export refunds on olive oil

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 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 export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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 paragraph of Article 3 (1) of Council 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;

⁽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 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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 export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 31 January 1989 fixing the export refunds on olive oil

Product code	Amount of refund (1)
1509 10 90 100	62,50
1509 10 90 900	100,00
1509 90 00 100	64,00
1509 90 00 900	105,00
1510 00 90 100	15,50
1510 00 90 900	52,00

(1) For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

NB: The product 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 (EEC) No 242/89
of 31 January 1989
fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (7) thereof,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 3744/88 ⁽³⁾, as last amended by Regulation (EEC) No 63/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3744/88 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 2 of Regulation (EEC) No 1491/85 is hereby fixed in the Annex.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Aid for soya beans

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in:			
— Spain	0,000	26,129	26,129
— Portugal	15,819	0,000	26,129
— another Member State	15,819	26,129	26,129

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No L 328, 1. 12. 1988, p. 31.

⁽⁴⁾ OJ No L 10, 13. 1. 1989, p. 38.

COMMISSION REGULATION (EEC) No 243/89**of 31 January 1989****fixing for February 1989 the levy applicable in Spain to products subject to the price control system**

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 1183/86 of 21 April 1986 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ⁽¹⁾, as last amended by Regulation (EEC) No 3729/88 ⁽²⁾, and in particular Article 14 thereof,

Whereas Article 14 of Regulation (EEC) No 1183/86 provides that, for the period from 1 March 1986 to 31 December 1990, a levy is to be applied to imports into Spain of products subject to the price control system and to soya oil produced from imported beans and released for consumption; whereas that levy is to be fixed on the basis of the difference between, on the one hand, an ex factory price for crude soya oil of Pta 106 per kilogram and, on the other hand, the price of that oil on the world market, plus the duty charged in Spain on imports from third countries;

Whereas the Spanish system of compensation for vegetable oil prices applied prior to accession was supervised by a State organization; whereas therefore, the system providing for the said levy will make any further intervention by the State superfluous and thus preclude certain potential obstacles to trade, particularly in soya oil;

Whereas that levy should be as fixed hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The levy referred to in Article 14 of Regulation (EEC) No 1183/86 shall be ECU 331,717 per tonne of oil for February 1989.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 107, 24. 4. 1986, p. 17.

⁽²⁾ OJ No L 326, 30. 11. 1988, p. 21.

COMMISSION REGULATION (EEC) No 244/89

of 31 January 1989

fixing the export refunds on oil seeds

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 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 No 142/67/EEC of 21 June 1967 on export refunds on colza, rape and sunflower seeds⁽³⁾, as last amended by the Act of Accession of Greece⁽⁴⁾, and in particular the first sentence of Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽⁵⁾, as last amended by Regulation (EEC) No 4136/88⁽⁶⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁷⁾, as last amended by Regulation (EEC) No 2216/88⁽⁸⁾, and in particular Article 2 (3) thereof,

Having regard to Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats⁽⁹⁾, as last amended by Regulation (EEC) No 2662/87⁽¹⁰⁾, and in particular Article 13 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1988/89 marketing year were fixed by Council Regulations (EEC) No 2213/88⁽¹¹⁾ and (EEC) No 2214/88⁽¹²⁾;

Whereas, in order to determine the amount of the aid, account should be taken among the calculation factors of the latest Commission proposals to the Council on prices and related measures;

Whereas Article 28 of Regulation No 136/66/EEC provides that a refund may be granted on exports to third countries of oil seeds harvested within the Community; whereas the amount of this refund may not exceed the difference between prices within the Community and prices on the world market where the former are higher than the latter; whereas Article 21 of Regulation No 136/66/EEC provides that, at present, Article 28 of that Regulation applies only to colza, rape and sunflower seeds;

Whereas the refund for colza and rape seeds produced in Spain or Portugal is adjusted in accordance with Council Regulation (EEC) No 478/86⁽¹³⁾;

Whereas Article 3 of Regulation No 142/67/EEC provides that when the refund is being calculated account must be taken of prices ruling on the various Community markets which are representative from the point of view of processing and exportation; the most favourable quotations recorded on the various markets of importing third countries and costs incurred in placing the goods on the world market; whereas, when the amount of the refund is being fixed, account must also be taken of the level of market prices within the Community for the oil seeds referred to in Article 21 of Regulation No 136/66/EEC and the future trend of these prices; whereas, furthermore, account should be taken of the economic aspect of the proposed exports and the situation in the Community regarding the supply of and demand for these seeds;

Whereas the abatement of the subsidy for colza and rape seed which arises from the system of maximum guaranteed quantities for the 1988/89 marketing year has been fixed by Commission Regulation (EEC) No 2761/88⁽¹⁴⁾;

Whereas Article 1 of Commission Regulation (EEC) No 651/71 of 29 March 1971 on certain detailed rules for the application of export refunds on oil seeds⁽¹⁵⁾ as last amended by Regulation (EEC) No 1815/84⁽¹⁶⁾ provides that the amount of the refund must be calculated on the

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 362, 30. 12. 1988, p. 13.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁹⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽¹⁰⁾ OJ No L 252, 3. 9. 1987, p. 6.

⁽¹¹⁾ OJ No L 197, 26. 7. 1988, p. 6.

⁽¹²⁾ OJ No L 197, 26. 7. 1988, p. 8.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽¹⁴⁾ OJ No L 247, 6. 9. 1988, p. 7.

⁽¹⁵⁾ OJ No L 75, 30. 3. 1971, p. 16.

⁽¹⁶⁾ OJ No L 170, 29. 6. 1984, p. 46.

basis of the weight of exported seeds ; whereas this weight must be adjusted to take account of any differences between the percentages of moisture and impurities found to exist and those used to define the standard quality for which the target price is fixed ; whereas, when this adjustment is being made, the weight of the exported seeds must be increased by the amount of the difference between the actual moisture and impurities content and that used to define the standard quality if the former is lower than the latter ; whereas, if the opposite applies, the weight of the exported seeds must be reduced by the same amount ;

Whereas the standard quality referred to above was defined in Article 2 of Council Regulation (EEC) No 1102/84 ⁽¹⁾ ;

Whereas Article 2 of Regulation No 142/67/EEC provides that the refund may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary ;

Whereas Article 4 of Regulation (EEC) No 651/71 provides for the publication of the amount of the final refund obtained from the conversion into each of the national currencies of the amount of the refund in ECU plus or minus the differential amount ; whereas Article 1 of Commission Regulation (EEC) No 1813/84 ⁽²⁾, as last amended by Regulation (EEC) No 2138/87 ⁽³⁾, defined the elements which determine the differential amounts ; whereas these elements are equal to the incidence on the target price reduced by 7,5 % or the refund of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72 ; whereas, according to these provisions, this percentage represents :

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between :

- the conversion rate used under the common agricultural policy, and
- the conversion rate resulting from the central rate,

(b) for the other Member States, the difference between :

- the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the central rate of each of the currencies of the Member States referred to in (a), and
- the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined ;

Whereas pursuant to Article 2 (2) of Regulation (EEC) No 1569/72 forward differential amounts are to be determined where the forward exchange rate for one or more currencies differs from the spot rate by at least a given percentage ; whereas this percentage has been fixed at 0,5 by Regulation (EEC) No 1813/84 ;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts ; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used ;

Whereas it follows from applying these provisions to the current situation of the oil-seeds market and to the rates or prices of these products that, pursuant to Article 4 of Regulation (EEC) No 651/71, the amount of the refund in ECU and the amount of the final refund in each of the national currencies must, in the case of colza and rape seed, be fixed in accordance with the Annex to this Regulation ; whereas it is not necessary to fix a refund for sunflower seed ;

Whereas Article 13 of Regulation (EEC) No 2041/75 makes provision for the period of validity of certificates fixing refunds in advance to be reduced if the market situation warrants ; whereas in the interests of sound market management a reduction should be made ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 shall be as set out in the Annex hereto.
2. There shall be no refund on sunflower seed.
3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

Article 2

This Regulation shall enter into force on 1 February 1989.

⁽¹⁾ OJ No L 113, 28. 4. 1984, p. 8.

⁽²⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽³⁾ OJ No L 200, 21. 7. 1987, p. 9.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 31 January 1989 fixing the export refunds on oil seeds

(amounts per 100 kilograms)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
1. Gross refunds (ECU):						
— Spain	16,280	16,598	—	—	—	—
— Portugal	20,440	20,758	—	—	—	—
— other Member States	17,000	17,318	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	40,59	41,34	—	—	—	—
— Netherlands (Fl)	45,21	46,05	—	—	—	—
— BLEU (Bfrs/Lfrs)	820,88	836,23	—	—	—	—
— France (FF)	122,85	125,26	—	—	—	—
— Denmark (Dkr)	148,30	151,11	—	—	—	—
— Ireland (£ Irl)	13,661	13,929	—	—	—	—
— United Kingdom (£)	10,667	10,882	—	—	—	—
— Italy (Lit)	26 048	26 568	—	—	—	—
— Greece (Dr)	1 820,11	1 864,98	—	—	—	—
— Spain (Pta)	2 723,58	2 772,62	—	—	—	—
— Portugal (Esc)	3 759,86	3 819,65	—	—	—	—

COMMISSION REGULATION (EEC) No 245/89
of 31 January 1989
fixing the rate of the aid for dried fodder

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 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EEC) No 3996/87⁽²⁾, and in particular Article 5 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas this percentage and the guide price were fixed by Council Regulation (EEC) No 2257/88 of 19 July 1988 fixing for the 1988/89 marketing year the guide price for dried fodder⁽³⁾;

Whereas, in the absence of the guide price for dried fodder and of the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1989/90 marketing year, the rate of the aid in case of advance fixing for the months concerned has been obtainable only provisionally and should be confirmed or replaced once the guide price, related measures and the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1989/90 marketing year are known;

Whereas, in order to determine the amount of the aid, account should be taken among the calculation factors of the latest Commission proposals to the Council on prices and related measures;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, under Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁴⁾, as last amended by Regulation (EEC) No 2256/88⁽⁵⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1963/88⁽⁷⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 35.

⁽³⁾ OJ No L 199, 26. 7. 1988, p. 4.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁵⁾ OJ No L 199, 26. 7. 1988, p. 3.

⁽⁶⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁷⁾ OJ No L 173, 5. 7. 1988, p. 9.

month other than that in which the aid is introduced, adjusted by the percentage fixed under Article 5 (2) of Regulation (EEC) No 1117/78; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

Whereas it has not yet been possible to fix the fixed amount referred to in the second subparagraph of Article 3 (3) of Regulation (EEC) No 1528/78 as regards barley for the 1988/89 marketing year;

Whereas, if the aid 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 conversion rate 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- for other currencies a conversion 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 on the aforesaid corrective factor;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, pursuant to Article 120 (1) of the 1985 Act of Accession, the Spanish price must be aligned with the common price in accordance with the method laid down in Article 70 of that Act;

Whereas, pursuant to Articles 120 (2) and 306 (2) of the Act of Accession, the additional aid applicable in these

two Member States is to be adjusted by an amount equal to the amount of customs duties on imports of these products from third countries; whereas, in addition, in Spain the amount is to be adjusted by the difference, multiplied by the percentage referred to in Article 5 (2) of Regulation (EEC) No 1117/78, between the guide price applied in Spain and the common guide price;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.
2. The rate of the aid in case of advance fixing for the 1989/90 marketing year shall, however, be confirmed or replaced with effect from 1 February 1989 to take into account the guide price which is fixed for dried fodder, related measures and the percentages referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1989/90 marketing year.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 31 January 1989 fixing the rate of the aid for dried fodder

Aid applicable from 1 February 1989 to dried fodder :

(ECU/tonne)

	Fodder dehydrated by artificial heat-drying Protein concentrates			Fodder otherwise dried		
	Spain	Portugal	Other Member States	Spain	Portugal	Other Member States
Aid	44,996	60,902	62,646	1,996	17,902	19,646

Aid in case of advance fixing for the month of :

(ECU/tonne)

March 1989	44,384	60,281	62,034	1,384	17,281	19,034
April 1989	43,264	59,144	60,914	0,264	16,144	17,914
May 1989 (1)	48,389	59,870	61,629	5,389	16,870	18,629
June 1989 (1)	48,389	59,870	61,629	5,389	16,870	18,629
July 1989 (1)	49,678	61,178	62,918	6,678	18,178	19,918
August 1989 (1)	49,678	61,178	62,918	6,678	18,178	19,918
September 1989 (1)	49,471	60,968	62,711	6,471	17,968	19,711
October 1989 (1)	50,325	61,835	63,565	7,325	18,835	20,565

(1) Subject to the fixing for the 1989/90 marketing year of the guide price for dried fodder and of the percentages mentioned in Article 5 of Regulation (EEC) No 1117/78 and related measures.

COMMISSION REGULATION (EEC) No 246/89
of 31 January 1989
altering the corrective amount applicable to the refund on cereals

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 the fourth sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 4042/88 ⁽⁴⁾, as last amended by Regulation (EEC) No 4174/88 ⁽⁵⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 4042/88 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 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 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 355, 23. 12. 1988, p. 56.

⁽⁵⁾ OJ No L 367, 31. 12. 1988, p. 59.

ANNEX

to the Commission Regulation of 31 January 1989 altering the corrective amount applicable to the refund on cereals

Product code	Destination (1)	(ECU/tonne)						
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	—	—	—
1001 10 90 000	01	0	0	0	0	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	03	0	+ 3,00	+ 3,00	+ 3,00	- 30,00	- 30,00	- 30,00
	02	0	0	0	0	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	0	—	—	—
1003 00 90 000	03	0	+ 3,00	+ 3,00	+ 3,00	- 30,00	- 30,00	- 30,00
	02	0	0	0	0	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	0	0	—	—
1101 00 00 120	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	—	—
1102 10 00 200	01	0	0	0	0	0	—	—
1102 10 00 300	01	0	0	0	0	0	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103,11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 All third countries,

02 Other third countries,

03 Algeria, Tunisia, Egypt and the Canary Islands.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

COMMISSION REGULATION (EEC) No 247/89

of 31 January 1989

altering the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 2229/88 ⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 218/89 ⁽⁷⁾;

Whereas Council Regulation (EEC) No 1906/87 ⁽⁸⁾ amended Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

- (¹) OJ No L 281, 1. 11. 1975, p. 1.
 (²) OJ No L 20, 25. 1. 1989, p. 16.
 (³) OJ No L 166, 25. 6. 1976, p. 1.
 (⁴) OJ No L 197, 26. 7. 1988, p. 30.
 (⁵) OJ No L 164, 24. 6. 1985, p. 1.
 (⁶) OJ No L 153, 13. 6. 1987, p. 1.
 (⁷) OJ No L 25, 28. 1. 1989, p. 76.
 (⁸) OJ No L 182, 3. 7. 1987, p. 49.
 (⁹) OJ No L 281, 1. 11. 1975, p. 65.

— 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 over 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 30 January 1989;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission ⁽¹⁰⁾, as last amended by Regulation (EEC) No 1740/78 ⁽¹¹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to Regulation (EEC) No 218/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 1 February 1989.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹¹⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 31 January 1989 altering the import levies on products processed from cereals and rice

CN code	Import levies
	Portugal
0714 10 10 (*)	51,26
0714 10 91	48,24
0714 10 99	51,26
0714 90 11	48,24
0714 90 19	51,26
1102 20 10	41,01
1102 20 90	22,84
1102 90 10	97,77
1102 90 90	46,78
1103 13 11	41,01
1103 13 19	41,01
1103 13 90	22,84
1103 19 10	113,34
1103 19 30	92,87
1103 19 90	46,78
1103 21 00	34,34
1103 29 10	113,34
1103 29 20	92,87
1103 29 40	41,01
1103 29 90	46,78
1104 11 10	52,22
1104 11 90	102,52
1104 19 10	34,34
1104 19 30	113,34
1104 19 50	41,01
1104 19 99	83,26
1104 21 10	80,20
1104 21 30	80,20
1104 21 50	126,64
1104 21 90	52,22
1104 23 10	34,11
1104 23 30	34,11
1104 23 90	22,84
1104 29 10*10 (*)	23,93
1104 29 10*20 (*)	82,30
1104 29 10*30 (*)	71,66
1104 29 10*40 (*)	71,66
1104 29 10*90 (*)	71,66
1104 29 30*10 (*)	28,17
1104 29 30*20 (*)	98,40
1104 29 30*30 (*)	71,66
1104 29 30*40 (*)	71,66
1104 29 30*90 (*)	71,66

CN code	<i>(ECU/tonne)</i>	
	Import levies	
	Portugal	
1104 29 91	19,05	
1104 29 95	63,82	
1104 29 99	46,78	
1104 30 10	17,83	
1104 30 90	20,61	
1106 20 10	51,26	
1106 20 91	51,83	
1106 20 99	51,83	
1107 10 11	38,86	
1107 10 19	31,79	
1107 10 91	96,75	
1107 10 99	75,04	
1107 20 00	85,65	
1108 11 00	55,13	
1108 12 00	51,83	
1108 13 00	51,83	
1108 14 00	51,83	
1108 19 90	51,83	
1109 00 00	244,22	
1702 30 51	137,52	
1702 30 59	97,77	
1702 30 91	137,52	
1702 30 99	97,77	
1702 40 90	97,77	
1702 90 50	97,77	
1702 90 75	139,47	
1702 90 79	96,22	
2106 90 55	97,77	
2302 10 10	17,68	
2302 10 90	31,02	
2302 20 10	17,68	
2302 20 90	31,02	
2302 30 10	17,68	
2302 30 90	31,02	
2302 40 10	17,68	
2302 40 90	31,02	
2303 10 11	220,20	

-
- (1) 6% *ad valorem*, subject to certain conditions.
 - (*) TARIC code: wheat.
 - (*) TARIC code: rye.
 - (*) TARIC code: millet.
 - (*) TARIC code: sorghum.
 - (*) TARIC code: others.
-

COMMISSION REGULATION (EEC) No 248/89
of 31 January 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 2261/88 ⁽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 175/89 ⁽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 unginmed cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 51,416 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 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 199, 26. 7. 1988, p. 8.

⁽⁴⁾ OJ No L 271, 1. 10. 1988, p. 69.

⁽⁵⁾ OJ No L 22, 26. 1. 1989, p. 11.

COMMISSION REGULATION (EEC) No 249/89
of 31 January 1989

fixing the maximum export refunds on olive oil for the fifth 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 fifth 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 23 January 1989.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 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 31 January 1989 fixing the maximum export refunds on olive oil for the fifth 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	104,00
1509 90 00 100	70,00
1509 90 00 900	110,05
1510 00 90 100	18,00
1510 00 90 900	—

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 (EEC) No 250/89
of 31 January 1989
fixing the amount of the subsidy on oil seeds

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 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⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 197/89⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increases in the target price for colza, rape and sunflower seed for the 1988/89 marketing year were fixed by Regulations (EEC) No 2213/88⁽⁷⁾ and (EEC) No 2214/88⁽⁸⁾;

Whereas a supplement to the target price for 'double zero' colza and rape seed was fixed in Regulation (EEC) No 2213/88;

Whereas the abatement of the subsidy for colza, rape and sunflower seed which arises from the system of maximum

guaranteed quantities for the 1988/89 marketing year has been fixed by Commission Regulations (EEC) No 2761/88⁽⁹⁾ and (EEC) No 3042/88⁽¹⁰⁾;

Whereas the standard quality for sunflower seed has been maintained by the Council for the 1988/89 marketing year; whereas the coefficients of equivalence applied to the prices of sunflower seed from third countries have been fixed by Commission Regulation (EEC) No 2869/87⁽¹¹⁾;

Whereas, in the absence of the target price for the 1989/90 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza and rape seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices and where appropriate, the effects of the application of the system of maximum guaranteed quantities of the 1989/90 marketing year are known;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽¹²⁾, as last amended by Regulation (EEC) No 1983/82⁽¹³⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Commission Regulation No 225/67/EEC of 28 June 1967 on detailed rules for determining the world market price for oil seeds⁽¹⁴⁾, as last amended by Regulation (EEC) No 2869/87, provides that offers and quotations which do not relate to shipments to

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 24.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 197, 26. 7. 1988, p. 6.

⁽⁸⁾ OJ No L 197, 26. 7. 1988, p. 8.

⁽⁹⁾ OJ No L 247, 6. 9. 1988, p. 7.

⁽¹⁰⁾ OJ No L 271, 1. 10. 1988, p. 104.

⁽¹¹⁾ OJ No L 273, 26. 9. 1987, p. 16.

⁽¹²⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽¹³⁾ OJ No L 215, 23. 7. 1982, p. 6.

⁽¹⁴⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded; whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by 0,242 ECU;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should

be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as last amended by Regulation (EEC) No 2215/88⁽²⁾, laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 3780/88⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 9.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 332, 3. 12. 1988, p. 19.

and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be advised as provided for in Council Regulation (EEC) No 478/86⁽¹⁾; whereas pursuant to Article 95 (2) and 293 (2) of the Act of Accession of Spain and Portugal this aid is to be introduced at the beginning of the 1986/87 marketing year for seed harvested in these two Member States;

Whereas, in Article 14 of Council Regulation (EEC) No 475/76 of 25 February 1986 laying down general rules for the mechanism for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain⁽²⁾, as amended by Regulation (EEC) No 1930/88⁽³⁾, provision is made for the granting of compensatory aid, subject to certain conditions; whereas compensatory aid should be fixed for sunflower seeds harvested in Spain;

Whereas Council Regulation (EEC) No 1920/87⁽⁴⁾, provides for the granting of a special subsidy for sunflower seed harvested and processed in Portugal; whereas the amount of this subsidy should be fixed;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ECU resulting from the calculation referred to above plus or minus the differential amount; whereas Article 1 of Commission Regulation (EEC) No 1813/84⁽⁵⁾, as last amended by Regulation (EEC) No 2138/87⁽⁶⁾, defined the elements which determine the differential amounts; whereas these elements are equal to the incidence on the target price less 7,5 % or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72; whereas, according to these provisions, this percentage represents:

(a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between:

— the conversion rate used under the common agricultural policy, and

- the conversion rate resulting from the central rate,
- (b) for the other Member States, the difference between:
- the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the central rate of each of the currencies of the Member States referred to in (a), and
 - the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ECU and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation; whereas, pursuant to the same Article, the spot and forward exchange rates for the ECU in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 shall be as set out in the Annex hereto.

2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 55.

⁽²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽³⁾ OJ No L 170, 2. 7. 1988, p. 3.

⁽⁴⁾ OJ No L 183, 3. 7. 1987, p. 18.

⁽⁵⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁶⁾ OJ No L 200, 21. 7. 1987, p. 9.

3. The amount of the special subsidy provided for by Regulation (EEC) 1920/87 for sunflower seed harvested and processed in Portugal is fixed in Annex III.

February 1989 to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza and rape will be confirmed or replaced as from 1

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 ⁽¹⁾
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	19,670	19,750	19,910	20,149	19,990	17,685
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	46,84	47,03	47,42	47,98	47,61	42,50
— Netherlands (Fl)	52,25	52,46	52,89	53,52	53,10	47,26
— BLEU (Bfrs/Lfrs)	949,80	953,67	961,39	972,93	965,26	853,95
— France (FF)	143,84	144,39	145,56	147,36	146,11	127,73
— Denmark (Dkr)	172,15	172,84	174,24	176,35	174,93	154,25
— Ireland (£ Irl)	15,997	16,058	16,189	16,389	16,250	14,204
— United Kingdom (£)	12,597	12,643	12,747	12,897	12,784	11,013
— Italy (Lit)	30 626	30 740	30 927	31 203	30 930	26 504
— Greece (Dr)	2 337,92	2 338,35	2 337,68	2 351,73	2 320,74	1 738,04
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	180,43
— in another Member State (Pta)	3 128,48	3 143,03	3 160,55	3 186,24	3 163,20	2 886,57
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 272,05	4 286,30	4 309,69	4 342,67	4 312,05	3 805,26

⁽¹⁾ Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7 ⁽¹⁾
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	22,170	22,250	22,410	22,649	22,490	20,185
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	52,74	52,94	53,32	53,88	53,51	48,40
— Netherlands (Fl)	58,87	59,08	59,51	60,14	59,72	53,88
— BLEU (Bfrs/Lfrs)	1 070,52	1 074,38	1 082,11	1 093,65	1 085,97	974,67
— France (FF)	162,80	163,35	164,52	166,32	165,07	146,69
— Denmark (Dkr)	194,25	194,94	196,35	198,45	197,03	176,36
— Ireland (£ Irl)	18,107	18,168	18,299	18,499	18,360	16,314
— United Kingdom (£)	14,284	14,331	14,435	14,585	14,472	12,701
— Italy (Lit)	34 714	34 828	35 014	35 291	35 017	30 592
— Greece (Dr)	2 727,97	2 728,40	2 727,73	2 741,78	2 710,79	2 128,09
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	565,96
— in another Member State (Pta)	3 514,02	3 528,56	3 546,08	3 571,77	3 548,73	3 272,11
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 742,07	4 756,32	4 779,71	4 812,69	4 782,07	4 275,28

⁽¹⁾ Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	24,624	25,193	25,738	25,975	25,975
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	58,54	59,88	61,16	61,72	61,72
— Netherlands (Fl)	65,37	66,87	68,31	68,94	68,94
— BLEU (Bfrs/Lfrs)	1 189,02	1 216,49	1 242,81	1 254,25	1 254,25
— France (FF)	181,38	185,76	189,94	191,71	191,71
— Denmark (Dkr)	215,94	220,99	225,83	227,91	227,91
— Ireland (£ Irl)	20,175	20,661	21,127	21,324	21,324
— United Kingdom (£)	15,938	16,329	16,704	16,851	16,851
— Italy (Lit)	38 718	39 666	40 509	40 781	40 781
— Greece (Dr)	3 107,31	3 199,98	3 272,18	3 284,38	3 284,38
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 924,14	4 009,63	4 083,41	4 109,72	4 109,72
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 905,56	7 016,16	7 116,08	7 150,03	7 150,03
— in another Member State (Esc)	6 730,07	6 837,85	6 935,24	6 968,32	6 968,32
3. Compensatory aids:					
— in Spain (Pta)	3 872,28	3 959,98	4 035,69	4 063,45	4 063,45
4. Special aid:					
— in Portugal (Esc)	6 730,07	6 837,85	6 935,24	6 968,32	6 968,32

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7
DM	2,084330	2,080410	2,077250	2,073960	2,073960	2,064060
Fl	2,358450	2,354800	2,351640	2,348470	2,348470	2,338230
Bfrs/Lfrs	43,684900	43,677499	43,669200	43,661400	43,661400	43,632600
FF	7,100670	7,106620	7,110920	7,115240	7,115240	7,128410
Dkr	8,105100	8,108680	8,110180	8,112120	8,112120	8,120760
£Irl	0,779907	0,779689	0,779633	0,779865	0,779865	0,780406
£	0,638697	0,640065	0,641150	0,642326	0,642326	0,646233
Lit	1 528,63	1 534,24	1 539,27	1 544,30	1 544,30	1 558,75
Dr	173,24900	174,34700	175,47800	176,63100	176,63100	180,92000
Esc	171,16100	171,71300	172,29800	172,82900	172,82900	174,99400
Pta	129,97200	130,47200	130,97500	131,45800	131,45800	132,97300

COMMISSION REGULATION (EEC) No 251/89

of 31 January 1989

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which use third-country products under inward-processing arrangements;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c) and (e) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 4055/87 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as amended by the Act of Accession ⁽⁶⁾;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Commission Regulation (EEC) No 442/84 of 21 February 1984 on the granting of aid for butter from private storage for use in the manufacture of pastry products, ice-cream and other foodstuffs and amending Regulation (EEC) No 1245/83 ⁽⁷⁾, as last amended by Regulation (EEC) No 698/86 ⁽⁸⁾, and Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁹⁾, as last amended by Regulation (EEC) No 2951/88 ⁽¹⁰⁾, lay down that butter at reduced prices should be made available to industries which manufacture certain goods;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those

Whereas Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹¹⁾, as last amended by Regulation (EEC) No 1471/88 ⁽¹²⁾, has established, as from 1 January 1988, a new combined nomenclature, which will meet the requirements both of the Common Customs Tariff and the external trade statistics of the

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 379, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽⁷⁾ OJ No L 52, 23. 2. 1984, p. 12.

⁽⁸⁾ OJ No L 64, 6. 3. 1986, p. 12.

⁽⁹⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽¹⁰⁾ OJ No L 266, 27. 9. 1988, p. 28.

⁽¹¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽¹²⁾ OJ No L 134, 31. 5. 1988, p. 1.

Community and which will replace the Nomenclature of the Convention of 15 December 1950 ; whereas, therefore, the corresponding tariff headings according to the combined nomenclature have to be indicated ;

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

3035/80 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION :

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission
Martin BANGEMANN
Vice-President

ANNEX

to the Commission Regulation of 31 January 1989 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

		(ECU/100 kg)
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): a) On exportation of goods of CN code 3501 b) On exportation of other goods	— 62,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3)	112,06
ex 0405 00 10	Butter, with a fat content by weight of 82 % (PG 6): a) On exportation of goods containing reduced-price butter and manufactured under the conditions laid down in Regulations (EEC) No 442/84, (EEC) No 2709/86, (EEC) No 570/88, (EEC) No 262/79 and (EEC) No 1932/81 b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat c) On exportation of other goods	— 197,00 185,00

COMMISSION REGULATION (EEC) No 252/89

of 31 January 1989

fixing the rates of the refunds applicable to certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 166/89⁽²⁾, and in particular the first sentence of the
fourth subparagraph of Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1418/76
of 21 June 1976 on the common organization of the
market in rice⁽³⁾, as last amended by Regulation (EEC)
No 2229/88⁽⁴⁾, and in particular the first sentence of the
fourth subparagraph of Article 17 (2) thereof,Whereas Article 16 (1) of Regulation (EEC) No 2727/75
and Article 17 (1) of Regulation (EEC) No 1418/76
provides that the difference between quotations of prices
on the world market for the products listed in Article 1 of
each of those Regulations and the prices within the
Community may be covered by an export refund;Whereas Council Regulation (EEC) No 3035/80 of 11
November 1980 laying down general rules for granting
export refunds on certain agricultural products exported
in the form of goods not covered by Annex II to the
Treaty, and the criteria for fixing the amount of such
refunds⁽⁵⁾, as last amended by Regulation (EEC) No
3209/88⁽⁶⁾, specifies the products for which a rate of
refund should be fixed, to be applied where these
products are exported in the form of goods listed in
Annex B to Regulation (EEC) No 2727/75 or in Annex B
to Regulation (EEC) No 1418/76 as appropriate;Whereas, in accordance with the first subparagraph of
Article 4 (1) of Regulation (EEC) No 3035/80, the rate of
the refund per 100 kilograms for each of the basic
products in question must be fixed for each month;Whereas, in accordance with paragraph 2 of that Article,
that rate must be determined with particular reference to :

- (a) the average costs incurred by processing industries in
obtaining supplies of the basic products in question
on the Community market and the prices ruling on
the world markets;
- (b) the level of the refunds on exports of processed agri-
cultural products covered by Annex II to the Treaty
which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the
industries which use Community products and those
which use third-country products under inward
processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80
provides that, when the rate of the refunds is being fixed,
account should be taken, where appropriate, of produc-
tion refunds, aids or other measures having equivalent
effect applicable in all Member States in accordance with
the Regulation on the common organization of the
market in the product in question to the basic products
listed in Annex A to that Regulation or to assimilated
products; whereas such production refunds are granted
under the conditions laid down in Council Regulation
(EEC) No 2742/75 of 29 October 1975 on production
refunds in the cereals and rice sectors⁽⁷⁾, as last amended
by Regulation (EEC) No 1009/86⁽⁸⁾, and Council Regula-
tion (EEC) No 1009/86 of 25 March 1986 establishing
general rules applying to production refunds in the
cereals and rice sector;Whereas account should be taken, for the purposes of
Article 4 (3) of Regulation (EEC) No 3035/80, of the
production refund provided for in Regulation (EEC) No
2742/75 applicable during the month in which exporta-
tion occurs; whereas, moreover, in the absence of
evidence that no production refund was granted under
Regulation (EEC) No 1009/86 the export refund should
be further reduced by the amount of the production
refund applicable on the day of acceptance of the export
declaration; whereas this system is the only one which
discards the risk of fraud;Whereas Council Regulation (EEC) No 565/80 of 4
March 1980 on the advance payment of export refunds in
respect of agricultural products⁽⁹⁾, as amended by Regula-⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.⁽⁶⁾ OJ No L 286, 20. 10. 1988, p. 6.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 57.⁽⁸⁾ OJ No L 94, 9. 4. 1986, p. 6.⁽⁹⁾ OJ No L 62, 7. 3. 1980, p. 5.

tion (EEC) No 2026/83⁽¹⁾, and Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽²⁾ lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

Whereas, now that a settlement has been reached between the European Economic Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽³⁾, it is necessary to differentiate the refund on goods falling within subheadings 1902 11 00 and 1902 19 of the combined nomenclature according to their destination;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 and 3 the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. For the products listed in the Annex to Regulation (EEC) No 1009/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the accept-

ance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1009/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

(a) applicable on the date of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, where the rate is not fixed in advance;

(b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1009/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87, if the goods have been placed under the export refund advance payment arrangements.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽³⁾ OJ No L 275, 29. 9. 1987, p. 36.

ANNEX

to the Commission Regulation of 31 January 1989 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

		(ECU/100 kg)
CN code	Description	Rate of refund
1001 10 90	Durum wheat :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	13,197
	— In all other cases	13,330
1001 90 99	Common wheat, and meslin (mixed wheat and rye) :	
	— For the manufacture of starch	5,465
	— Other than for the manufacture of starch :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	6,103
	— In all other cases	6,165
1002 00 00	Rye	5,821
1003 00 90	Barley	6,579
1004 00 90	Oats	3,519
1005 90 00	Maize, other than hybrid maize for sowing :	
	— For the manufacture of starch	7,186
	— Other than for the manufacture of starch	7,686
1006 20	Round grain husked rice	37,843
	Medium grain husked rice	38,019
	Long grain husked rice	38,019
1006 30	Round grain wholly milled rice	48,830
	Medium grain wholly milled rice	55,100
	Long grain wholly milled rice	55,100
1006 40 00	Broken rice :	
	— For the manufacture of starch	10,669
	— Other than for the manufacture of starch	11,269
1007 00 90	Sorghum	6,057
1101 00 00	Wheat or meslin flour :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	7,182
	— In all other cases	7,255
1102 10 00	Rye flour	15,620
1103 11 10	Durum wheat groats and meal :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	20,455
	— In all other cases	20,662
1103 11 90	Common wheat groats and meal :	
	— On exports of goods falling within CN codes 1902 11 00 and 1902 19 to the United States of America	7,182
	— In all other cases	7,255

**COMMISSION REGULATION (EEC) No 253/89
of 31 January 1989**

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾ and in particular Article 19 (4) (a) and (7) thereof;

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provide that for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 3209/88 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I of Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month; and whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 286, 20. 10. 1988, p. 6.

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of refunds, aids or other measures having equivalent effect, applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question, to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Council Regulation (EEC) No 1010/86 of 26 March 1986 laying down general rules for production refunds on certain products of the chemical industry ⁽⁵⁾, as last amended by Regulation (EEC) 2306/88 ⁽⁶⁾, provides for the granting of production refunds of white sugar, raw sugar, certain sucrose syrups falling within subheadings ex 1702 60 90 and ex 1702 90 90 of the combined nomenclature having a certain purity, and unprocessed isoglucose falling within subheadings 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, which are used in the manufacture of the chemical products listed in the Annex thereto; whereas this production refunds' scheme has been established in particular to bring the conditions under which Community processors operate progressively into line with those of processors employing sugar at world market prices; whereas therefore, in the absence of proof that the basic product has not benefited from the production refund, the amount of the export refund must be reduced by the amount of the production refund applicable to the basic product on the day of acceptance of the export declaration; whereas this system is the only one which discards the risk of fraud;

Whereas Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽⁷⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁸⁾, and Commission Regulation (EEC) No 798/80 of 31 March 1980 laying down general rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products ⁽⁹⁾, as last amended by Regulation (EEC) No 471/87 ⁽¹⁰⁾, lay down rules on the advance payment of export refunds that must be adhered to when these are adjusted;

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 87, 1. 4. 1980, p. 42.

⁽¹⁰⁾ OJ No L 48, 17. 2. 1987, p. 10.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to paragraphs 2 and 3, the rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

(2) For the chemical products listed in the Annex to Regulation (EEC) No 1010/86, the refunds given in the Annex to this Regulation shall be applied on presentation, at the acceptance of the export declaration and the request for obtaining the export refund, of proof that the basic products used in the manufacture of the chemical products to be exported have not benefited from the production refund provided for in that Regulation, and that such refund will not be applied for.

The proof referred to in the first subparagraph is provided by the presentation by the exporter of a declaration from the processor of the basic product in question attesting that the latter product has not benefited from a production refund as provided for in Regulation (EEC) No 1010/86, and that no application for such refund will be made.

3. When the proof referred to in paragraph 2 is not provided, the export refund:

- (a) applicable on the date of export of the goods, when the rate is not fixed in advance; or
- (b) of which the rate is fixed in advance,

will be reduced by the amount of the production refund applicable under Regulation (EEC) No 1010/86 to the basic product in question on the day of acceptance of the export declaration for the goods, or on the day specified in Article 3 (2) of Regulation (EEC) No 798/80, if the goods have been placed under the export refund advance payment arrangements.

Article 2

This Regulation shall enter into force on 1 February 1989.

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

Done at Brussels, 31 January 1989.

For the Commission
Martin BANGEMANN
Vice-President

ANNEX

to the Commission Regulation of 31 January 1989 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

<i>Rate of refund in ECU/100 kg:</i>	White sugar:	36,79
	Raw sugar:	33,23
	Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):	$36,79 \times \frac{S^{(1)}}{100}$
	Molasses:	—
	Isoglucose ⁽²⁾ :	36,79 ⁽³⁾

(¹) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 254/89

of 30 January 1989

on the issuing of a standing invitation to tender for the resale on the internal market of 113 000 tonnes of common wheat held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 113 000 tonnes of common wheat held by the French intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The French intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 113 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 9 February 1989.
2. The final date for the submission of tenders for the last partial invitation to tender shall be 30 March 1989.
3. Tendere must be lodged with the French intervention agency:

Office national interprofessionnel des céréales,
21, avenue Bosquet,
F-75326 Paris Cedex 07
(télèx : OFIBLE A 200490F).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 30 January 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 139, 24. 5. 1986, p. 36.
(⁴) OJ No L 202, 9. 7. 1982, p. 23.
(⁵) OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 255/89

of 30 January 1989

on the issuing of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of barley held by the French intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 7 (6) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 200 000 tonnes of barley held by the French intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The French intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 200 000 tonnes of barley held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 9 February 1989.
2. The final date for the submission of tenders for the last partial invitation to tender shall be 30 March 1989.
3. Tenders must be lodged with the French intervention agency:

Office national interprofessionnel des céréales,
21, avenue Bosquet,
F-75326 Paris Cedex 07
(télèx : OFIBLE A 200490F).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 30 January 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 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION RECOMMENDATION No 256/89/ECSC

of 30 January 1989

on Community surveillance of imports of certain iron and steel products covered by the ECSC Treaty and originating in non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 74 thereof,

Whereas by Recommendation No 3451/87/ECSC⁽¹⁾, the Commission subjected to a Community monitoring system the imports into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community;

Whereas the reasons which originally led the Commission to introduce this measure, continue to apply and the said surveillance system should therefore be continued and extended so as to provide more detailed information on foreseeable imports and the terms and conditions of such imports.

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. The release for free circulation in the Community of iron and steel products covered by the ECSC Treaty, listed in Annex III and originating in non-member countries, shall be subject to the issue of an import document.
2. The products referred to in paragraph 1 shall be considered as being of first-choice quality until proof to the contrary is supplied by the importer.
3. The import document shall be issued or endorsed by the Member States, free of charge and for any quantities requested, upon receipt of the application and in any case within not more than 10 working days from the submission of the completed application and presentation of two duplicates of the relevant purchase contract(s) and the vendor's order confirmation(s). The originals of these documents as well as the *pro forma* invoice must be produced if required by the licence-issuing authority.
4. Paragraph 1 shall apply without prejudice to the maintenance of existing quantitative restrictions imposed by the Member States on certain iron and steel products in respect of certain non-member countries.
5. The period of validity of the import document is hereby fixed at three months, without prejudice to possible changes in the import arrangements in force.

Article 2

1. The importer's application must state:
 - (a) the name, address, occupation, telephone number and telex number of the importer;

- (b) the description of the goods and the CN code⁽²⁾;
- (c) the country of origin;
- (d) the country of consignment;
- (e) the net weight, by individual lots;
- (f) the currency and value invoiced (cif or daf);
- (g) the proposed date and place of customs clearance;
- (h) where necessary, the precise characteristics establishing any claim that the goods are seconds or of substandard quality.

2. The following additional information shall also be supplied by the importer:

- A. For goods originating in and consigned direct from one of the countries listed in Annex I (direct importation):
 - (a) a full commercial description of the goods, including exact specifications and, where appropriate, declaration of the goods as seconds or of their possible use in shipbuilding, details of the exporter and place of delivery;
 - (b) the delivered price per tonne, exclusive of VAT, including transport costs from the basing point to point of delivery and all extras or rebates;
 - (c) particulars of:
 - (i) the price lists of the producer in the non-member country of origin, chosen for calculating the delivered price, including the date of the chosen lists;
or
 - (ii) the Community producer's price lists chosen calculating the delivered price, including the date of the chosen lists;
or
 - (iii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, in sufficient detail to identify the offer and including the date.
- B. For goods originating in and consigned direct from one of the countries listed in Annex II (direct importation):
 - (a) a full commercial description of the products, including exact specifications and, where appropriate, declaration of the goods as seconds or of their possible use in shipbuilding, details of the exporter and place of delivery;
 - (b) the delivered price per tonne, exclusive of VAT, including transport costs to point of delivery and all extras, rebates and any other factors relevant to calculation of the delivered price;

⁽¹⁾ OJ No L 328, 19. 11. 1987, p. 23.

⁽²⁾ OJ No L 256, 7. 9. 1987, p. 1.

(c) particulars of:

(i) the Community producer's price lists chosen for calculating the delivered price, including the date of the chosen lists;

or

(ii) where appropriate, the non-member country offer on which the terms of the delivery have been aligned, in sufficient detail to identify the offer and including its date.

(d) for goods corresponding to CN code 7201, the name and address of the final purchaser, where known.

C. For goods originating in one of the countries listed in Annexes I or II but consigned from any non-member country other than the country of origin (indirect importation), and for goods originating in a non-member country not listed in Annexes I or II:

(a) a complete description corresponding to that appearing in the list of products subject to the basic prices in force and details of the exporter and the place of delivery;

(b) the cif or daf price at the Community frontier, per tonne, in the currency of the contract, plus customs duties applicable and unloading costs;

(c) for goods corresponding to CN code 7201, the name and address of the final purchaser, where known.

3. The importer shall declare that neither he nor the purchaser will be granted any reduction, rebate or other form of refund not mentioned in the contract for the transaction, either at the time of the transaction or subsequently.

4. The importer shall certify that his application for an import document is accurate.

5. The importer shall state whether his application is a repeat of a previous application concerning the same delivery.

Article 3

1. When an import document for goods originating in the countries listed in Annexes I or II is granted, the Member States shall notify the Commission of any differences between:

— the delivered price calculated on the basis of the reference price list, and

— the delivered price calculated on the basis of the contract or the *pro forma* invoice.

They shall also furnish all necessary documents, in particular the duplicates of import licence applications, purchase contracts and vendor's order confirmations,

whenever the price difference noted is considerable or relates to a large quantity.

2. When an import document is granted for goods:

— originating in non-member countries other than those listed in Annexes I or II,

— originating in a country listed in Annexes I or II, but consigned from a non-member country other than the country of origin (indirect importation),

Member States shall inform the Commission of any difference, in ecus per tonne, between:

— the basic price as published in the *Official Journal of the European Communities* and

— the cif or daf price at the Community frontier, including customs duties applicable and unloading costs.

3. Within the first 10 days of each month, Member States shall notify the Commission of the tonnage and values (calculated on the basis of the cif or daf prices) for which import documents were issued during the preceding month.

4. The information supplied by Member States shall include:

(a) a breakdown by country of origin;

(b) a breakdown by product (combined nomenclature) for each country of origin;

(c) for each country of origin, the quantities of products declared as being seconds or of substandard quality;

(d) within the total of any one product originating in any one country, the quantities not imported direct from that country and, in such cases, an indication of the country of consignment.

5. Within the first 10 days of each month, Member States shall notify the Commission of:

(a) the tonnage and the values (calculated on the basis of the cif or daf price) for which import documents expired during the preceding month without having been fully or partially used;

(b) the tonnage and the values (calculated on the basis of the cif or daf price) for which previously issued import documents were renewed in whole or in part in the preceding month.

Article 4

This Recommendation shall apply from 1 January 1989 to 31 December 1989.

Done at Brussels, 30 January 1989.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Austria
Finland
Norway
Sweden

ANNEX II

Brazil	Poland
Bulgaria	Romania
Czechoslovakia	South Korea
Hungary	Venezuela

ANNEX III

7201 10 11	7208 32 91	7210 12 19	7214 60 00	7222 10 91
7201 10 19	7208 32 99	7210 20 10		7222 10 99
7201 10 30	7208 33 10	7210 31 10	7215 90 10	7222 30 10
7201 10 90	7208 33 91	7210 39 10		7222 40 11
7201 20 00	7208 33 99	7210 41 10	7216 10 00	7222 40 19
7201 30 10	7208 34 10	7210 49 10	7216 21 00	7222 40 30
7201 30 90	7208 34 90	7210 50 10	7216 22 00	
7201 40 00	7208 35 10	7210 60 11	7216 31 00	7224 10 00
	7208 35 91	7210 60 19	7216 32 00	7224 90 11
7202 11 10	7208 35 93	7210 70 11	7216 33 00	7224 90 30
7202 11 90	7208 35 99	7210 70 19	7216 40 10	
7202 99 11	7208 41 00	7210 90 31	7216 40 90	7225 10 10
	7208 42 10	7210 90 33	7216 50 10	7225 10 91
7203 90 00	7208 42 30	7210 90 35	7216 50 90	7225 10 99
	7208 42 51	7210 90 39	7216 90 10	7225 20 11
7204 50 10	7208 42 59			7225 20 19
7204 50 90	7208 42 91	7211 11 00	7218 10 00	7225 20 30
	7208 42 99	7211 12 10	7218 90 11	7225 30 00
7206 10 00	7208 43 10	7211 12 90	7218 90 13	7225 40 10
7206 90 00	7208 43 91	7211 19 10	7218 90 15	7225 40 30
	7208 43 99	7211 19 91	7218 90 19	7225 40 50
7207 11 11	7208 44 10	7211 19 99	7218 90 50	7225 40 70
7207 11 19	7208 44 90	7211 21 00		7225 40 90
7207 12 11	7208 45 10	7211 22 10	7219 11 10	7225 50 00
7207 12 19	7208 45 91	7211 22 90	7219 11 90	7225 90 10
7207 19 11	7208 45 93	7211 29 10	7219 12 10	
7207 19 15	7208 45 99	7211 29 91	7219 12 90	7226 10 10
7207 19 31	7208 90 10	7211 29 99	7219 13 10	7226 10 30
7207 20 11		7211 30 10	7219 13 90	7226 20 10
7207 20 15	7209 11 00	7211 41 10	7219 14 10	7226 20 31
7207 20 17	7209 12 10	7211 41 91	7219 14 90	7226 20 51
7207 20 31	7209 12 90	7211 49 10	7219 21 10	7226 20 71
7207 20 33	7209 13 10	7211 90 11	7219 21 90	7226 91 00
7207 20 51	7209 13 90		7219 22 10	7226 92 10
7207 20 55	7209 14 10	7212 10 10	7219 22 90	7226 99 11
7207 20 57	7209 14 90	7212 10 91	7219 23 10	7226 99 31
7207 20 71	7209 21 00	7212 21 11	7219 23 90	
	7209 22 10	7212 29 11	7219 24 10	7227 10 00
7208 11 00	7209 22 90	7212 30 11	7219 24 90	7227 20 00
7208 12 10	7209 23 10	7212 40 10	7219 31 10	7227 90 10
7208 12 91	7209 23 90	7212 40 91	7219 31 90	7227 90 90
7208 12 99	7209 24 10	7212 50 31	7219 32 10	
7208 13 10	7209 24 91	7212 50 51	7219 32 90	7228 10 10
7208 13 91	7209 24 99	7212 60 11	7219 33 10	7228 10 30
7208 13 99	7209 31 00	7212 60 91	7219 33 90	7228 20 11
7208 14 10	7209 32 10		7219 34 10	7228 20 19
7208 14 90	7209 32 90	7213 10 00	7219 34 90	7228 20 30
7208 21 10	7209 33 10	7213 20 00	7219 35 10	7228 30 10
7208 21 90	7209 33 90	7213 31 00	7219 35 90	7228 30 90
7208 22 10	7209 34 10	7213 39 00	7219 90 11	7228 60 10
7208 22 91	7209 34 90	7213 41 00	7219 90 19	7228 70 10
7208 22 99	7209 41 00	7213 49 00		7228 70 31
7208 23 10	7209 42 10	7213 50 00	7220 11 00	7228 80 10
7208 23 91	7209 42 90		7220 12 00	7228 80 90
7208 23 99	7209 43 10	7214 20 00	7220 20 10	
7208 24 10	7209 43 90	7214 30 00	7220 90 11	7301 10 00
7208 24 90	7209 44 10	7214 40 10	7220 90 31	
7208 31 00	7209 44 90	7214 40 91	7221 00 10	
7208 32 10	7209 90 10	7214 40 99	7221 00 90	
7208 32 30		7214 50 10		
7208 32 51	7210 11 10	7214 50 91	7222 10 11	
7208 32 59	7210 12 11	7214 50 99	7222 10 19	

COMMISSION REGULATION (EEC) No 257/89

of 31 January 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 9 January 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 9

January 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 9 January 1989, the level of the premium is fixed at 126,021 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 9 January 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 9 January 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, 31 January 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 31 January 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	59,230	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	126,021	0
0204 21 00	126,021	0
0204 50 11		0
0204 22 10	88,215	
0204 22 30	138,623	
0204 22 50	163,827	
0204 22 90	163,827	
0204 23 00	229,358	
0204 30 00	94,516	
0204 41 00	94,516	
0204 42 10	66,161	
0204 42 30	103,968	
0204 42 50	122,871	
0204 42 90	122,871	
0204 43 00	172,019	
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	163,827	
0210 90 19	229,358	
1602 90 71 :		
— unboned (bone-in)	163,827	
— boned or boneless	229,358	

(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 258/89

of 31 January 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 Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation(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⁽⁸⁾, 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 1,10 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 2 February 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.⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 December 1988

approving the varietal conversion programme for hops submitted by the French Republic pursuant to Council Regulation (EEC) No 2997/87

(Only the French text is authentic)

(89/71/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2997/87 of 22 September 1987 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production ⁽¹⁾, and in particular Article 2 (5) thereof,

Whereas, pursuant to Article 2 (5) of the abovementioned Regulation, on 30 March 1988 the French Republic forwarded to the Commission a varietal conversion programme for hops; whereas amendments to that programme were forwarded by the French Republic on 27 May 1988; whereas further amendments to that programme were decided on 26 July 1988;

Whereas the programme as amended satisfies the objectives of the Regulation in question and contains the information required under Article 2 of Commission Regulation (EEC) No 3889/87 of 22 December 1987 laying down detailed rules for the application of the special measures for certain regions of hops production ⁽²⁾;

Whereas any financial contribution to be borne by the national budget must be notified to the Commission and must comply with the ceiling indicated in Article 2 (2) of Regulation (EEC) No 2997/87; whereas the actual costs referred to in that Article may cover factors for assessing the net loss of income following the implementation of the conversion plan; whereas, however, only factors relating to the net loss of income incurred from the date of adoption of Regulation (EEC) No 2997/87 may enter into the calculation of the actual costs; whereas the fixed

and variable expenditure for the cultivation of converted hop fields may not enter into the calculation of the actual costs; whereas any financial contribution from the Member State to the varietal conversion programme will have to be adjusted accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Hops,

HAS ADOPTED THIS DECISION:

Article 1

The varietal conversion programme for hops submitted pursuant to Regulation (EEC) No 2997/87 by the French Republic on 30 March 1988, as last amended on 26 July 1988, is hereby approved. The main aspects of the programme are given in the Annex hereto.

Article 2

The French Republic shall inform the Commission every six months of progress in the programme and shall notify the Commission, where applicable, of any financial contribution it may make to the programme.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 21 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽²⁾ OJ No L 365, 24. 12. 1987, p. 41.

ANNEX

1. List of producer groups covered by the programme and 1986 reference areas

- Le groupement de planteurs de houblon d'Alsace : 426,5 ha,
- Le groupement de planteurs de houblon des Flandres : 153 ha.

2. Duration of programme

From 1988 to 1990.

The last plantings must be carried out before 31 December 1990.

3. Areas covered by the programme

198,59 ha.

4. Varieties to be planted and areas concerned

Aromatic variety

Strisselspalt	65,75 ha
Total	65,75 ha

Super-alpha varieties⁽¹⁾

Yeoman	57,52 ha
Target	32,72 ha
Nugget	42,60 ha
Chinook	
Galena	132,84 ha
Total	

⁽¹⁾ Within the meaning of Article 2 of Regulation (EEC) No 2997/87 and Article 1 (3) of Regulation (EEC) No 3889/87.

COMMISSION DECISION

of 21 December 1988

on a specific programme for the provision of facilities in fishing ports presented
by France pursuant to Council Regulation (EEC) No 4028/86

(Only the French text is authentic)

(89/72/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽¹⁾, and in particular Article 27 thereof,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which aquaculture and fishery products are processed and marketed⁽²⁾, as last amended by Regulation (EEC) No 1760/87⁽³⁾,

Whereas the French Government transmitted to the Commission on 30 April 1987 a specific programme for the provision of facilities at fishing ports, termed 'the programme' below;

Whereas the programme meets the requirements of Article 2 of Regulation (EEC) No 355/77;

Whereas the programme will further the aims of the common fisheries policy;

Whereas the programme forms a coherent whole with the specific programmes relating to the processing and marketing of fishery products in metropolitan France and in the French overseas departments approved by Commission Decisions 86/383/EEC⁽⁴⁾ and 87/189/EEC⁽⁵⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

The specific programme (1987 to 1991) for the provision of facilities at fishing ports presented by France on 30 April 1987, an outline of which is given in Annex I hereto, is approved subject to the requirements set out in Annex II.

Article 2

This Decision does not predetermine the granting of Community financial aid for individual investment projects.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 21 December 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 376, 31. 12. 1986, p. 7.

⁽²⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽³⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽⁴⁾ OJ No L 226, 13. 8. 1986, p. 20.

⁽⁵⁾ OJ No L 76, 18. 3. 1987, p. 16.

ANNEX I

Outline of the specific programme for the provision of facilities at French fishing ports**1. General purpose**

To improve facilities at fishing ports and so improve supply quality through superior organization of production and marketing.

2. Area covered

The entire French coastline.

3. Duration

The programme covers the period 1 January 1987 to 31 December 1991.

4. Objectives

Modernization and development of the following facilities at fishing ports :

- supply of ice,
- supply of fuel,
- fleet maintenance,
- water supply,
- buildings for storing fishing gear.

5. Investment forecasts

The total investment amount required during the programme to attain the objectives is FF 167 168 000 or ECU 24 million, split up as follows :

	<i>(FF)</i>
— ice machines	22 800 000
— water feed systems	13 000 000
— fuel tanks (including centrifuges)	4 700 000
— graving docks or grids	12 500 000
— vessel lifts	23 200 000
— slipways	11 400 000
— small repair yards	4 300 000
— storage buildings	36 225 000
— other facilities	10 093 000
...	
Total	167 168 000

The figures and the breakdown between the different investment types are merely indicative.

6. National aids

The above investments will qualify for subsidies from the State and from the market organization and intervention fund and for subsidized loans and grants from local authorities.

ANNEX II

Remarks

The Commission finds that the programme presented by the French Government as a framework for future Community and national financial assistance is an adequate basis for promoting development of facilities at fishing ports and of the processing and marketing of fishery products.

The Commission must point out that development of facilities at ports and of processing and marketing must be geared to the probable trend of resource volumes and to the results and objectives of the multiannual guidance programmes for the fishing fleet and for aquaculture.

The Commission must also point to the necessity of compliance, in projects and programmes financed through the structural funds and Community financial instruments, with Directive 71/305/EEC⁽¹⁾, as last amended by Directive 78/669/EEC⁽²⁾.

⁽¹⁾ OJ No L 185, 16. 8. 1971, p. 5.

⁽²⁾ OJ No L 225, 16. 8. 1978, p. 41.

COMMISSION DECISION

of 21 December 1988

on applications for assistance from the European Communities concerning exceptional financial support for Greece in the social field, submitted by Greece (1988)

(Only the Greek text is authentic)

(89/73/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 815/84 of 26 March 1984 on exceptional financial support in favour of Greece in the social field⁽¹⁾, as last amended by Regulation (EEC) No 4130/88⁽²⁾, and in particular Article 7 thereof,

Whereas Greece has submitted in accordance with Article 6 (1) of Regulation (EEC) No 815/84 applications for financial support to the Commission for the financial year 1988;

Whereas all the necessary conditions for the grant of aid are fulfilled;

Whereas particulars of the individual projects to which this Decision applies are contained in the Annex;

Whereas this Decision is in accordance with the opinion of the committee set up by Article 10 of Regulation (EEC) No 815/84,

HAS ADOPTED THIS DECISION:

Article 1

The amount of aid agreed for each project as well as certain modifications of previous decisions are indicated in the present Decision.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 21 December 1988.

For the Commission

Manuel MARÍN

Vice-President⁽¹⁾ OJ No L 88, 31. 3. 1984, p. 1.⁽²⁾ OJ No L 362, 30. 12. 1988, p. 1.

ANNEX

Application No	Beneficiary	Planned Starting Date	Duration in Months	Amount agreed in ecu (!)
A. Training centres				
8158801/04 A	OAED (Manpower Employment Organization)	1. 1. 1988	24	1 320 565
8158801/05 A	OAED (Manpower Employment Organization)	1. 1. 1988	18	336 813
8158803 A	Elkepa — Greek Productivity Centre	1. 8. 1988	17	1 173 371
8158806/01 A	Ministry of Health (Parents Association for Mentally Handicapped Children)	1. 11. 1988	12	98 101
8158806/04 A	Ministry of Health — EIAA Skaramagas	1. 10. 1988	15	490 505
8158807/01 A	Ministry of Merchant Navy	1. 1. 1988	12	22 890
8158807/02 A	Ministry of Merchant Navy	1. 1. 1988	12	189 662
8158811 A	Agrarian Bank of Greece (ATE)	1. 7. 1988	18	1 158 013
8158813 A	Greek Railways Organization (OSE)	1. 1. 1988	12	762 572
8158814 A	Export Promotion Organization (OPE)	1. 1. 1988	16	817 508
TOTAL				6 370 000

B. Rehabilitation Centres*Group I — Pilot schemes*

8158802 B	Psychiatric Hospital 'Dromokaiteio'	1. 1. 1989	24	104 641
8158805 B	State Psychiatric Hospital 'Dafni'	1. 9. 1988	24	166 118
8158806 B	Psychiatric Hospital Petra Olymbou	1. 7. 1988	24	49 050
8158808 B	Psychiatric Hospital of Thessaloniki	1. 7. 1988	24	91 561
8158809 B	Psychiatric Hospital of Thessaloniki	1. 7. 1988	24	45 780
8158810 B	University Psychiatric Clinic Eginitoio	1. 1. 1988	18	94 831
8158812 B	Mental Health Centre	1. 7. 1988	18	196 202
8158814 B	Psychiatric Hospital of Thessaloniki	1. 7. 1988	24	91 561
8158817 B	Psychiatric Hospital 'Dromokaiteio'	1. 1. 1989	24	176 582
8158818 B	Psychiatric University Clinic Eginitoio	non-eligible		
8158820 B	Psychiatric Hospital 'Dromokaiteio'	1. 1. 1989	24	49 051
8158823 B	Mental Health Centre	1. 10. 1988	24	215 822
8158829 B	Mental Health Centre	1. 1. 1988	26	189 662
8158833 B	Psychiatric Hospital of Attika 'Dafni'	1. 7. 1988	24	176 582
8158835 B	General Hospital of Athens	1. 9. 1988	24	260 883
8158836 B	General Hospital 'Hatzikosta'	1. 9. 1988	24	104 641
8158837 B	Hospital 'Sotiria'	1. 9. 1988	24	104 641

Group II — Mental health centres

8158801 B	General Hospital of Samos	1. 8. 1988	12	34 335
8158804 B	General Hospital of Komotini	1. 12. 1988	24	196 202
8158811 B	General Periphery Hospital 'Hatzikosta'	1. 12. 1988	24	271 413
8158827 B	General Hospital of Karpenisi	1. 8. 1988	17	261 603

Application No	Beneficiary	Planned Starting Date	Duration in Months	Amount agreed in ecu (¹)
<i>Group III — Psychiatric units in general hospitals</i>				
8158825 B	General Hospital of Serres	1. 8. 1988	22	287 763
8158826 B	General Hospital of Athens	1. 9. 1988	18	189 662
8158830 B	General Hospital of Halkidiki	1. 8. 1988	18	206 666
8158832 B	General Hospital of Athens	1. 8. 1988	12	313 923
<i>Group IV — Acute/short-stay units in psychiatric hospitals and day treatment units</i>				
8158816 B	Psychiatric Hospital of Petra Olymbou	1. 7. 1988	24	176 582
8158819 B	Psychiatric University Clinic 'Eginiteio'	1. 11. 1988	18	228 902
8158822 B	General Periphery Hospital of Athens	1. 8. 1988	17	192 932
8158824 B	General University Hospital of Patras	1. 10. 1988	27	192 932
<i>Group V — Social and vocational rehabilitation centres</i>				
8148813 B	Children's Psychiatric Hospital of Rafina	1. 9. 1988	16	264 873
8158815 B	Psychiatric Hospital of Tripoli	1. 8. 1988	24	529 745
8158828 B	Children's Hospital 'Agia Sofia'	1. 12. 1988	24	241 982
8158831 B	Psychiatric Hospital of Attika 'Dafni'	1. 9. 1988	24	176 582
8158838 B	PIKPA	1. 1. 1989	60	1 308 013
<i>Groupe VI — Hostels</i>				
8158803 B	General Hospital of Mytilini	1. 12. 1988	24	219 092
8158807 B	Psychiatric Hospital of Thessaloniki	1. 10. 1988	24	127 532
8158821 B	Hospital 'Eyagelismos'	1. 9. 1988	18	68 671
8158834 B	Psychiatric Hospital of Thessaloniki	1. 7. 1988	24	170 042
TOTAL				7 777 055
(¹) ECU 1 = Dr 168,194				

Modifications of previous decisions under Regulation (EEC) No 815/84

Commission Decision	Project_No	Duration	Extension of the duration requested	Additional contribution requested/ ECU
84/540/EEC, 25. 10. 1984	81584016/004 B	9/84 — 31. 12. 1988	30. 6. 1990	206 012
84/540/EEC, 25. 10. 1984	81584016/003 B	9/84 — 30. 9. 1988	30. 9. 1990	142 217
84/540/EEC, 25. 10. 1984	81584016/001 B	10/84 — 30. 4. 1988	30. 6. 1989	170 238
84/540/EEC, 25. 10. 1984	81584016/002 B	9/84 — 31. 12. 1988	30. 6. 1990	—
84/540/EEC, 25. 10. 1984	81584017 B	10/84 — 31. 8. 1987	30. 6. 1988	80 086
84/540/EEC, 25. 10. 1984	81584018 B	8/84 — 30. 9. 1988	30. 9. 1989	—
84/540/EEC, 25. 10. 1984	81584016/005 B	8/84 — 30. 6. 1987	30. 4. 1988	103 095
84/540/EEC, 25. 10. 1984	81584020 B	9/84 — 30. 6. 1988	31. 12. 1989	—
84/540/EEC, 25. 10. 1984	81584023/001 B	10/84 — 30. 6. 1988	31. 12. 1989	—
84/540/EEC, 25. 10. 1984	81584026/001 B	10/84 — 30. 6. 1988	30. 6. 1989	—
84/540/EEC, 25. 10. 1984	81584026/003 B	9/84 — 30. 6. 1987	30. 9. 1988	—
84/540/EEC, 25. 10. 1984	81584026/004 B	9/84 — 31. 12. 1987	30. 9. 1988	—
84/540/EEC, 25. 10. 1984	81584027 B	10/84 — 31. 12. 1987	31. 12. 1988	—
84/540/EEC, 25. 10. 1984	81584028 B	6/84 — 30. 9. 1987	30. 9. 1988	—
85/633/EEC, 19. 12. 1985	8158507 B	7/85 — 31. 12. 1988	—	13 794
85/633/EEC, 19. 12. 1985	8158522 B	7/85 — 30. 6. 1989	—	125 866
85/633/EEC, 19. 12. 1985	8158530 B	7/85 — 30. 9. 1988	30. 6. 1989	163 145
85/633/EEC, 19. 12. 1985	8158532 B	8/85 — 31. 12. 1988	—	223 789
85/633/EEC, 19. 12. 1985	8158533 B	8/85 — 31. 12. 1988	—	169 388
85/633/EEC, 19. 12. 1985	8158544 B	8/85 — 31. 12. 1988	—	111 181
85/633/EEC, 19. 12. 1985	8158545 B	8/85 — 31. 12. 1989	—	94 831
85/633/EEC, 19. 12. 1985	8158547 B	8/85 — 31. 3. 1989	—	262 911
85/633/EEC, 19. 12. 1985	8158550 B	8/85 — 31. 12. 1988	30. 6. 1989	139 957
85/633/EEC, 19. 12. 1985	8158552 B	8/85 — 31. 12. 1987	30. 9. 1988	11 772
85/633/EEC, 19. 12. 1985	8158566 B	8/85 — 31. 12. 1988	30. 6. 1990	258 333
85/633/EEC, 19. 12. 1985	8158542 B	7/85 — 31. 12. 1987	30. 6. 1989	70 714
85/633/EEC, 19. 12. 1985	8158546 B	7/85 — 30. 6. 1988	30. 6. 1989	100 833
85/633/EEC, 19. 12. 1985	8158551 B	8/85 — 31. 12. 1987	30. 6. 1990	18 988
85/633/EEC, 19. 12. 1985	8158504 B	7/85 — 30. 6. 1987	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158509 B	7/85 — 30. 6. 1988	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158513 B	8/85 — 31. 12. 1987	31. 12. 1988	—
85/633/EEC, 19. 12. 1985	8158535 B	7/85 — 1. 7. 1987	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158515 B	7/85 — 31. 12. 1987	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158516 B	7/85 — 31. 12. 1987	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158517 B	7/85 — 31. 12. 1987	31. 3. 1990	—
85/633/EEC, 19. 12. 1985	8158518 B	7/85 — 30. 6. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158520 B	8/85 — 30. 6. 1988	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158521 B	7/85 — 30. 6. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158523 B	7/85 — 31. 12. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158524 B	8/85 — 31. 3. 1988	31. 3. 1989	—
85/633/EEC, 19. 12. 1985	8158526 B	8/85 — 31. 12. 1987	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158528 B	8/85 — 31. 12. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158536 B	7/85 — 30. 6. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158538 B	7/85 — 30. 6. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158539 B	7/85 — 30. 6. 1988	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158543 B	8/85 — 31. 12. 1987	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158548 B	8/85 — 30. 6. 1988	31. 12. 1988	—
85/633/EEC, 19. 12. 1985	8158553 B	8/85 — 30. 6. 1988	31. 12. 1989	—
85/633/EEC, 19. 12. 1985	8158554 B	8/85 — 31. 12. 1988	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158556 B	8/85 — 30. 6. 1988	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158557 B	8/85 — 30. 6. 1988	30. 9. 1989	—
85/633/EEC, 19. 12. 1985	8158559 B	8/85 — 31. 12. 1988	30. 6. 1990	—
85/633/EEC, 19. 12. 1985	8158560 B	8/85 — 31. 12. 1987	30. 6. 1989	—
85/633/EEC, 19. 12. 1985	8158561 B	8/85 — 30. 6. 1988	30. 9. 1989	—
85/633/EEC, 19. 12. 1985	8158562 B	8/75 — 31. 12. 1987	30. 6. 1990	—
85/633/EEC, 19. 12. 1985	8158563 B	8/85 — 30. 6. 1988	30. 6. 1990	—
85/633/EEC, 19. 12. 1985	8158567 B	10/85 — 31. 12. 1987	31. 12. 1989	—

Commission Decision	Project No	Duration	Extension of the duration requested	Additional contribution requested/ ECU
87/108/EEC, 22. 12. 1986	8158621 B	9/86 — 31. 12. 1988		58 682
87/108/EEC, 22. 12. 1986	8158631 B	10/86 — 31. 12. 1988	30. 6. 1990	147 152
87/108/EEC, 22. 12. 1986	8158632 B	10/86 — 30. 6. 1989		143 881
87/108/EEC, 22. 12. 1986	8158637 B	1/86 — 31. 12. 1989		451 265
87/108/EEC, 22. 12. 1986	8158639 B	6/86 — 30. 6. 1989		163 502
87/108/EEC, 22. 12. 1986	8158645 B	10/86 — 30. 6. 1989		75 210
87/108/EEC, 22. 12. 1986	8158650 B	9/86 — 30. 6. 1989		62 310
87/108/EEC, 22. 12. 1986	8158652 B	9/86 — 31. 12. 1988	30. 6. 1989	62 130
87/108/EEC, 22. 12. 1986	8158655 B	9/86 — 31. 12. 1988		60 466
87/108/EEC, 22. 12. 1986	8158608 B	12/86 — 30. 11. 1988		32 738
87/108/EEC, 22. 12. 1986	8158613 B	12/86 — 30. 11. 1988		106 369
87/108/EEC, 22. 12. 1986	8158626 B	1/86 — 31. 12. 1987	31. 12. 1988	199 702
87/108/EEC, 22. 12. 1986	8158625 B	1/86 — 31. 12. 1987	31. 12. 1988	264 821
87/108/EEC, 22. 12. 1986	8158627 B	1/86 — 31. 12. 1987	31. 12. 1988	175 119
87/108/EEC, 22. 12. 1986	8158629 B	1/86 — 31. 12. 1989		42 559
87/108/EEC, 22. 12. 1986	8158643 B	7/86 — 31. 12. 1986	30. 6. 1989	52 380
87/108/EEC, 22. 12. 1986	8158644 B	7/86 — 30. 6. 1988	30. 6. 1989	45 833
87/108/EEC, 22. 12. 1986	8158602 B	12/86 — 30. 11. 1988	31. 12. 1989	—
87/108/EEC, 22. 12. 1986	8158606 B	12/86 — 30. 11. 1988	31. 12. 1989	
87/108/EEC, 22. 12. 1986	8158609 B	12/86 — 30. 11. 1988	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158617 B	12/86 — 31. 12. 1987	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158620 B	9/86 — 31. 12. 1988	31. 12. 1989	
87/108/EEC, 22. 12. 1986	8158634 B	9/86 — 31. 12. 1988	31. 12. 1989	
87/108/EEC, 22. 12. 1986	8158641 B	6/86 — 31. 12. 1987	31. 12. 1988	
87/108/EEC, 22. 12. 1986	8158647 B	7/86 — 31. 12. 1987	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158648 B	6/86 — 31. 12. 1987	31. 12. 1988	
87/108/EEC, 22. 12. 1986	8158656 B	9/86 — 31. 12. 1988	30. 9. 1989	
84/540/EEC, 25. 10. 1985	8158402/07 A	1/84 — 30. 6. 1987	31. 12. 1988	
84/540/EEC, 25. 10. 1985	8158401/02 A	1/84 — 1. 8. 1987	30. 6. 1989	
84/540/EEC, 25. 10. 1985	8158401/01 A	1/84 — 31. 1. 1987	31. 12. 1989	
84/540/EEC, 25. 10. 1985	8158401/07 A	1/84 — 20. 7. 1987	31. 3. 1989	
84/540/EEC, 25. 10. 1985	8158402/01 A	1/84 — 31. 12. 1986	31. 12. 1988	
84/540/EEC, 25. 10. 1985	8158402/04 A	1/84 — 31. 12. 1986	31. 12. 1988	
85/644/EEC, 19. 12. 1985	8158501/03 A	10/85 — 1. 10. 1987	31. 12. 1989	
85/644/EEC, 19. 12. 1985	8158501/04 A	10/85 — 1. 10. 1987	31. 12. 1989	
85/644/EEC, 19. 12. 1985	8158501/05 A	10/85 — 1. 10. 1987	30. 6. 1989	
85/644/EEC, 19. 12. 1985	8158506/05 A	1/85 — 30. 4. 1988	30. 3. 1989	
85/644/EEC, 19. 12. 1985	8158509/01 A	1/85 — 30. 6. 1986	30. 6. 1988	
85/644/EEC, 19. 12. 1985	8158509/02 A	1/84 — 31. 12. 1986	31. 12. 1988	
85/644/EEC, 19. 12. 1985	8158508/02 A	1/84 — 31. 12. 1986	31. 12. 1988	
87/108/EEC, 22. 12. 1986	8158602/09 A	1/86 — 30. 6. 1987	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158602/10 A	1/86 — 30. 6. 1987	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158602/11 A	1/86 — 30. 6. 1987	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158602/12 A	1/86 — 30. 6. 1987	30. 6. 1989	
88/91/EEC, 22. 12. 1987	8158706/03 A	6/87 — 31. 12. 1988	31. 12. 1989	
88/91/EEC, 22. 12. 1987	8158706/01 A	1/87 — 30. 6. 1988	31. 12. 1988	
87/108/EEC, 22. 12. 1986	8158606/04 A	11/86 — 31. 12. 1987	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158616 B	12/86 — 31. 5. 1988	31. 8. 1989	
87/108/EEC, 22. 12. 1986	8158612 B	12/86 — 30. 11. 1988	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158604 B	12/86 — 30. 11. 1988	31. 12. 1989	
87/108/EEC, 22. 12. 1986	8158618 B	12/86 — 31. 5. 1988	30. 6. 1989	
87/108/EEC, 22. 12. 1986	8158614 B	12/86 — 31. 5. 1988	30. 8. 1990	
87/108/EEC, 22. 12. 1986	8158619 B	12/86 — 31. 5. 1988	30. 7. 1989	
85/633/EEC, 19. 12. 1985	8158555 B	8/85 — 30. 6. 1988	28. 2. 1989	

Total 4 611 269

COMMISSION DECISION

of 23 December 1988

rejecting the complaint lodged by Smith Kline & French Laboratories Limited
against Jordan under Council Regulation (EEC) No 2641/84

(Only the English text is authentic)

(89/74/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2641/84
of 17 September 1984 on the strengthening of the
common commercial policy with regard in particular to
protection against illicit commercial practices⁽¹⁾, and in
particular Articles 3 and 5 thereof,

Following consultations in the Advisory Committee set
up by the said Regulation,

Whereas :

A. Procedure

(a) *Complaint*

- (1) In June of this year the Commission received a complaint to the effect that Jordan, by promulgating Law 8 of 1986 amending Law 22 of 1953 on patents, had infringed Articles 10 *bis* and 10 *ter* of the Paris Convention for the protection of industrial property by depriving Smith Kline & French Laboratories Limited of the protection previously afforded it by the patent for 'new polymorph', which it held in Jordan. The company alleged that in so doing Jordan was guilty of an illicit commercial practice and had caused the Community industry concerned serious injury.

(b) *Complainant and Community industry concerned*

- (2) The complaint was lodged by Smith Kline & French Laboratories Limited, hereinafter referred to as Smith Kline, a company constituted under English Law which produces Tagamet and exports it to Jordan. The product's active substance is cimetidine, developed from the new polymorph which Smith Kline invented.

(c) *Products involved*

- (3) The products involved are the products marketed under the name Tagamet and all products

containing cimetidine manufactured from the new polymorph, an invention patented in Jordan by Smith Kline under the number 882. The products fall within CN code 3004 90 99.

B. *Plaintiff's allegations*(a) *Allegation of illicit commercial practices*

- (4) Smith Kline asserts that by promulgating Law 8 of 1986 amending Article 4 of Law 22 of 1953 on patents, Jordan infringed Article 10 *bis* (1) and Article 10 *ter* of the Paris Convention for the protection of industrial property (hereinafter referred to as the Paris Convention) and is guilty of illicit commercial practices within the meaning of Regulation (EEC) No 2641/84.

- (5) The company claims that the adoption of Law 8 was an 'act of unfair competition' on the part of Jordan under Article 10 *bis* (1), in that, by removing some of the protection which the 1953 Law afforded patented inventions, under the heading of pharmaceutical products, it allowed competing firms to benefit from other firms' investment, without any *quid pro quo* whatsoever, and this ran counter to fair industrial and commercial practice. Smith Kline added that this amendment had the effect of legitimizing acts of unfair competition which it alleged had been perpetrated by competitors before the Law was amended.

The company asserts that, since adopting Law 8 of 1986, Jordan is also infringing Article 10 *ter* because it is no longer allowing the 'appropriate legal remedies' to be taken 'effectively to repress' unfair competition.

(b) *Allegation of injury*

- (6) According to Smith Kline, the unfair commercial practice described above caused the Community industry concerned serious injury since the company was thereby prevented from marketing its products in Jordan and on other Arab markets. It claims that it has suffered injury amounting to at least £ 480 000 a year as a result of loss of potential sales.

(¹) OJ No L 252, 20. 9. 1984, p. 1.

C. Grounds

- (7) Under Article 3 (2) of Regulation (EEC) No 2641/84, in order to give rise to an examination procedure, a complaint presented under this Regulation must contain sufficient evidence of the existence of illicit commercial practices and the injury resulting therefrom.
- (8) As regards the allegation that Jordan infringed Article 10 *bis* of the Paris Convention, it should be noted that the interpretation generally given to this provision does not corroborate Smith Kline's argument that, by amending Law 22 of 1953 in such a way as to reduce the protection previously afforded to the patented new polymorph invention, Jordan had perpetrated an 'act of unfair competition' within the meaning of this provision and had thereby infringed the provision.
- (9) As paragraph 1 of Article 10 *bis* does not define an act of unfair competition, the question whether an act by a signatory party can be an act of unfair competition must be examined in the light of the other paragraphs of this provision. In this connection, the second paragraph of Article 10 *bis* defines an act of unfair competition as 'any act of competition contrary to honest practices in industrial or commercial matters' and the following examples are listed in paragraph 3:
1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;
 2. false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities, of a competitor;
 3. indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity of goods.'
- (10) It follows from the above that 'acts of unfair competition' within the meaning of Article 10 *bis* can cover only those acts carried out by competitors and, consequently, cannot include the legislative acts of a signatory State. Hence it follows that Jordan cannot be said to have failed in its duty to provide effective protection against unfair competition on the grounds that, by adopting Law 8 of 1986, it had carried out an 'act of unfair competition'.
- (11) The allegation that Article 10 *ter* of the Paris Convention had been infringed in that Jordan no longer allowed nationals of the other signatory

States to take the appropriate legal remedies effectively to repress unfair competition cannot be accepted either, because, as indicated above, the allegation of infringement of Article 10 *bis* by Jordan is unfounded.

- (12) In the light of the arguments put forward by Smith Kline, there are therefore no grounds for concluding that Jordan, by amending its law on patents in the way described by the company in its complaint, carried out an act of unfair competition within the meaning of Article 10 *bis* of the Paris Convention.
- (13) While under Article 10 *bis* the signatory parties are bound to assure effective protection against unfair competition, it is up to each individual party to define the acts which it takes to be acts of unfair competition. Lastly, as Article 10 *bis* does not lay down minimum standards for effective protection for patents, the fact that a State withdraws with retroactive effect the protection given to pharmaceuticals by its national legislation is not an infringement of this provision either. It should be pointed out in this respect that there was no allegation that this withdrawal infringed another rule of international law.
- (14) To sum up, the complaint submitted by Smith Kline does not, from a purely legal point of view, contain sufficient evidence of the existence of illicit commercial practices by Jordan. It has therefore to be rejected. Moreover, the lack of factual data produced in support of the allegations could, on its own, have justified its rejection.

HAS ADOPTED THIS DECISION:

Article 1

The complaint made against Jordan by Smith Kline & French Laboratories Limited, pursuant to Article 3 of Regulation (EEC) No 2641/84, is hereby rejected.

Article 2

This Decision is addressed to Smith Kline & French Laboratories Limited.

Done at Brussels, 23 December 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 23 December 1988

changing the import arrangements established by Council Regulation (EEC) No 3420/83 and applied in the Federal Republic of Germany and Greece in respect of Romania regarding various products

(Only the German and Greek texts are authentic)

(89/75/EEC)

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

Having regard to Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level⁽¹⁾, as last amended by Regulation (EEC) No 2273/87⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Regulation (EEC) No 3420/83 established the list of products originating in State-trading countries whose release for free circulation in the Member State is subject to quantitative restrictions;

Whereas the Joint Committee established by the Agreement between the European Economic Community and the Socialist Republic of Romania of 28 July 1980⁽³⁾ met in Bucharest on 21 and 22 November 1988; whereas upon completion of its work it recommended, among other measures, the abolition of quantitative restrictions on the release for free circulation in certain Member States of products originating in Romania;

Whereas, pursuant to Article 7 (1) of Regulation (EEC) No 3420/83, the Governments of the Federal Republic of Germany and Greece have informed the other Member States and the Commission that they consider that the import arrangements applied in the Federal Republic of Germany and Greece in respect of imports of various products from Romania should be amended in accordance with that Regulation;

Whereas, following the examination of different aspects of the measures recommended by the Joint Committee, action should be taken thereon, account being taken in

particular of Article 3 (1) of the Agreement between the European Economic Community and the Socialist Republic of Romania on trade in industrial products;

Whereas the import arrangements applied in respect of imports of certain agricultural products from Romania should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The quantitative restrictions on the release for free circulation in the Member States specified in the Annex, of the goods therein indicated originating in Romania, are hereby abolished.

Article 2

This Decision is addressed to the Federal Republic of Germany and the Hellenic Republic.

Article 3

This Decision shall apply from 1 January 1989.

Done at Brussels, 23 December 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6.

⁽²⁾ OJ No L 217, 6. 8. 1987, p. 1.

⁽³⁾ OJ No L 352, 29. 12. 1980, p. 5.

ANNEX

Member States	CN code	Description
FEDERAL REPUBLIC OF GERMANY	6403 19 00 6403 59 31 6403 99 31	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather
	7202 80 00	Ferro-tungsten and ferro-silico-tungsten
GREECE	0701 90 10 0701 90 51 0701 90 59 0701 90 90	Potatoes
	ex 8527 11 90 8527 31 10 8527 31 91 8527 31 99 8527 32 00 8527 39 10 8527 39 91 8527 39 99 8528 10 40 8528 10 50 8528 10 60 8528 10 71 8528 10 73 8528 10 79 8528 10 91 8528 10 99 8528 20 71 8528 20 73 8528 20 79 8528 20 90 ex 8529 10 10 ex 8529 10 90 ex 8529 90 99	Television receivers, whether or not combined with sound recording or reproducing apparatus. Chassis for receivers and printed circuits
	ex 8544 20 10 ex 8544 41 00 ex 8544 49 10 ex 8544 49 90	Cable-conductors for television aerials

COMMISSION DECISION

of 23 December 1988

approving a programme to improve processing and marketing facilities for fruit and vegetables in Hessen, submitted by the Federal Republic of Germany pursuant to Council Regulation (EEC) No 355/77

(Only the German text is authentic)

(89/76/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 1760/87⁽²⁾, and in particular Article 5 thereof,

Whereas the Government of the Federal Republic of Germany forwarded on 11 September 1987 a programme to improve processing and marketing facilities for fruit and vegetables in Hessen and supplied additional information on 24 August 1988;

Whereas the said programme relates to the modernization and rationalization of the storage, treatment, marketing and processing of fruit and vegetables; whereas it is intended to ensure the competitiveness of this sector and to raise the quality of the products concerned; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas the programme contains sufficient information, as required by Article 3 of Regulation (EEC) No 355/77, to show that the objectives laid down in Article 1 of the said Regulation can be achieved in respect of the processing and marketing of fruit and vegetables in Hessen; whereas the time allowed for implementation of

the programme does not exceed the limits referred to in Article 3 (1) (g) of the Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

The programme for the improvement of processing and marketing facilities for fruit and vegetables in Hessen, which was forwarded by the Government of the Federal Republic of Germany on 11 September 1987 and concerning which additional information was supplied on 24 August 1988, is hereby approved.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

COMMISSION DECISION

of 29 December 1988

authorizing the Federal Republic of Germany to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the German text is authentic)

(89/77/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽¹⁾, as last amended by Directive 88/380/EEC⁽²⁾, and in particular Article 15 (2) (3) and (7) thereof,

Having regard to the application lodged by the Federal Republic of Germany,

Whereas, pursuant to Article 15 (1) of Directive 70/457/EEC, seed or propagating material of varieties of agricultural plant species which have been officially accepted during 1986 in at least one of the Member States and which also meet the conditions laid down in Directive 70/457/EEC is, with effect from 31 December 1988, no longer subject to any marketing restrictions relating to the variety in the Community;

Whereas the same applies to seed of certain agricultural plant species which belongs to varieties officially accepted in Portugal before 1 January 1987, by virtue of Commission Decision 89/78/EEC of 29 December 1988 liberalizing trade in seeds of certain agricultural plant species between Portugal and other Member States⁽³⁾;

Whereas, however, Article 15 (2) of Directive 70/457/EEC provides that, in the cases set out in Article 15 (3), a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the Federal Republic of Germany has applied for such authorization for a certain number of varieties of different species, including some of the varieties officially accepted in Portugal referred to above;

Whereas the varieties Ellire (Italian ryegrass) and Aurora (perennial ryegrass) have been the subject of official trials in Germany;

Whereas, in respect of the variety Ellire, the results of the trials show that in the Federal Republic of Germany, when compared with the national rules governing the acceptance of varieties there, which apply within the framework of current Community provisions, it is not distinct from another variety accepted there (Article 15 (3) (a), first case, of Directive 70/457/EEC);

Whereas the examination of this case has led to some doubts concerning the appraisal of its distinctness in the Member State of acceptance, in the terms of Article 12a (1) of Directive 70/457/EEC; whereas these doubts need to be clarified;

Whereas the application in respect of the variety Aurora is now being carefully examined by the Commission;

Whereas it is impossible to complete the clarification and examination before the time limit specified in Article 15 (1) of Directive 70/457/EEC;

Whereas the time limit in question should therefore, where the Federal Republic of Germany is concerned, be extended for an appropriate period in order to allow complete clarification and examination in respect of these two varieties (Article 15 (7) of Directive 70/457/EEC);

Whereas the variety of oats concerned is of the winter type; whereas the varieties of maize concerned have a Food and Agriculture Organization (FAO) maturity class index over 350; whereas it is well known that the varieties of winter oats and varieties of maize which have an FAO maturity class over 350 are at present unsuitable for cultivation in the Federal Republic of Germany (Article 15 (3) (c), second case, of Directive 70/457/EEC);

Whereas, therefore, the application of the Federal Republic of Germany in respect of these varieties should be granted in full;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seed and Propagating Material for Agriculture, Horticulture and Forestry,

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.⁽²⁾ OJ No L 187, 16. 7. 1988, p. 31.⁽³⁾ See page 75 of this Official Journal.

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized to prohibit the marketing in its territory of seed of the following varieties listed in the 1989 Common Catalogue of Varieties of Agricultural Plant Species:

Cereals

1. *Avena sativa* L.
Kynon

2. *Zea mays* L.
Adour 590
Adour 650
AE 664
Agus
Agus LG 26-61
Airone
Alba
Alceo
Alezan 4006
Alisport
Ambo
Ambra
Appio
Ascot
Attila
Bionica
CA-867
CA-949
Capital
Cargisun
Carla
Chicago
Claudio
Country
Cres
Dayton
Dekalb XL 351
Derek
Diana
DK 250
DK 524
DK 528
Dorothy
Egeo (Wx)
Ennio
Estrela
Ettore
Explorer G-4621
Freedom
Frida (Wx)
Fucedro G-4630
Funk's G 4449
G 4673
G 4733
G 4740 A
Granja
Help
Indianapolis
Jaguar
Kathy

Lambro
Las Vegas
LG 60
LG 61
LG 2771
Liberty
Lico
Loges
Manlio
Menfi
Michelangelo
Mikado
Model
Monteverde
Morfeo (Wx)
NC 6190
Neva
New Orleans
Nisida
Nobel
Noce
Nova 2000
PGI-949
Primo
Prisama G-4730
PX 610
Quetzal
Remo
Rocker G-4686
Ronodur
Ronolac
RX 9581
Sagittario
SNH-731
SNH-741
Sparta
Spazio
Steve
Tartaro
Tchalco
Tebe
Tender
Tirso
Tohum
Tony
Urano
Valbom
Valeria
Valeria PR-3540
Velox G-4579
Verax G-4754
Volga PR-3475

Article 2

The authorization given in Article 1 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 3

The Federal Republic of Germany shall notify the Commission and the other Member States of the date from which it makes use of the authorization under Article 1 and the detailed methods to be followed.

Article 4

The time limit specified in Article 15 (1) of Directive 70/457/EEC is, where the Federal Republic of Germany is concerned, extended from 31 December 1988 to 31 March 1989 in respect of the following varieties:

Fodder plants

Lolium multiflorum Lam.

Ellire

Lolium perenne L.

Aurora

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 29 December 1988

liberalizing trade in seeds of certain agricultural plant species between Portugal and other Member States

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

(89/78/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 344 (3) thereof,

Whereas Article 344 (1) of the Act of Accession of Spain and Portugal authorizes Portugal to postpone until 31 December 1988 at the latest the application in its territory of:

- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Directive 88/380/EEC⁽²⁾, for the species *Vicia sativa*,
- Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽³⁾, as last amended by Directive 89/2/EEC⁽⁴⁾, for the species *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum* and *Zea mays*, and
- Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽⁵⁾, as last amended by Directive 88/380/EEC for the species referred to in the previous two indents;

Whereas Article 344 (3) of the Act of Accession of Spain and Portugal provides that, throughout the duration of this derogation, the progressive liberalization of trade in seeds between Portugal and the Community as constituted at that time may be decided upon according to the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry;

Whereas it is now considered appropriate to liberalize trade between Portugal and the 10 Member States at that time in respect of seeds of the six species referred to above of varieties officially accepted in Portugal which are not yet in free circulation in the Community as constituted on 31 December 1985;

Whereas Member States applying Directive 70/457/EEC must ensure that after a period ending on 31 December

of the second year in which a variety was accepted, seed of varieties accepted in one or more Member States in accordance with the provisions of the Directive are subject to no marketing restrictions relating to the variety; whereas a similar period should apply to seed of varieties accepted in Portugal for which trade is liberalized; whereas, accordingly, this liberalization should concern only varieties accepted in Portugal before 1 January 1987;

Whereas, by Decision 89/77/EEC⁽⁶⁾, the Commission authorized the Federal Republic of Germany, to prohibit the marketing of seed of certain varieties of agricultural plant species, including varieties of *Zea mays* accepted in Portugal before 1 January 1987 which have an FAO (Food and Agriculture Organization) maturity class index of above 350; whereas, in relation to Germany, the liberalization of trade in seed of varieties of *Zea mays* should therefore be limited to seed or varieties with an FAO maturity class index of 350 or below;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Belgium, Denmark, Germany, Greece, France, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom shall ensure that seed of the varieties of:

- *Vicia sativa* L. (common vetch),
- *Hordeum vulgare* L. (barley),
- *Oryza sativa* L. (rice),
- *Triticum aestivum* L. emend. Fiori et Paol. (wheat), and
- *Triticum durum* Desf. (durum wheat)

officially accepted in Portugal before 1 January 1987 which are listed in the Annex, Part I, are subject to no marketing restrictions relating to the variety.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 187, 16. 7. 1988, p. 31.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽⁴⁾ OJ No L 5, 7. 1. 1989, p. 31.

⁽⁵⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽⁶⁾ See page 72 of this Official Journal.

2. Belgium, Denmark, Greece, France, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom shall ensure that seed of the varieties of *Zea mays* L. (maize) officially accepted in Portugal before 1 January 1987 which are listed in the Annex, Part II, are subject to no marketing restrictions relating to the variety.

3. Germany shall ensure that seed of the varieties of *Zea mays* officially accepted in Portugal before 1 January 1987 which are listed in the Annex, Part III, are subject to no marketing restrictions relating to the variety.

Article 2

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

Done at Brussels, 29 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

Part I: Species other than maize

Species	Variety	Year of official acceptance in Portugal
<i>Vicia sativa</i> (Common vetch)	Barril	1984
	Gil Vaz	1984
	Piedade	1984
<i>Hordeum vulgare</i> (Barley)	Evelyn	1984
	Tagide	1986
<i>Oryza sativa</i> (Rice)	Aricombo	1982
	Banata 35	1983
	Estrela A	1986
	Lusito	1982
	Prits	1984
	Safari	1983
<i>Triticum aestivum</i> (Wheat)	Almansor	1986
	Caia	1982
	Degebe	1984
	Lima	1986
	Mira	1983
	Tejo	1984
<i>Triticum durum</i> (Durum wheat)	Artena	1986
	Castiço	1984
	Celta	1986
	Chico	1985
	Faia	1984

Part II: *Zea mays* (maize), except Germany

Variety	Year of official acceptance in Portugal
Acco 146	1982
Adour 368	1983
Adour 590	1983
Adour 650	1983
Clip 21	1984
Corsa	1986
Dekalb XL 351	1983
Dekalb 4914	1984
Estrela	1985
Granja	1985
LG 61	1983
Mad 390	1985
PX 610	1982
Tohum	1983
Valbom	1985

Part III: *Zea mays* (maize), Germany

Variety	Year of official acceptance in Portugal
Acco 146	1982
Adour	1983
Clip 21	1984
Corsa	1986
Dekalb 4914	1984
Mad 390	1985

COMMISSION DECISION

of 13 January 1989

on improving the efficiency of agricultural structures in Italy (Calabria) pursuant to Council Regulation (EEC) No 797/85

(Only the Italian text is authentic)

(89/79/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EEC) No 1137/88⁽²⁾, and in particular Article 25 (3) thereof,

Whereas, pursuant to Article 24 (4) of Regulation (EEC) No 797/85, on 19 September 1988 the Italian Government forwarded the provisions implementing Regulation (EEC) No 797/85 in Calabria, contained in the Regional Law of 1 March 1988, as amended by Decision No 400 of 27 July 1988;

Whereas, under Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas the abovementioned provisions satisfy the conditions and the objectives of Regulation (EEC) No 797/85;

Whereas the European Agricultural Guidance and Guarantee Fund (EAGGF) Committee has been consulted on the financial aspects;

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

HAS ADOPTED THIS DECISION:

Article 1

The provisions implementing Regulation (EEC) No 797/85 in Calabria, contained in the Regional Law of 1 March 1988, as amended by Decision No 400 of 27 July 1988, satisfy the conditions for a Community financial contribution to the common measure provided for in Article 1 of Regulation (EEC) No 797/85.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 13 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.⁽²⁾ OJ No L 108, 29. 4. 1988, p. 1.

COMMISSION DECISION

of 16 January 1989

approving the sixth amendment to the plan for the accelerated eradication of classical swine fever, submitted by Italy

(Only the Italian Text is authentic)

(89/80/EEC)

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

Having regard to Council Directive 80/1095/EEC of 11 November 1980 laying down conditions designed to render and keep the territory of the Community free from classical swine fever⁽¹⁾, as last amended by Directive 87/487/EEC⁽²⁾, and in particular Article 6 (4) thereof,

Having regard to Council Decision 80/1096/EEC of 11 November 1980 introducing Community financial measures for the eradication of classical swine fever⁽³⁾, as last amended by Council Decision 87/488/EEC⁽⁴⁾, and in particular Article 5 thereof,

Whereas by Decision 83/100/EEC⁽⁵⁾, the Commission approved the plan for the accelerated eradication of classical swine fever submitted by Italy;

Whereas by Decisions 84/193/EEC⁽⁶⁾, 85/120/EEC⁽⁷⁾, 85/541/EEC⁽⁸⁾, 87/109/EEC⁽⁹⁾ and 88/120/EEC⁽¹⁰⁾, the Commission has approved a first, second, third, fourth and fifth amendment to the initial plan;

Whereas by telex of 29 November 1988, the Italian authorities informed the Commission of amendments to the plan to take account of the evolution of classical swine fever in Italy;

Whereas the amended plan has been examined and found to comply with Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹¹⁾ and with Directive 80/1095/EEC; whereas the conditions for financial

participation by the Community continue therefore to be met;

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

HAS ADOPTED THIS DECISION:

Article 1

The sixth amendment to the plan for the accelerated eradication of classical swine fever, submitted by Italy, is hereby approved.

Article 2

The amendment to the plan referred to in Article 1 shall take effect on 1 January 1989.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 16 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 325, 1. 12. 1980, p. 1.

⁽²⁾ OJ No L 280, 3. 10. 1987, p. 24.

⁽³⁾ OJ No L 325, 1. 12. 1980, p. 5.

⁽⁴⁾ OJ No L 280, 3. 10. 1987, p. 26.

⁽⁵⁾ OJ No L 61, 8. 3. 1983, p. 26.

⁽⁶⁾ OJ No L 100, 12. 4. 1984, p. 23.

⁽⁷⁾ OJ No L 46, 15. 2. 1985, p. 50.

⁽⁸⁾ OJ No L 334, 12. 12. 1985, p. 29.

⁽⁹⁾ OJ No L 48, 17. 2. 1987, p. 26.

⁽¹⁰⁾ OJ No L 60, 5. 3. 1988, p. 45.

⁽¹¹⁾ OJ No L 47, 21. 2. 1980, p. 11.