

Official Journal

of the European Communities

ISSN 0378-6978

L 57

Volume 32

28 February 1989

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 484/89 of 27 February 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 485/89 of 27 February 1989 fixing the premiums to be added to the import levies on cereals, flour and malt	3
* Commission Regulation (EEC) No 486/89 of 27 February 1989 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 3627/88	5
Commission Regulation (EEC) No 487/89 of 27 February 1989 on the supply of olive oil as food aid	10
Commission Regulation (EEC) No 488/89 of 24 February 1989 fixing definitively the subsidy for soya beans determined provisionally between 1 September and 31 October 1988	13
* Commission Regulation (EEC) No 489/89 of 24 February 1989 concerning the classification of certain goods in the combined nomenclature	16
Commission Regulation (EEC) No 490/89 of 27 February 1989 fixing the import levies on products processed from cereals and rice	18
Commission Regulation (EEC) No 491/89 of 27 February 1989 fixing the import levies on compound feedingstuffs	23
Commission Regulation (EEC) No 492/89 of 27 February 1989 fixing the import levies on rice and broken rice	26
Commission Regulation (EEC) No 493/89 of 27 February 1989 fixing the premiums to be added to the import levies on rice and broken rice	28

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 494/89 of 27 February 1989 suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of large-flowered roses originating in Morocco	30
Commission Regulation (EEC) No 495/89 of 27 February 1989 fixing the export refunds on products processed from cereals and rice	32
Commission Regulation (EEC) No 496/89 of 27 February 1989 fixing the export refunds on cereal-based compound feedingstuffs	35
Commission Regulation (EEC) No 497/89 of 27 February 1989 fixing the import levies on milk and milk products	43
Commission Regulation (EEC) No 498/89 of 27 February 1989 abolishing the countervailing charge on fresh lemons originating in Spain (except the Canary Islands)	48
* Commission Regulation (EEC) No 499/89 of 27 February 1989 fixing the percentages of table wine production to be delivered for compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87 for the 1988/89 wine year	49
Commission Regulation (EEC) No 500/89 of 27 February 1989 fixing the import levies on white sugar and raw sugar	53
* Council Regulation (EEC) No 501/89 of 27 February 1989 imposing a definitive anti-dumping duty on imports of certain video cassette recorders originating in Japan and the Republic of Korea and definitively collecting the provisional duty	55

II *Acts whose publication is not obligatory*

Council

89/148/EEC :

* Council Decision of 27 February 1989 accepting undertakings relating to the proceedings concerning video cassette recorders by Korean exporters and one Japanese exporter and terminating the proceedings with regard to these exporters	61
--	----

Commission

89/149/Euratom :

* Commission Decision of 10 February 1989 concerning the conclusion of an Agreement for cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion, by the Commission for and on behalf of the Community	62
Agreement for cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion	63

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 484/89

of 27 February 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 24 February 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 28 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, 27 February 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 27 February 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	20,50	127,26
0712 90 19	20,50	127,26
1001 10 10	53,13	180,78 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	180,78 ⁽¹⁾ ⁽²⁾
1001 90 91	30,85	116,55
1001 90 99	30,85	116,55
1002 00 00	58,63	113,46 ⁽⁶⁾
1003 00 10	49,19	119,41
1003 00 90	49,19	119,41
1004 00 10	40,25	76,97
1004 00 90	40,25	76,97
1005 10 90	20,50	127,26 ⁽²⁾ ⁽³⁾
1005 90 00	20,50	127,26 ⁽²⁾ ⁽³⁾
1007 00 90	43,84	138,29 ⁽⁴⁾
1008 10 00	49,19	26,24
1008 20 00	49,19	52,31 ⁽⁴⁾
1008 30 00	49,19	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	49,19	0,00
1101 00 00	57,38	177,36
1102 10 00	96,27	173,03
1103 11 10	95,80	292,88
1103 11 90	60,70	190,28

⁽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 485/89

of 27 February 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 24 February 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 28 February 1989.

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

Done at Brussels, 27 February 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 27 February 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	3,12
1001 10 90	0	0	0	3,12
1001 90 91	0	0	0	3,56
1001 90 99	0	0	0	3,56
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	4,98

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	6,34	6,34
1107 10 19	0	0	0	4,73	4,73
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 486/89

of 27 February 1989

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 3627/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 4132/88⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold substantial stocks of boned intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question and it is appropriate therefore to offer this meat for sale in accordance with Commission Regulations (EEC) No 2539/84 and (EEC) No 2824/85⁽⁵⁾;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁶⁾, as last amended by Regulation (EEC) No 3182/88⁽⁷⁾;

Whereas in order to ensure that beef sold is exported the lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector; whereas, for the same reason, the additional code 7034 referred to in Part

3 of the Appendix to Annex I to Commission Regulation (EEC) No 4103/88 of 23 December 1988 fixing the monetary compensatory amounts applicable in the agricultural sector and certain coefficients and rates required for their application⁽⁸⁾, as last amended by Regulation (EEC) No 449/89⁽⁹⁾;

Whereas Article 2 (1) of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts⁽¹⁰⁾, as last amended by Regulation (EEC) No 3521/88⁽¹¹⁾, stipulates that monetary compensatory amounts may be fixed in advance only if the export refund is fixed in advance; whereas the absence of refunds for the meat in question means that this requirement cannot be met; whereas for the sake of impartiality it should in this instance be suspended so that advance fixing of the monetary compensatory amounts can be permitted;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88⁽¹²⁾, as last amended by Regulation (EEC) No 148/89⁽¹³⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 3627/88⁽¹⁴⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Part of the stocks of boned intervention beef held by the intervention agencies of Denmark, France, Ireland, Italy and the United Kingdom shall be sold.

This meat shall be for export.

(¹) OJ No L 148, 28. 6. 1968, p. 24.
 (²) OJ No L 362, 30. 12. 1988, p. 4.
 (³) OJ No L 238, 6. 9. 1984, p. 13.
 (⁴) OJ No L 170, 30. 6. 1987, p. 23.
 (⁵) OJ No L 268, 10. 10. 1985, p. 14.
 (⁶) OJ No L 241, 13. 9. 1980, p. 5.
 (⁷) OJ No L 283, 18. 10. 1988, p. 13.

(⁸) OJ No L 364, 30. 12. 1988, p. 1.
 (⁹) OJ No L 55, 27. 2. 1989, p. 1.
 (¹⁰) OJ No L 310, 21. 11. 1985, p. 22.
 (¹¹) OJ No L 307, 12. 11. 1988, p. 28.
 (¹²) OJ No L 55, 1. 3. 1988, p. 1.
 (¹³) OJ No L 17, 21. 1. 1989, p. 33.
 (¹⁴) OJ No L 316, 23. 11. 1988, p. 34.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85. However by way of derogation from Article 3 (2) of Regulation (EEC) No 2824/85 authorization to repack may also be given for meat stored outside the Member State of the intervention agency holding it.

The provisions of Commission Regulation (EEC) No 985/81 (1) shall not apply to this sale.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 1 March 1989.

4. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products specified in Article 1 must be exported within six months of the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be :

- ECU 600 per 100 kilograms of the meat referred to under 1 (a), 2 (a), 3 (a), 4 (a) and 5 (a) in Annex I,
- ECU 400 per 100 kilograms of the meat referred to under 1 (b), 2 (b), 3 (b), 4 (b) and 5 (b) in Annex I.

Article 4

In the case of the meat referred to under 1 (b), 2 (b), 3 (b), 4 (b) and 5 (b) in Annex I :

- (a) no export refund shall be granted ;
- (b) additional code 7034 referred to in Part 3 of Annex I to Regulation (EEC) No 4103/88 shall apply ; and
- (c) by way of derogation from Article 2 (1) of Regulation (EEC) No 3155/85 the monetary compensatory amount may be fixed in advance.

(1) OJ No L 99, 10. 4. 1981, p. 38.

In cases where use is made of the option specified at (c) :

- the application for advance fixing must be lodged at the same time as the application for the export licence,
- the application for advance fixing must be accompanied by the contract of sale,
- the export licence may be used for intervention meat only,
- Section 18 (a) of the export licence shall carry the following entry in one of the Community languages :
 - Válido únicamente para carnes de intervención vendidas con arreglo al Reglamento (CEE) nº 486/89
 - Kun gyldig for interventionskød solgt i henhold til forordning (EØF) nr. 486/89
 - Nur gültig für Interventionsfleisch — Verkauf gemäß der Verordnung (EWG) Nr. 486/89
 - Ισχύει μόνο για τα κρέατα παρέμβασης που πωλούνται βάσει του κανονισμού (ΕΟΚ) αριθ. 486/89
 - Valid only for intervention meat sold under Regulation (EEC) No 486/89
 - Seulement valable pour les viandes d'intervention vendues sous règlement (CEE) n° 486/89
 - Valido esclusivamente per carni di intervento vendute a norma del regolamento (CEE) n. 486/89
 - Uitsluitend geldig voor vlees uit de interventievoorraden dat wordt verkocht in het kader van Verordening (EEG) nr. 486/89
 - Apenas válido para carne de intervenção vendida nos termos do Regulamento (CEE) nº 486/89.

Article 5

Regulation (EEC) No 569/88 is hereby amended as follows :

In Part I of the Annex, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 40 and footnote are added :

- '40. Commission Regulation (EEC) No 486/89 of 27 February 1989 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export (40).

(40) OJ No L 57, 28. 2. 1989, p. 5.'

Article 6

Regulation (EEC) No 3627/88 is hereby repealed.

Article 7

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I

Precio mínimo expresado en ecus por tonelada (1) — Mindestpreise in ECU/ton (1) — Mindestpreise, ausgedrückt in ECU/Tonne (1) — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο (1) — Minimum prices expressed in ECU per tonne (1) — Prix minimaux exprimés en écus par tonne (1) — Prezzi minimi espressi in ECU per tonnellata (1) — Minimumprijzen uitgedrukt in ecu per ton (1) — Preço mínimo expresso em ecus por tonelada (1)

1. DANMARK

a) Mørbrad med bimørbrad	6 000
Filet med entrecôte og tyndsteg	2 300
Inderlår med kappe	2 275
Tykstegsfilet med kappe	2 275
Klump med kappe	2 275
Yderlår med lårtunge	2 275
b) Bryst og slag	850
Øvrigt kød af forfjerdinger	1 200

2. FRANCE

b) Caisse B	850
Jarret	1 100
Caisse A	1 200

3. IRELAND

a) Cube rolls	2 600
b) Shins and shanks	1 100
Shanks	1 100
Shins	1 100
Plates and flanks	850
Forequarters	1 200
Flanks	850
Plates	850
Briskets	1 100
Shanks and/or shins	1 100
Flanks and/or plates	850

4. ITALIA

a) Roastbeef	2 500
Scamone	2 200
Fesa esterna	2 200
Noce	2 200
b) Geretto pesce	1 000
Collo sottospalla	1 100
Spalle geretto	1 000
Panci	800
Petto	1 000
Sottospalla	1 100
Collo	1 100

5. UNITED KINGDOM

a) Fillets	4 500
Striploins	2 600
Topsides	2 600
Silversides	2 600
Thick flanks	2 600
Rumps	2 600
b) Hindquarter skirts	1 000
Shins and shanks	1 100
Clod and sticking	1 200
Ponies	1 200
Pony parts	1 100
Thin flanks	850
Forequarter flanks	850
Briskets	1 100
Foreribs	1 250
Striploin flank edge	850

(1) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

(1) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(1) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(1) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(1) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(1) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

(1) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(1) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(1) Estes preços aplicam-se a peso líquido, conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção

- DANMARK : Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
1360 København K
Tlf. 01 92 70 00, telex 15137 DK
- ITALIA : Azienda di Stato per gli interventi
nel mercato agricolo (AIMA)
via Palestro 81, Roma
Tel. 495 72 83 — 495 92 61
Telex 613003
- FRANCE : OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 45 38 84 00, télex 260643
- IRELAND : Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- UNITED KINGDOM : Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848302
-

COMMISSION REGULATION (EEC) No 487/89
of 27 February 1989
on the supply of olive oil as food aid

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

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

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

Whereas following the taking of a decision on the allocation of food aid the Commission has allocated to Algeria 1 200 tonnes of olive oil;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation Nos** (1): 17 to 19/89
2. **Programme**: 1988
3. **Recipient**: Algeria
4. **Representative of the recipient** (2): Croissant rouge algérien, Comité National, 15 bis, Bld Mohamed V, Alger, Dr. Mouloud Belaouane, telex 52914 HILAL — ALGER, tel. 61 07 41
5. **Place or country of destination**: Algeria
6. **Product to be mobilized**: olive oil
7. **Characteristics and quality of the goods** (3): se list published in OJ No C 216 of 14. 8. 1987, p. 3 (under III.A.4)
8. **Total quantity**: 1 200 tonnes
9. **Number of lots**: three
 - Lot A: 400 tonnes (Operation No 17/89)
 - Lot B: 400 tonnes (Operation No 18/89)
 - Lot C: 400 tonnes (Operation No 19/89)
10. **Packaging and marking**: see OJ No C 216 of 14. 8. 1987, p. 3 (under III.B):
 - metal cans of five litres
 - the cans must be packed in cartons, with two cans per carton
 - the cans must carry the following wording in letters at least 5 cm high:
 - Lot A:
'ACTION N° 17/89 / HUILE D'OLIVE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À L'ALGÉRIE'
 - Lot B:
'ACTION N° 18/89 / HUILE D'OLIVE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À L'ALGÉRIE'
 - Lot C:
'ACTION N° 19/89 / HUILE D'OLIVE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À L'ALGÉRIE'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: Dépôt central du Croissant Rouge algérien, Diar es Saada, Alger
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10 to 30. 4. 1989
18. **Deadline for the supply**: 31. 5. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 14. 3. 1989, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 28. 3. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15. 4 to 10. 5. 1989
 - (c) deadline for the supply: 31. 5. 1989
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (4):

Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels; telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 1. 2. 1989, fixed by Commission Regulation (EEC) No 241/89 in OJ No L 30, 1. 2. 1989, p. 13

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
M. J-P. Jesse, 36 rue Arezki, Hydra, 16300 Alger ; tel. 59 08 22 ; telex 66067 EURAL DZ.
- (³) The successful tenderer shall supply to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32,
236 10 97,
235 01 30,
236 20 05.
- (⁵) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
-

COMMISSION REGULATION (EEC) No 488/89

of 24 February 1989

fixing definitively the subsidy for soya beans determined provisionally between 1 September and 31 October 1988

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 between 1 September and 31 October 1988 the provisional amounts of the subsidy for soya beans took account pursuant to Article 10a of Commission Regulation (EEC) No 2329/85 of 12 August 1985 laying down detailed rules for the application of the special measures for soya beans ⁽³⁾, as last amended by Regulation (EEC) No 3118/88 ⁽⁴⁾, of the abatement in the subsidy fixed by the Commission for the 1987/88 marketing year by Commission Regulation (EEC) No 2868/87 ⁽⁵⁾; whereas the fixing of those amounts, made subject to a Commission decision, was required by the lack of a regulation fixing the abatement in the subsidy for the 1988/89 marketing year;Whereas Commission Regulation (EEC) No 3404/88 ⁽⁶⁾ fixes the abatement to be applied to the subsidy for soya beans for the 1988/89 marketing year;

Whereas the amounts of the subsidy applying provisionally for the beans in question should accordingly be replaced and they should be fixed definitively,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the subsidy for soya beans in the Annexes to Commission Regulation (EEC) No 2711/88 ⁽⁷⁾, (EEC) No 2797/88 ⁽⁸⁾, (EEC) No 2914/88 ⁽⁹⁾, (EEC) No 2959/88 ⁽¹⁰⁾, (EEC) No 3029/88 ⁽¹¹⁾, (EEC) No 3155/88 ⁽¹²⁾ and (EEC) No 3293/88 ⁽¹³⁾ fixing the subsidy for soya beans are hereby replaced by the amounts in the tables in the Annex hereto, which shall be fixed definitively from the date of entry into force of each of the Regulations concerned.

Article 2

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, 24 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.
⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.
⁽³⁾ OJ No L 218, 15. 8. 1985, p. 16.
⁽⁴⁾ OJ No L 278, 10. 10. 1988, p. 24.
⁽⁵⁾ OJ No L 273, 25. 9. 1987, p. 15.

⁽⁶⁾ OJ No L 299, 1. 11. 1988, p. 58.

⁽⁷⁾ OJ No L 241, 1. 9. 1988, p. 58.

⁽⁸⁾ OJ No L 250, 9. 9. 1988, p. 22.

⁽⁹⁾ OJ No L 262, 22. 9. 1988, p. 21.

⁽¹⁰⁾ OJ No L 268, 28. 9. 1988, p. 10.

⁽¹¹⁾ OJ No L 271, 1. 10. 1988, p. 79.

⁽¹²⁾ OJ No L 281, 14. 10. 1988, p. 46.

⁽¹³⁾ OJ No L 292, 26. 10. 1988, p. 16.

ANNEX

AID FOR SOYA BEANS

Applicable from 1 September 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	23,868	23,868
— Portugal	13,558	0,000	23,868
— another Member State	13,558	23,868	23,868

Applicable from 9 September 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	22,132	22,132
— Portugal	11,822	0,000	22,132
— another Member State	11,822	22,132	22,132

Applicable from 22 September 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	23,693	23,693
— Portugal	13,383	0,000	23,693
— another Member State	13,383	23,693	23,693

Applicable from 28 September 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	24,033	24,033
— Portugal	13,723	0,000	24,033
— another Member State	13,723	24,033	24,033

Applicable from 1 October 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	24,658	24,658
— Portugal	14,348	0,000	24,658
— another Member State	14,348	24,658	24,658

Applicable from 14 October 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	25,341	25,341
— Portugal	15,031	0,000	25,341
— another Member State	15,031	25,341	25,341

Applicable from 26 October 1988

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	25,949	25,949
— Portugal	15,639	0,000	25,949
— another Member State	15,639	25,949	25,949

COMMISSION REGULATION (EEC) No 489/89

of 24 February 1989

concerning the classification of certain goods in the combined nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EEC) No 20/89⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the good referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the

presente Regulation must be classified under the appropriate CN code indicated in column 2, by virtue of the reasons set out in column 3;

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

HAS ADOPTED THIS REGULATION:

Article 1

The good described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN code indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after 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, 24 February 1989.

For the Commission
Christiane SCRIVENER
Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No. L 4, 6. 1. 1989, p. 19.

ANNEX

Description of the goods	CN code	Reasons
(1)	(2)	(3)
Slippers with textile uppers and outer applied soles of cotton fabric coated on the surface in contact with the floor with a visible layer of plastics	6404 19 10	<p>Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, Note 3 to Chapter 64 and by the texts of CN codes 6404 and 6404 19 10</p> <p>The products cannot be classified in CN code 6405 20 91 as, by application of the abovementioned note, the soles must be regarded as being of plastics</p>

COMMISSION REGULATION (EEC) No 490/89

of 27 February 1989

fixing 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 the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Regulation (EEC) No 1579/74 of the Commission of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured

from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Regulation (EEC) No 2742/75 of the Council⁽⁹⁾, as last amended by Regulation (EEC) No 1009/86⁽¹⁰⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹¹⁾, as amended by Regulation (EEC) No 1821/87⁽¹²⁾;

Whereas, Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 90 and 0714 90 10 originating in certain third countries⁽¹³⁾, as amended by Regulation (EEC) No 3837/88⁽¹⁴⁾, lays down the terms on which the import levy is limited to 6 % *ad valorem*;

⁽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 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹⁰⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽¹²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽¹³⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽¹⁴⁾ OJ No L 340, 10. 12. 1988, p. 1.

Whereas Regulation (EEC) No 2730/75 of the Council of 29 October 1975 on glucose and lactose⁽¹⁾, as amended by Regulation (EEC) No 222/88⁽²⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

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⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,

- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 27 February 1989 fixing the import levies on products processed from cereals and rice

CN code	Import levies (ECU/tonne)		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
0714 10 10 ⁽¹⁾	53,71	123,05	118,22
0714 10 91	50,69	120,03	118,22
0714 10 99	53,71	123,05	118,22
0714 90 11	50,69	120,03	118,22 ⁽²⁾
0714 90 19	53,71	123,05	118,22 ⁽²⁾
1102 20 10	45,64	235,40	229,36
1102 20 90	25,46	132,99	129,97
1102 30 00	3,02	114,30	111,28
1102 90 10	101,91	222,09	216,05
1102 90 30	81,19	141,67	135,63
1102 90 90	49,27	143,78	140,76
1103 12 00	81,19	141,67	135,63
1103 13 11	45,64	226,40	220,36
1103 13 19	45,64	235,40	229,36
1103 13 90	25,46	132,99	129,97
1103 14 00	3,02	114,30	111,28
1103 19 10	114,27	209,17	203,13
1103 19 30	97,28	222,09	216,05
1103 19 90	49,27	143,78	140,76
1103 21 00	63,69	219,09	213,05
1103 29 10	114,27	209,17	203,13
1103 29 20	97,28	222,09	216,05
1103 29 30	81,19	141,67	135,63
1103 29 40	45,64	235,40	229,36
1103 29 50	3,02	114,30	111,28
1103 29 90	49,27	143,78	140,76
1104 11 10	54,72	125,45	122,43
1104 11 90	107,42	246,10	240,06
1104 12 10	45,61	79,88	76,86
1104 12 90	89,54	156,74	150,70
1104 19 10	63,69	219,09	213,05
1104 19 30	114,27	209,17	203,13
1104 19 50	45,64	235,40	229,36
1104 19 91	6,04	195,00	188,96
1104 19 99	87,65	254,44	248,40
1104 21 10	84,12	195,07	192,05
1104 21 30	84,12	195,07	192,05
1104 21 50	132,77	306,12	300,08
1104 21 90	54,72	125,45	122,43
1104 22 10	78,17	138,65	135,63
1104 22 30	78,17	138,65	135,63
1104 22 50	69,82	123,58	120,56
1104 22 90	45,61	79,88	76,86
1104 23 10	38,22	206,89	203,87
1104 23 30	38,22	206,89	203,87
1104 23 90	25,46	132,99	129,97

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1104 29 10*10 (*)	45,62	160,44	157,42
1104 29 10*20 (*)	82,99	153,11	150,09
1104 29 10*30 (*)	75,56	223,82	220,80
1104 29 10*40 (*)	75,56	223,82	220,80
1104 29 10*90 (*)	75,56	223,82	220,80
1104 29 30*10 (*)	54,27	192,40	189,38
1104 29 30*20 (*)	99,23	183,58	180,56
1104 29 30*30 (*)	75,56	223,82	220,80
1104 29 30*40 (*)	75,56	223,82	220,80
1104 29 30*90 (*)	75,56	223,82	220,80
1104 29 91	35,69	123,75	120,73
1104 29 95	64,35	118,13	115,11
1104 29 99	49,27	143,78	140,76
1104 30 10	30,06	94,81	88,77
1104 30 90	22,54	101,61	95,57
1106 20 10	53,71	123,05	116,40 (*)
1106 20 91	55,97	217,65	193,47 (*)
1106 20 99	55,97	225,70	201,52 (*)
1107 10 11	67,89	221,56	210,68
1107 10 19	53,48	168,30	157,42
1107 10 91	101,11	224,53 (*)	213,65
1107 10 99	78,30	170,52	159,64
1107 20 00	89,45	196,93 (*)	186,05
1108 11 00	91,02	265,54	244,99
1108 12 00	55,97	217,65	197,10
1108 13 00	55,97	217,65	197,10
1108 14 00	55,97	217,65	98,55
1108 19 10	30,83	181,28	150,45
1108 19 90	55,97	217,65	98,55 (*)
1109 00 00	309,46	626,78	445,44
1702 30 51	142,92	353,80	257,08
1702 30 59	101,91	263,59	197,10
1702 30 91	142,92	353,80	257,08
1702 30 99	101,91	263,59	197,10
1702 40 90	101,91	263,59	197,10
1702 90 50	101,91	263,59	197,10
1702 90 75	145,12	366,04	269,32
1702 90 79	100,15	253,79	187,30
2106 90 55	101,91	263,59	197,10
2302 10 10	19,56	57,21	51,21
2302 10 90	35,06	115,74	109,74
2302 20 10	19,56	57,21	51,21
2302 20 90	35,06	115,74	109,74
2302 30 10	19,56	57,21	51,21
2302 30 90	35,06	115,74	109,74
2302 40 10	19,56	57,21	51,21
2302 40 90	35,06	115,74	109,74
2303 10 11	225,34	426,18	244,84

-
- (1) 6% *ad valorem*, subject to certain conditions.
- (2) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (3) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- arrow-root falling within CN codes 0714 90 11 and 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (4) TARIC code : wheat.
- (5) TARIC code : rye.
- (6) TARIC code : millet.
- (7) TARIC code : sorghum.
- (8) TARIC code : others.
-

COMMISSION REGULATION (EEC) No 491/89
of 27 February 1989
fixing the import levies on compound feedingstuffs

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 the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Regulation (EEC) No 2743/75 of the Council of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regula-

tion (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁵⁾, as last amended by Regulation (EEC) No 1821/87⁽⁶⁾;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁷⁾, as last amended by Regulation (EEC) No 2229/88⁽⁸⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁹⁾, as amended by Regulation (EEC) No 3296/88⁽¹⁰⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC⁽¹¹⁾, as last amended by Regulation (EEC) No 31/76⁽¹²⁾, and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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⁽¹³⁾, as last amended by Regulation (EEC) No 1636/87⁽¹⁴⁾,

⁽¹⁾ OJ No L 61, 26. 2. 1985, p. 4.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽⁵⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁶⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽⁷⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽⁸⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁰⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽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. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 February 1989 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	Third countries (other than ACP and OCT)	ACP and OCT
2309 10 11	10,88	31,27	20,39
2309 10 13	10,88	531,42	520,54
2309 10 31	10,88	74,59	63,71
2309 10 33	10,88	574,74	563,86
2309 10 51	10,88	138,30	127,42
2309 10 53	10,88	638,45	627,57
2309 90 31	10,88	31,27	20,39
2309 90 33	10,88	531,42	520,54
2309 90 41	10,88	74,59	63,71
2309 90 43	10,88	574,74	563,86
2309 90 51	10,88	138,30	127,42
2309 90 53	10,88	638,45	627,57

COMMISSION REGULATION (EEC) No 492/89
of 27 February 1989
fixing the import levies on rice and broken 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 Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 11 ⁽²⁾ thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2699/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 464/89 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2699/88 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 241, 1. 9. 1988, p. 27.

⁽⁶⁾ OJ No L 53, 25. 2. 1989, p. 5.

ANNEX

to the Commission Regulation of 27 February 1989 fixing the import levies on rice and broken rice

(ECU / tonne)

CN code	Portugal	Third countries (except ACP or OCT) (¹)	ACP or OCT (¹) (²)	Arrangement in Regulation (EEC) No 3877/86
1006 10 21	—	301,18	146,99	—
1006 10 92	—	301,18	146,99	—
1006 10 23	—	302,38	147,59	226,79
1006 10 94	—	302,38	147,59	226,79
1006 10 25	—	302,38	147,59	226,79
1006 10 96	—	302,38	147,59	226,79
1006 10 27	—	302,38	147,59	226,79
1006 10 98	—	302,38	147,59	226,79
1006 20 11	—	376,48	184,64	—
1006 20 92	—	376,48	184,64	—
1006 20 13	—	377,97	185,38	283,48
1006 20 94	—	377,97	185,38	283,48
1006 20 15	—	377,97	185,38	283,48
1006 20 96	—	377,97	185,38	283,48
1006 20 17	—	377,97	185,38	283,48
1006 20 98	—	377,97	185,38	283,48
1006 30 21	13,05	500,82	238,48	—
1006 30 42	13,05	500,82	238,48	—
1006 30 23	12,97	588,69	282,46	441,52
1006 30 44	12,97	588,69	282,46	441,52
1006 30 25	12,97	588,69	282,46	441,52
1006 30 46	12,97	588,69	282,46	441,52
1006 30 27	12,97	588,69	282,46	441,52
1006 30 48	12,97	588,69	282,46	441,52
1006 30 61	13,90	533,38	254,34	—
1006 30 92	13,90	533,38	254,34	—
1006 30 63	13,90	631,08	303,19	473,31
1006 30 94	13,90	631,08	303,19	473,31
1006 30 65	13,90	631,08	303,19	473,31
1006 30 96	13,90	631,08	303,19	473,31
1006 30 67	13,90	631,08	303,19	473,31
1006 30 98	13,90	631,08	303,19	473,31
1006 40 00	0	106,35	50,17	—

(¹) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

NB: The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25)...

COMMISSION REGULATION (EEC) No 493/89**of 27 February 1989****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2700/88 ⁽³⁾, as last amended by Regulation (EEC) No 465/89 ⁽⁴⁾;

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 shown in the Annex hereto,

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.⁽³⁾ OJ No L 241, 1. 9. 1988, p. 30.⁽⁴⁾ OJ No L 53, 25. 2. 1989, p. 7.

ANNEX

to the Commission Regulation of 27 February 1989 fixing the premiums to be added to the import levies on rice and broken rice

CN code	<i>(ECU/tonne)</i>			
	Current 3	1st period 4	2nd period 5	3rd period 6
1006 10 21	0	0	0	—
1006 10 92	0	0	0	—
1006 10 23	0	0	0	—
1006 10 94	0	0	0	—
1006 10 25	0	0	0	—
1006 10 96	0	0	0	—
1006 10 27	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 92	0	0	0	—
1006 20 13	0	0	0	—
1006 20 94	0	0	0	—
1006 20 15	0	0	0	—
1006 20 96	0	0	0	—
1006 20 17	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 42	0	0	0	—
1006 30 23	0	0	0	—
1006 30 44	0	0	0	—
1006 30 25	0	0	0	—
1006 30 46	0	0	0	—
1006 30 27	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 92	0	0	0	—
1006 30 63	0	0	0	—
1006 30 94	0	0	0	—
1006 30 65	0	0	0	—
1006 30 96	0	0	0	—
1006 30 67	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 494/89

of 27 February 1989

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of large-flowered roses originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 3005/88⁽³⁾, (EEC) No 3175/88⁽⁴⁾, (EEC) No 3552/88⁽⁵⁾ and (EEC) No 4078/88⁽⁶⁾ open and provide for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 3557/88⁽⁷⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁸⁾, as amended by Regulation (EEC) No 3556/88⁽⁹⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 1636/87⁽¹¹⁾;
- for the other currencies, a conversion rate based on the arithmetic mean of the spot market rates for the currency, as recorded over a given period, against the Community currencies referred to in the preceding indent, and the abovementioned factor;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large flowered roses originating in Morocco; whereas the Common Customs Tariff duty should be re-introduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN code ex-0603 10 51), originating in Morocco, the preferential customs duty fixed by Council Regulation (EEC) No 3552/88 is hereby suspended and the Common Customs Tariff duty is hereby re-introduced from 1 March 1989.

Article 2

This Regulation shall enter into force on 1 March 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 271, 1. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 1.

⁽⁵⁾ OJ No L 311, 17. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 8.

⁽⁷⁾ OJ No L 311, 17. 11. 1988, p. 9.

⁽⁸⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁹⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 27 February 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 495/89

of 27 February 1989

fixing the export refunds 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 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 fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Regulation (EEC) No 2746/75 of the Council⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export

system for products processed from cereals and from rice⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68⁽⁹⁾, as amended by Regulation (EEC) No 2764/71⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽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 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas Commission Regulation (EEC) No 2806/71⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾,
- 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 rela-

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, pursuant to Article 275 of the Act of Accession, 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 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 export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 27 February 1989 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 100	112,29	1104 22 10 900	—
1102 20 10 300	96,25	1104 22 30 100	36,52
1102 20 10 900	—	1104 22 30 900	—
1102 20 90 100	96,25	1104 22 50 000	—
1102 20 90 900	—	1104 23 10 100	120,32
1102 30 00 000	—	1104 23 10 300	92,24
1102 90 10 100	96,59	1104 23 10 900	—
1102 90 10 900	65,68	1104 29 10 100	—
1102 90 30 100	38,66	1104 29 10 900	—
1102 90 30 900	—	1104 29 91 000	57,21
1103 12 00 100	38,66	1104 29 95 000	57,21
1103 12 00 900	—	1104 30 10 000	14,97
1103 13 11 100	144,38	1104 30 90 000	20,05
1103 13 11 300	112,29	1107 10 11 000	106,55
1103 13 11 500	96,25	1107 10 91 000	114,61
1103 13 11 900	—	1108 11 00 100	105,72
1103 13 19 100	144,38	1108 11 00 900	—
1103 13 19 300	112,29	1108 12 00 100	120,34
1103 13 19 500	96,25	1108 12 00 900	—
1103 13 19 900	—	1108 13 00 100	120,34
1103 13 90 100	96,25	1108 13 00 900	—
1103 13 90 900	—	1108 14 00 100	—
1103 14 00 000	—	1108 14 00 900	—
1103 19 10 000	57,21	1108 19 10 100	150,45
1103 19 30 100	99,80	1108 19 10 900	—
1103 19 30 900	—	1108 19 90 100	—
1103 21 00 000	61,06	1108 19 90 900	—
1103 29 20 000	65,68	1109 00 00 100	0,00
1103 29 30 000	—	1109 00 00 900	—
1103 29 40 000	81,81	1702 30 51 000	157,19
1104 11 90 100	96,59	1702 30 59 000	120,34
1104 11 90 900	—	1702 30 91 000	157,19
1104 12 90 100	42,96	1702 30 99 000	120,34
1104 12 90 300	34,37	1702 40 90 000	120,34
1104 12 90 900	—	1702 90 50 100	157,19
1104 19 10 000	61,06	1702 90 50 900	120,34
1104 19 50 110	128,34	1702 90 75 000	164,71
1104 19 50 130	104,27	1702 90 79 000	114,32
1104 19 50 150	—	2106 90 55 000	120,34
1104 19 50 190	—	2302 10 10 000	16,36
1104 19 50 900	—	2302 10 90 100	16,36
1104 19 91 000	—	2302 10 90 900	—
1104 21 10 100	96,59	2302 20 10 000	16,36
1104 21 10 900	—	2302 20 90 100	16,36
1104 21 30 100	96,59	2302 20 90 900	—
1104 21 30 900	—	2302 30 10 000	16,36
1104 21 50 100	128,78	2302 30 90 000	16,36
1104 21 50 300	103,02	2302 40 10 000	16,36
1104 21 50 900	—	2302 40 90 000	16,36
1104 22 10 100	34,37	2303 10 11 100	60,17
		2303 10 11 900	—

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 496/89

of 27 February 1989

fixing the export refunds on cereal-based compound feedingstuffs

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 subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of 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⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Regulation (EEC) No 2743/75 of the Council of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽⁴⁾, as last amended by Regulation (EEC) No 944/87 ⁽⁵⁾, provides

that, when export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs ⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87 ⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice ⁽⁸⁾, as amended by Regulation (EEC) No 296/88 ⁽⁹⁾, should be used;

⁽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 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 30, 2. 2. 1988, p. 9.

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 ⁽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 for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient ;

Whereas the refund must be fixed once a month ;
whereas it may be altered in the intervening period ;

Whereas, pursuant to Article 275 of the Act of Accession, 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 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 export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 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 27 February 1989 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

Product code	Destination (*)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	4,41
	09	—
2309 10 11 190	01	3,22
	09	—
2309 10 11 210	01	8,82
	09	—
2309 10 11 290	01	6,44
	09	—
2309 10 11 310	01	17,65
	09	—
2309 10 11 390	01	12,87
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	4,41
	09	—
2309 10 13 190	01	3,22
	09	—
2309 10 13 210	01	8,82
	09	—
2309 10 13 290	01	6,44
	09	—
2309 10 13 310	01	17,65
	09	—
2309 10 13 390	01	12,87
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	4,41
	09	—
2309 10 31 190	01	3,22
	09	—
2309 10 31 210	01	8,82
	09	—
2309 10 31 290	01	6,44
	09	—
2309 10 31 310	01	17,65
	09	—
2309 10 31 390	01	12,87
	09	—
2309 10 31 410	01	26,47
	09	—
2309 10 31 490	01	19,31
	09	—
2309 10 31 510	01	35,29
	09	—

<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund
2309 10 31 590	01	25,74
	09	—
2309 10 31 610	01	44,12
	09	—
2309 10 31 690	01	32,18
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	4,41
	09	—
2309 10 33 190	01	3,22
	09	—
2309 10 33 210	01	8,82
	09	—
2309 10 33 290	01	6,44
	09	—
2309 10 33 310	01	17,65
	09	—
2309 10 33 390	01	12,87
	09	—
2309 10 33 410	01	26,47
	09	—
2309 10 33 490	01	19,31
	09	—
2309 10 33 510	01	35,29
	09	—
2309 10 33 590	01	25,74
	09	—
2309 10 33 610	01	44,12
	09	—
2309 10 33 690	01	32,18
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	4,41
	09	—
2309 10 51 190	01	3,22
	09	—
2309 10 51 210	01	8,82
	09	—
2309 10 51 290	01	6,44
	09	—
2309 10 51 310	01	17,65
	09	—
2309 10 51 390	01	12,87
	09	—
2309 10 51 410	01	26,47
	09	—
2309 10 51 490	01	19,31
	09	—
2309 10 51 510	01	35,29
	09	—
2309 10 51 590	01	25,74
	09	—
2309 10 51 610	01	44,12
	09	—

<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund
2309 10 51 690	01	32,18
	09	—
2309 10 51 710	01	52,94
	09	—
2309 10 51 790	01	38,61
	09	—
2309 10 51 810	01	57,75
	09	—
2309 10 51 890	01	42,12
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	4,41
	09	—
2309 10 53 190	01	3,22
	09	—
2309 10 53 210	01	8,82
	09	—
2309 10 53 290	01	6,44
	09	—
2309 10 53 310	01	17,65
	09	—
2309 10 53 390	01	12,87
	09	—
2309 10 53 410	01	26,47
	09	—
2309 10 53 490	01	19,31
	09	—
2309 10 53 510	01	35,29
	09	—
2309 10 53 590	01	25,74
	09	—
2309 10 53 610	01	44,12
	09	—
2309 10 53 690	01	32,18
	09	—
2309 10 53 710	01	52,94
	09	—
2309 10 53 790	01	38,61
	09	—
2309 10 53 810	01	57,75
	09	—
2309 10 53 890	01	42,12
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	4,41
	09	—

<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund
2309 90 31 190	01	3,22
	09	—
2309 90 31 210	01	8,82
	09	—
2309 90 31 290	01	6,44
	09	—
2309 90 31 310	01	17,65
	09	—
2309 90 31 390	01	12,87
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	4,41
	09	—
2309 90 33 190	01	3,22
	09	—
2309 90 33 210	01	8,82
	09	—
2309 90 33 290	01	6,44
	09	—
2309 90 33 310	01	17,65
	09	—
2309 90 33 390	01	12,87
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	4,41
	09	—
2309 90 41 190	01	3,22
	09	—
2309 90 41 210	01	8,82
	09	—
2309 90 41 290	01	6,44
	09	—
2309 90 41 310	01	17,65
	09	—
2309 90 41 390	01	12,87
	09	—
2309 90 41 410	01	26,47
	09	—
2309 90 41 490	01	19,31
	09	—
2309 90 41 510	01	35,29
	09	—
2309 90 41 590	01	25,74
	09	—
2309 90 41 610	01	44,12
	09	—
2309 90 41 690	01	32,18
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	4,41
	09	—
2309 90 43 190	01	3,22
	09	—

<i>(ECU / tonne)</i>		
Product code	Destination (!)	Amount of refund ...
2309 90 43 210	01	8,82
	09	—
2309 90 43 290	01	6,44
	09	—
2309 90 43 310	01	17,65
	09	—
2309 90 43 390	01	12,87
	09	—
2309 90 43 410	01	26,47
	09	—
2309 90 43 490	01	19,31
	09	—
2309 90 43 510	01	35,29
	09	—
2309 90 43 590	01	25,74
	09	—
2309 90 43 610	01	44,12
	09	—
2309 90 43 690	01	32,18
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	4,41
	09	—
2309 90 51 190	01	3,22
	09	—
2309 90 51 210	01	8,82
	09	—
2309 90 51 290	01	6,44
	09	—
2309 90 51 310	01	17,65
	09	—
2309 90 51 390	01	12,87
	09	—
2309 90 51 410	01	26,47
	09	—
2309 90 51 490	01	19,31
	09	—
2309 90 51 510	01	35,29
	09	—
2309 90 51 590	01	25,74
	09	—
2309 90 51 610	01	44,12
	09	—
2309 90 51 690	01	32,18
	09	—
2309 90 51 710	01	52,94
	09	—
2309 90 51 790	01	38,61
	09	—
2309 90 51 810	01	57,75
	09	—

(ECU / tonne)

Product code	Destination (1)	Amount of refund
2309 90 51 890	01	42,12
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	4,41
	09	—
2309 90 53 190	01	3,22
	09	—
2309 90 53 210	01	8,82
	09	—
2309 90 53 290	01	6,44
	09	—
2309 90 53 310	01	17,65
	09	—
2309 90 53 390	01	12,87
	09	—
2309 90 53 410	01	26,47
	09	—
2309 90 53 490	01	19,31
	09	—
2309 90 53 510	01	35,29
	09	—
2309 90 53 590	01	25,74
	09	—
2309 90 53 610	01	44,12
	09	—
2309 90 53 690	01	32,18
	09	—
2309 90 53 710	01	52,94
	09	—
2309 90 53 790	01	38,61
	09	—
2309 90 53 810	01	57,75
	09	—
2309 90 53 890	01	42,12
	09	—
2309 90 53 900	—	—

(1) The destinations are as follows :

01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77,

09 Other destinations.

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 497/89
of 27 February 1989
fixing the import levies on milk and milk products

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 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 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 4137/88 ⁽³⁾, as last amended by Regulation (EEC) No 362/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 4137/88 to the prices 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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.
2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 1 March 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 362, 30. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 43, 15. 2. 1989, p. 7.

ANNEX

to the Commission Regulation of 27 February 1989 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		14,96
0401 10 90		13,75
0401 20 11		21,22
0401 20 19		20,01
0401 20 91		27,10
0401 20 99		25,89
0401 30 11		71,34
0401 30 19		70,13
0401 30 31		139,01
0401 30 39		137,80
0401 30 91		235,13
0401 30 99		233,92
0402 10 11		97,28
0402 10 19		90,03
0402 10 91	(¹)	0,9003/kg + 28,78
0402 10 99	(¹)	0,9003/kg + 21,53
0402 21 11		151,56
0402 21 17		144,31
0402 21 19		144,31
0402 21 91		194,52
0402 21 99		187,27
0402 29 11	(¹) (²)	1,4431/kg + 28,78
0402 29 15	(¹)	1,4431/kg + 28,78
0402 29 19	(¹)	1,4431/kg + 21,53
0402 29 91	(¹)	1,8727/kg + 28,78
0402 29 99	(¹)	1,8727/kg + 21,53
0402 91 11		31,42
0402 91 19		31,42
0402 91 31		39,27
0402 91 39		39,27
0402 91 51		139,01
0402 91 59		137,80
0402 91 91		235,13
0402 91 99		233,92
0402 99 11		53,76
0402 99 19		53,76
0402 99 31	(¹)	1,3538/kg + 25,16
0402 99 39	(¹)	1,3538/kg + 23,95
0402 99 91	(¹)	2,3150/kg + 25,16
0402 99 99	(¹)	2,3150/kg + 23,95

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 11		23,63
0403 10 13		29,51
0403 10 19		73,75
0403 10 31	(¹)	0,1759/kg + 27,57
0403 10 33	(¹)	0,2347/kg + 27,57
0403 10 39	(¹)	0,6771/kg + 27,57
0403 90 11		97,28
0403 90 13		151,56
0403 90 19		194,52
0403 90 31	(¹)	0,9003/kg + 28,78
0403 90 33	(¹)	1,4431/kg + 28,78
0403 90 39	(¹)	1,8727/kg + 28,78
0403 90 51		23,63
0403 90 53		29,51
0403 90 59		73,75
0403 90 61	(¹)	0,1759/kg + 27,57
0403 90 63	(¹)	0,2347/kg + 27,57
0403 90 69	(¹)	0,6771/kg + 27,57
0404 10 11		16,50
0404 10 19	(¹)	0,1650/kg + 21,53
0404 10 91	(²)	0,1650/kg
0404 10 99	(²)	0,1650/kg + 21,53
0404 90 11		97,28
0404 90 13		151,56
0404 90 19		194,52
0404 90 31		97,28
0404 90 33		151,56
0404 90 39		194,52
0404 90 51	(¹)	0,9003/kg + 28,78
0404 90 53	(¹)	1,4431/kg + 28,78
0404 90 59	(¹)	1,8727/kg + 28,78
0404 90 91	(¹)	0,9003/kg + 28,78
0404 90 93	(¹)	1,4431/kg + 28,78
0404 90 99	(¹)	1,8727/kg + 28,78
0405 00 10		242,31
0405 00 90		295,62
0406 10 10		253,59
0406 10 90		306,69
0406 20 10	(²)	377,84
0406 20 90		377,84
0406 30 10	(²)	196,23
0406 30 31	(²)	192,18
0406 30 39	(²)	196,23
0406 30 90	(²)	292,95
0406 40 00	(²)	157,44
0406 90 11	(²)	241,99

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	(³)	233,44
0406 90 15	(³)	233,44
0406 90 17	(³)	233,44
0406 90 19	(³)	377,84
0406 90 21	(³)	241,99
0406 90 23	(³)	209,97
0406 90 25	(³)	209,97
0406 90 27	(³)	209,97
0406 90 29	(³)	209,97
0406 90 31	(³)	209,97
0406 90 33		209,97
0406 90 35	(³)	209,97
0406 90 37	(³)	209,97
0406 90 39	(³)	209,97
0406 90 50	(³)	209,97
0406 90 61		377,84
0406 90 63		377,84
0406 90 69		377,84
0406 90 71		253,59
0406 90 73		209,97
0406 90 75		209,97
0406 90 77		209,97
0406 90 79		209,97
0406 90 81		209,97
0406 90 83		209,97
0406 90 85		209,97
0406 90 89	(³)	209,97
0406 90 91		253,59
0406 90 93		253,59
0406 90 97		306,69
0406 90 99		306,69
1702 10 10		33,06
1702 10 90		33,06
2106 90 51		33,06
2309 10 15		69,94
2309 10 19		90,65
2309 10 39		85,49
2309 10 59		71,81
2309 10 70		90,65
2309 90 35		69,94
2309 90 39		90,65
2309 90 49		85,49
2309 90 59		71,81
2309 90 70		90,65

-
- (1) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (2) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (3) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
-

COMMISSION REGULATION (EEC) No 498/89
of 27 February 1989
abolishing the 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 Council Regulation (EEC) No 1035/72 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 Commission Regulation (EEC) No 328/89⁽³⁾, as amended by Regulation (EEC) No 385/89⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 328/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 28 February 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 38, 10. 2. 1989, p. 20.

⁽⁴⁾ OJ No L 44, 16. 2. 1989, p. 35.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 499/89

of 27 February 1989

fixing the percentages of table wine production to be delivered for compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87 for the 1988/89 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2964/88 ⁽²⁾, and in particular Article 39 (9), (10) and (11) thereof,

Whereas Commission Regulation (EEC) No 441/88 ⁽³⁾, as last amended by Regulation (EEC) No 1596/88 ⁽⁴⁾, lays down the detailed rules for the application of compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87;

Whereas Commission Regulation (EEC) No 85/89 ⁽⁵⁾ opens compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87 for the 1988/89 wine year and fixes the total quantity to be distilled in the Community and the quantities to be distilled in the various regions;

Whereas production in the various regions should be apportioned between the various yield classes;

Whereas Article 39 (4) of Regulation (EEC) No 822/87 provides that, in the case of producers who are required to distil, the quantity to be distilled must equal a percentage to be fixed of their table wine production, such percentage being obtained from an incremental scale based on yield per hectare; whereas the percentages of the production of each such producer which must be delivered for distillation should therefore be fixed; whereas, while being based on objective criteria, those percentages must be adapted to the situation of each region; whereas the scales used must allow a quantity of table wine corresponding to the obligation provided for in Article 1 (3) of Regulation (EEC) No 85/89 to be deducted from a region's quantity; whereas that obligation applies only in the case of producers who are required to submit production declarations and who market the products concerned; whereas the yield classes should accordingly set out only the quantities covered by the production declarations on which the scale is based;

Whereas, in accordance with the provisions on the fixing of the scale provided for in the fourth subparagraph of Article 39 (4) of Regulation (EEC) No 822/87, and applicable from the 1988/89 wine year, reference must be made to the average yield of each production region when drawing up the scales;

Whereas the quantity of table wine to be distilled compulsorily during the 1988/89 wine year is not the result of a production surplus as production was lower than normal foreseeable consumption, but of a level of stocks at the beginning of the wine year which was incommensurate with market balance; whereas, in these circumstances, the application of the criteria laid down for the determination of the obligation on producers would result in a scale being adopted which is not incremental, in particular for region 4; whereas, as a consequence, a scale should be established which while being incremental and thus penalizing the highest yields, does not lead to an overrun in the limits on quantities fixed by Regulation (EEC) No 85/89;

Whereas the Management Committee for wine has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Article 5 (1) of Regulation (EEC) No 441/88, production from the 1988/89 harvest shall be broken down into the following yield classes:

(a) region 3:

Production obtained with a yield, expressed in hectolitres per hectare, of:

— up to 90:	20 147 671 hectolitres,
— 90 or more, but not more than 110:	3 930 676 hectolitres,
— more than 110, but not more than 140:	1 084 123 hectolitres,
— more than 140, but not more than 200:	444 466 hectolitres,
— more than 200:	1 078 408 hectolitres;

(b) region 4:

Production obtained with a yield, expressed in hectolitres per hectare, of:

— not more than 60:	9 572 020 hectolitres,
— more than 60, but not more than 90:	14 366 493 hectolitres,
— more than 90, but not more than 110:	8 218 866 hectolitres,
— more than 110, but not more than 140:	6 121 148 hectolitres,
— more than 140, but not more than 200:	3 487 735 hectolitres,
— more than 200:	146 230 hectolitres.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽³⁾ OJ No L 45, 18. 2. 1988, p. 15.

⁽⁴⁾ OJ No L 142, 9. 6. 1988, p. 17.

⁽⁵⁾ OJ No L 13, 17. 1. 1989, p. 14.

2. The average yield in production region 3 shall be 65 hectolitres per hectare; in region 4 it shall be 77 hectolitres per hectare.

3. For the purposes of determining the quantity to be delivered for distillation by each producer:

(a) in region 3:

- for production obtained with a yield lower than 90 hectolitres per hectare, the coefficient applicable shall be 0,0,
- for production obtained with a yield higher than or equal to 90 hectolitres per hectare, the following coefficients shall apply to the portion of production corresponding to the yield classes set out below, expressed in hectolitres per hectare:

— from 0 to 90 :	0,13,
— more than 90, but not more than 95 :	0,20,
— more than 95, but not more than 110 :	2,29,
— more than 110, but not more than 140 :	2,52,
— more than 140	1,44 ;

(b) in region 4:

- for production obtained with a yield lower than 60 hectolitres per hectare, the coefficient applicable shall be 0,0,

— for production obtained with a yield higher than or equal to 60 hectolitres per hectare, the following coefficients shall apply to the portion of production corresponding to the yield classes set out below, expressed in hectolitres per hectare:

— from 0 to 90 :	0,13,
— more than 90, but not more than 110 :	0,60,
— more than 110, but not more than 140 :	1,00,
— more than 140, but not more than 154 :	1,35,
— more than 154 :	1,00.

Article 2

The quantity that each producer is required to deliver for distillation shall be determined by multiplying the quantity referred to in Article 6 of Regulation (EEC) No 441/88 by the percentage shown in the table in the Annex which corresponds to the yield determined in accordance with Article 7 of that Regulation. The yield shall, where appropriate, be rounded down to the nearest unit (hectolitres per hectare).

Article 3

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, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Percentages of the quantity referred to in Article 2

Yield (hectolitres per hectare)	%		Yield (hectolitres per hectare)	%	
	Region 3	Region 4		Region 3	Region 4
≤15	0	0	65	0	13
16	0	0	66	0	13
17	0	0	67	0	13
18	0	0	68	0	13
19	0	0	69	0	13
20	0	0	70	0	13
21	0	0	71	0	13
22	0	0	72	0	13
23	0	0	73	0	13
24	0	0	74	0	13
25	0	0	75	0	13
26	0	0	76	0	13
27	0	0	77	0	13
28	0	0	78	0	13
29	0	0	79	0	13
30	0	0	80	0	13
31	0	0	81	0	13
32	0	0	82	0	13
33	0	0	83	0	13
34	0	0	84	0	13
35	0	0	85	0	13
36	0	0	86	0	13
37	0	0	87	0	13
38	0	0	88	0	13
39	0	0	89	0	13
40	0	0	90	13	13
41	0	0	91	13,1	13,5
42	0	0	92	13,2	14,0
43	0	0	93	13,2	14,5
44	0	0	94	13,3	15,0
45	0	0	95	13,4	15,5
46	0	0	96	15,6	15,9
47	0	0	97	17,8	16,4
48	0	0	98	20,0	16,8
49	0	0	99	22,1	17,3
50	0	0	100	24,2	17,7
51	0	0	101	26,2	18,1
52	0	0	102	28,2	18,5
53	0	0	103	30,1	18,9
54	0	0	104	32,0	19,3
55	0	0	105	33,9	19,7
56	0	0	106	35,7	20,1
57	0	0	107	37,6	20,5
58	0	0	108	39,3	20,8
59	0	0	109	41,1	21,2
60	0	0	110	42,8	21,5
61	0	13	111	44,7	22,3
62	0	13	112	46,5	22,9
63	0	13	113	48,3	23,6
64	0	13			

Yield (hectolitres per hectare)	%		Yield (hectolitres per hectare)	%	
	Region 3	Region 4		Region 3	Region 4
114	50,1	24,3	168	97,0	51,5
115	51,9	25,0	169	97,3	51,8
116	53,6	25,6	170	97,6	52,1
117	55,3	26,2	171	97,8	52,4
118	57,0	26,9	172	98,1	52,7
119	58,6	27,5	173	98,4	52,9
120	60,2	28,1	174	98,6	53,2
121	61,8	28,7	175	98,9	53,5
122	63,4	29,3	176	99,1	53,8
123	64,9	29,8	177	99,4	54,0
124	66,4	30,4	178	99,6	54,3
125	67,9	31,0	179	99,9	54,5
126	69,3	31,5	180	100,0	54,8
127	70,8	32,0	181	100,0	55,0
128	72,2	32,6	182	100,0	55,3
129	73,6	33,1	183	100,0	55,5
130	75,0	33,6	184	100,0	55,8
131	76,3	34,1	185	100,0	56,0
132	77,6	34,6	186	100,0	56,2
133	79,0	35,1	187	100,0	56,5
134	80,2	35,6	188	100,0	56,7
135	81,5	36,1	189	100,0	56,9
136	82,8	36,5	190	100,0	57,2
137	84,0	37,0	191	100,0	57,4
138	85,2	37,5	192	100,0	57,6
139	86,4	37,9	193	100,0	57,8
140	87,6	38,4	194	100,0	58,0
141	88,0	39,0	195	100,0	58,3
142	88,4	39,7	196	100,0	58,5
143	88,8	40,4	197	100,0	58,7
144	89,2	41,0	198	100,0	58,9
145	89,6	41,7	199	100,0	59,1
146	89,9	42,3	200	100,0	59,3
147	90,3	43,0	201	100,0	59,5
148	90,7	43,6	202	100,0	59,7
149	91,0	44,2	203	100,0	59,9
150	91,4	44,8	204	100,0	60,1
151	91,7	45,4	205	100,0	60,3
152	92,1	46,0	206	100,0	60,5
153	92,4	46,6	207	100,0	60,7
154	92,7	47,1	208	100,0	60,9
155	93,1	47,5	209	100,0	61,1
156	93,4	47,8	210	100,0	61,2
157	93,7	48,2	211	100,0	61,4
158	94,0	48,5	212	100,0	61,6
159	94,3	48,8	213	100,0	61,8
160	94,7	49,1	214	100,0	62,0
161	95,0	49,4	215	100,0	62,1
162	95,3	49,8	216	100,0	62,3
163	95,6	50,1	217	100,0	62,5
164	95,9	50,4	218	100,0	62,7
165	96,2	50,7	219	100,0	62,8
166	96,4	51,0	220 (*)	100,0	63,0
167	96,7	51,3			

(*) For higher yields, the percentages are obtained by applying the rule set out in Article 1 (3).

COMMISSION REGULATION (EEC) No 500/89
of 27 February 1989
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 481/89 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 February 1989.

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

Done at Brussels, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 53, 25. 2. 1989, p. 48.

ANNEX

to the Commission Regulation of 27 February 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,43 ⁽¹⁾
1701 11 90	34,43 ⁽¹⁾
1701 12 10	34,43 ⁽¹⁾
1701 12 90	34,43 ⁽¹⁾
1701 91 00	41,56
1701 99 10	41,56
1701 99 90	41,56 ⁽²⁾

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

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

**COUNCIL REGULATION (EEC) No 501/89
of 27 February 1989**

imposing a definitive anti-dumping duty on imports of certain video cassette recorders originating in Japan and the Republic of Korea and definitively collecting the provisional duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 2684/88⁽²⁾, as amended by Regulation (EEC) No 2826/88⁽³⁾ imposed a provisional anti-dumping duty on imports of certain video cassette recorders (hereafter referred to as 'VCRs') originating in Japan and the Republic of Korea. The duty was extended for a maximum period of two months by Regulation (EEC) No 4019/88⁽⁴⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, all the exporters and one independent importer requested and were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.
- (3) Upon request, parties were also informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to these disclosure meetings. Their comments were

considered and, where appropriate, the Commission's findings were modified to take account of them.

C. Scope of the proceeding

- (4) In recitals 6 to 12 of Regulation (EEC) No 2684/88, the Commission justified the limitation of the proceeding to the Korean and two Japanese exporters. The exporters and one importer maintained the position set out in recital 7, but did not submit any further evidence, information of arguments.

The Council confirms the Commission's conclusions set out in recitals 8 to 11 of Regulation (EEC) No 2684/88.

D. Product under consideration and determination of like product

- (5) In its provisional findings (recital 13 of Regulation (EEC) No 2684/88), the Commission concluded that the products under consideration were VCRs capable of recording and playing back recorded video and sound signals and therefore excluded so-called video cassette players. In cases where a VCR is combined in one housing with a television monitor this combination has to be regarded as a different product because the VCR does not necessarily determine the character of the whole product. These combinations contain specific elements which impart an additional quality to them.
- (6) In the application of Regulation (EEC) No 2684/88 the question arose as to whether so-called mecadecks should be regarded as VCRs. In order to clarify the situation it is hereby stated that mecadecks were not formally included in the proceeding by the opening notice⁽⁵⁾. For the purposes of this proceeding, they cannot be considered to be identical to a VCR because a mecadeck is considered to be an incomplete VCR which is not capable of performing the functions of independently recording and playing back a video signal. The Council therefore concludes that the proceedings are limited to VCRs and do not cover video cassette players, combinations of VCR with a TV monitor and mecadecks.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 240, 31. 8. 1988, p. 5.

⁽³⁾ OJ No L 254, 14. 9. 1988, p. 14.

⁽⁴⁾ OJ No L 355, 23. 12. 1988, p. 4.

⁽⁵⁾ OJ No C 256, 26. 9. 1987, p. 15.

E. Normal value

(7) Normal value for the VCRs subject to the provisional duty was, for the purpose of definitive findings, generally established on the basis of the methods used for the provisional determination of dumping, taking into account new evidence submitted by the parties concerned.

(8) One exporter objected to the inclusion of tax free sales to unrelated customers who supplied the personnel of the South Korean army and of so-called 'coupon sales'. 'Coupon sales' are tax free sales to unrelated customers in South Korea destined for consumption in Korea, but paid with special coupons purchased by Korean nationals working abroad. The exporter considered these sales to be different from normal dealer sales as they are destined for special types of customers and do not bear excise, defence and value added tax.

The Commission, however, established that these sales resembled similar contracts concluded with dealers and should therefore be regarded as normal dealer sales. They were made in considerable quantities and were invoiced at prices similar to those of normal transaction when the abovementioned taxes were deducted from the normal dealer sales prices. This view is confirmed by the Council.

(9) The Council also confirms the Commission's view that the normal values for comparison with prices for exports to original equipment manufacturers (OEMs) should be constructed and calculated on the basis of the cost of production and a profit margin of 5 %, as set out in recitals 20 to 23 of Regulation (EEC) No 2684/88.

(10) The investigation and later submissions revealed that the accounting methods of the three Korean exporters applied to their export production were different to those applied to domestic production. The production cost figures for exports were therefore not comparable to those used for domestic production. The Commission therefore used the production cost for the domestic models and adjusted it by amounts estimated on the basis of differences in material costs, including import charges. For one Korean exporter these adjustments were estimated on the basis of the differences established for the two other exporters since this exporter did not give access to original documents during the investigation, as requested by the Commission, in order to verify the submitted

production cost calculations prepared especially for the purpose of this investigation. This method is confirmed by the Council.

In respect of Orion no further submission had been made to enable the Commission to establish a normal value for the final determination.

F. Export price

(11) When exports were made to subsidiary companies in the Community, export prices were constructed on the basis of the prices at which the VCRs were resold to the first independent buyer, suitably adjusted to take account of all costs incurred between importation and resale and of a profit margin of 12,7 %. The margin of profit considered to be reasonable was established on the basis of the profits achieved by independent importers who resold the VCRs in the Community.

With regard to Orion, no further submission was made to establish export prices.

The Council confirms the Commission's findings and conclusions as expressed in recitals 27 to 30 and 32 to 33 of Regulation (EEC) No 2684/88.

G. Comparison

(12) All comparisons were made at the ex-works level. For the purpose of a fair comparison between export prices and the normal value, due allowance was made for differences affecting price comparability in accordance with Community legislation.

The Commission therefore took account, where appropriate, of differences in physical characteristics and selling expenses where claims of a direct relationship of these differences to the sales under consideration could be satisfactorily demonstrated. This was the case in respect of differences in credit terms, warranties, commissions, salaries paid to salesman, packing, transport, insurance, handling and ancillary costs, import charges and indirect taxes.

(13) The Council confirms the Commission's findings with regard to differences in physical characteristics, as expressed in recital 35 of Regulation (EEC) No 2684/88. Where the calculation of the amount of these adjustments could not be based on

price differences on the domestic market, a similar method as set out in recital 10 of this Regulation for the calculation of the normal values for exports to OEMs was used.

- (14) One exporter alleged that the differences in production costs due to the different television standards (NTSC, PAL, Secam) had no effect on price comparability. Apart from the fact that this allegation cannot be substantiated, because of the lack of direct competition between different TV standards in any one market, it can not be concluded that these standards would not affect price comparability. If there were to be such competition, however, the likelihood is that consumers would appreciate the better quality of European TV standards and be prepared to pay higher prices for them.
- (15) As regards finance costs for credit granted to independent customers by the three Korean exporters, the Commission accepted, after further submissions from these companies, that the costs for financing exise and defence taxes are directly related to the sales on the domestic market as the tax amounts paid to the Korean authorities are to a very high extent (well over 90 %) solely dependent on the quantities of VCRs sold on the domestic market. For the calculation of this allowance the payment delay granted for these taxes by the Korean authorities was taken into consideration.
- (16) With regard to finance costs for value added tax (VAT), however, a direct relationship to the sales in question was not established. The amount paid to the tax authorities is calculated on the balance between the VAT on the goods purchased and the same tax on sales to customers. In this amount the VAT paid for VCRs cannot be identified separately. The finance costs for the VAT cannot, therefore, be considered as selling expenses but are, in fact, a normal operational overhead. This view is confirmed by the Council.
- (17) Submissions were made by the Korean exporters regarding the allowances for import charges included in the VCRs destined for consumption on the Korean market. The new information submitted, however, was not sufficient to prove the exact amount of import charges on parts physically incorporated in the domestically sold models. The Commission therefore estimated these adjustments on the basis of the value of the raw materials directly imported into Korea by these companies, using an average import tax rate of 20 %. The Council confirms this approach and the Commission's provisional findings as expressed in recital 36 of Regulation (EEC) No 2684/88.

The Commission's findings as laid down in recital 39 to 41 of Regulation (EEC) No 2684/88 are confirmed by the Council.

H. Model selection

- (18) As far as the comparability of domestically sold models to those sold for export is concerned, the Commission chose — for each or the different export models separately — the domestic model which most resembled them, since there were no identical models.
- (19) After the imposition of provisional duties, two Korean exporters asked the Commission to base the comparison for certain export models on different domestic models, which they claim bear a closer resemblance than those chosen by the Commission. Although the Commission was able to agree to this request in certain cases, in other instances it maintained its initial choice of models since these were considered to be the closest in resemblance in terms of technology (model generation), technical equipment and other features.
- (20) The assessment of the Commission, which is confirmed by the Council, was based on a very detailed examination of all exported and domestically sold VCRs by the exporters concerned. This included a careful comparison of samples provided by the exporters and took account of explanations provided by their technical staff when the Commission officials verified the information at the premises of the exporters. Where the models chosen for comparison on the basis of the same technological and technical equipment had different features, the dumping calculation took account of these physical differences.

I. Dumping margins

- (21) The final examination of the facts shows the existence of dumping in respect of imports of VCRs originating in Japan and South Korea from all the exporters investigated, the margin of dumping being equal to the amount by which the normal value, as established, exceeds the price for export to the Community.
- (22) The margins of dumping varied according to the exporter concerned, the weighted average were as follows :
- | | |
|------------|--------|
| — Daewoo | 23,7 % |
| — Goldstar | 18,9 % |
| — Samsung | 17,2 % |
| — Funai | 11,5 % |

J. Community industry

- (23) In Regulation (EEC) No 2684/88 (recitals 45 to 47) the Commission described the state of the VCR industry within the Community and made distinctions between those companies manufacturing the complete VCR, or a major proportion of it, themselves and those who only assembled premanufactured units.
- (24) Some parties have expressed doubts about the feasibility of such a distinction. The Council takes the view that, in any event, it is certain that the complainant companies, Philips, Thomson, Grundig and Nokia-Graetz, manufacture complete VCRs and that these firms represent a major proportion of the Community industry.

K. Injury

- (25) In its provisional findings, the Commission concluded that the Community VCR industry had experienced material injury. This conclusion was based mainly on the increase in the market share of the exporters involved in the proceeding, their price undercutting, the price depression caused thereby and the development of the profit and loss situation of the complainant industry.
- (26) No new evidence or information concerning these findings was submitted to the Commission after publication of Regulation (EEC) No 2684/88. One exporter questioned the statistical basis of the calculation of market shares, however, and details of the comparability of models and features in respect of the price undercutting margins. These comments were considered, although it was found that if they were taken into consideration they would not have any effect on the findings with regard to injury. The exporter concerned was duly informed of this finding in writing.

The Council therefore confirms the findings of the Commission, as set out in recitals 48 to 56 of Regulation (EEC) No 2684/88.

L. Causation of injury by dumped imports

- (27) The Commission concluded in recital 60 of Regulation (EEC) No 2684/88 that the volume of the dumped imports, their market penetration and the extremely low prices at which the dumped goods were offered for sale had caused material injury to the Community industry. No new evidence or information was given by any party concerning these findings.
- (28) One importer argued that the success of the VCRs sold by his company was due to his own outstanding ability to design products to suit consumer

demand and to his superior marketing ability. While the Commission did not question this importer's ability to meet consumer demand it considered that it was plainly evident that this success was also based partly on an unfair advantage gained from dumping practices and that only this factor would be eliminated by the imposition of anti-dumping measures.

The Council therefore confirms the conclusions of the Commission in recitals 57 to 61 of Regulation (EEC) No 2684/88.

M. Community interest

- (29) In recitals 62 to 66 of Regulation (EEC) No 2684/88 the Commission considered that it was in the Community's interest to protect the Community industry from the injurious effects of the dumped imports. One importer argued that this protection would eliminate competition with the complainant industry, whose technical design and production methods he claimed were out of date. These allegations could not be confirmed. Apart from the complainant companies and the exporters concerned, there are a great number of VCR producers and suppliers on the Community market and this should, undoubtedly, ensure adequate competition. No evidence could be found to suggest that the complainant industry was in any way lagging behind its competitors in the use of high technology in its products, or in its production methods.
- (30) Taking into consideration the need to maintain a competitive Community industry in the consumer electronics sector, as well as the consumer demand for cheap, modern goods, the Council concludes that, based on the considerations of the Commission as laid down in recitals 62 to 66 of Regulation (EEC) No 2684/88, it is in the Community's interest to take the appropriate measures against the dumped imports.

N. Duty

- (31) For the provisional anti-dumping measures the Commission considered it necessary to impose duties at the level of the dumping margins found because the level of injury established was much higher. This course was not contested by any interested party.
- (32) As far as the duty on goods exported by Orion was concerned, the company did not challenge the view that it had not cooperated sufficiently in the investigation. They suggested, however, that the

dumping margin of Funai should have been applied, as was the case for the provisional duty. However, for the determination of the duty on exports by Orion, the Council has to use the evidence available, which in this case is the evidence supplied in the complaint. By choosing not to cooperate, Orion may be presumed to have accepted the allegations made in the complaint and therefore cannot ask to be treated in the same way as a company which cooperated fully in the proceeding and demonstrated that its dumping margin was lower than that calculated on the basis of the complaint.

- (33) On the basis of the injury calculation threshold method described in recitals 67 to 72 of Regulation (EEC) No 2684/88 the Council therefore concludes that duties should be imposed at the level of the actual dumping margins (recital 22 of this Regulation) found and for Orion on the basis of the complaint, i. e. 13 %.
- (34) The definitive duty to be imposed should apply to all VCRs exported from Korea (except for those produced and exported by Samsung, Goldstar and Daewoo) and those produced or exported by Orion from Japan, with the exception of video cassette players, combinations of VCRs with a TV monitor and mecadecks.

O. Undertakings

- (35) The Korean exporters, Samsung, Goldstar and Daewoo, as well as the Japanese exporter Funai, have offered price undertakings which are considered to be acceptable. The effect of these undertakings will be to increase the prices of the products concerned to an extent sufficient to eliminate the margin of dumping found for these exporters. After consultations within the Advisory Committee, these undertakings were accepted (see Council Decision 89/148/EEC⁽¹⁾).

P. Collection of provisional duty

- (36) In view of the size of the dumping margins established, and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts collected by way of provisional antidumping duty should be definitively collected to the extent of the amount of the duty definitively imposed. In respect of the exporters whose undertakings have been accepted the provisional duty should be collected at the levels of the

dumping margins definitively established (recital 22 of this Regulation).

Provisional anti-dumping duties collected or securities received for VCRs which are not covered by the definitive anti-dumping duty should be released.

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of video cassette recorders originating in Japan and the Republic of Korea falling within CN codes ex 8521 10 39 and ex 8528 10 11, and the rate thereof shall be set as follows :

- (a) The rate of duty for video cassette recorders originating in the Republic of Korea shall be 23,7 % of the net free-at-Community-frontier price of the product before duty.
- (b) The rate of duty for VCRs originating in Japan and produced or exported by Orion shall be 13,0 % of the net free-at-Community-frontier price of the product before duty.

2. The duty specified in paragraph 1 (a) shall not apply to VCRs exported by Samsung Electronics Company Ltd, Korea, Goldstar Electric Company Ltd, Korea and Daewoo Electronics Company Ltd, Korea.

3. The duty specified in paragraph 1 shall not apply to video cassette players, combinations of VCRs with a TV monitor or to mecadecks.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 2684/88, as amended by Regulation (EEC) No 2826/88, shall be collected up to the following rates :

— Samsung	17,2 %
— Goldstar	18,9 %
— Daewoo	23,7 %
— Funai	11,5 %
— Orion	13,0 %

Amounts secured which are not covered by the above rates of duty shall be released.

Article 3

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

⁽¹⁾ See page 61 of this Official Journal.

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

Done at Brussels, 27 February 1989.

For the Council

The President

P. SOLBES

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 February 1989

accepting undertakings relating to the proceedings concerning video cassette recorders by Korean exporters and one Japanese exporter and terminating the proceedings with regard to these exporters

(89/148/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 10 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Considering the grounds set out in Council Regulation (EEC) No 501/89 of 27 February 1989 imposing a definitive anti-dumping duty on imports of certain video cassette recorders originating in Japan and the Republic of Korea and definitively collecting the provisional duty⁽²⁾;

Whereas the Korean exporters, Samsung, Goldstar and Daewoo, as well as the Japanese exporter Funai, have offered price undertakings which are considered to be acceptable; whereas the effect of these undertakings will be to increase the prices of the products concerned to an extent sufficient to eliminate the margin of dumping found for these exporters; whereas after consultations

within the Advisory Committee, the Commission proposes to accept these undertakings and to terminate the proceedings in respect of these companies,

HAS DECIDED AS FOLLOWS:

Sole Article

The undertakings given by:

- Samsung Electronic Co. Ltd, Korea,
- Goldstar Electric Co. Ltd, Korea,
- Daewoo Electronics Co. Ltd, Korea, and
- Funai Electric Co. Ltd, Japan,

relating to the proceedings concerning video cassette recorders are hereby accepted.

The investigation with regard to these companies is hereby terminated.

Done at Brussels, 27 February 1989.

For the Council

The President

P. SOLBES

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ See page 55 of this Official Journal.

COMMISSION

COMMISSION DECISION

of 10 February 1989

concerning the conclusion of an Agreement for cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion, by the Commission for and on behalf of the Community

(89/149/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Whereas the Council, in its Decision of 23 January 1989 approved the conclusion of the Agreement for cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement for cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion, shall be concluded on behalf of the Community.

The text of the Agreement for cooperation is appended to this Decision.

Article 2

The President of the Commission is empowered to designate the person authorized to sign the Agreement for cooperation for the purpose of committing the European Atomic Energy Community.

Done at Brussels, 10 February 1989.

For the Commission

Filippo M. PANDOLFI

Vice-President

AGREEMENT

for cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion

THE EUROPEAN ATOMIC ENERGY COMMUNITY (hereinafter referred to as 'Euratom'), and
THE GOVERNMENT OF JAPAN,
collectively referred to as 'the Parties',

NOTING the existing cooperation in the field of controlled thermonuclear fusion between the Parties, and wishing to maintain and strengthen cooperation in this field,

DESIRING to facilitate the achievement of fusion energy as a potentially environmentally acceptable, economically competitive, and virtually limitless source of energy,

RECOGNIZING the commonality and complementarity of the Parties' programmes in fusion energy research and development,

TAKING INTO ACCOUNT the accomplishments of, and opportunities for, collaboration under the International Energy Agency of the Organization for Economic Cooperation and Development,

HAVE AGREED AS FOLLOWS:

Article I

The objective of this Agreement is to maintain and intensify cooperation between the Parties in the areas covered by their respective fusion programmes, on the basis of equality and mutual benefit, in order to develop the scientific understanding and technological capability underlying a fusion power system.

Article II

Cooperation under this Agreement may be undertaken in the following areas: —

- (a) tokamaks;
- (b) alternative lines to tokamaks;
- (c) fusion technology;
- (d) plasma physics; and
- (e) other areas as may be mutually agreed,

as specified in Annexes I, II and III which form an integral part of this Agreement.

Article III

Cooperation in the areas referred to in Article II may include the following activities:

- (a) exchange and provision of information;
- (b) exchange of personnel;
- (c) meetings of various forms;
- (d) exchange and provision of samples, materials, instruments, and components;
- (e) execution of joint studies, projects or experiments; and
- (f) other activities as may be mutually agreed,

as specified in Annexes, I, II and III.

Article IV

1. The cooperation shall be conducted in accordance with Annexes I, II and III, by Euratom or any entity or organization associated with it within the framework of the Euratom Fusion Programme or the Joint European Torus (JET) Joint Undertaking, designated by Euratom for this purpose, and on the Japanese side by the Monbusho, the Ministry of International Trade and Industry and the Science and Technology Agency or any entity or organization designated by them for this purpose.

2. (a) The Annexes shall continue in force as long as this Agreement remains in force, unless terminated earlier in accordance with subparagraph (b) below.

(b) Each Annex may be terminated at any time at the discretion of either party, upon six months' advance notification in writing by the party seeking to terminate the Annex. Such termination shall be without prejudice to the rights that may have accrued under each Annex up to the date of its termination.

(c) All activities not completed at the expiry of each Annex may be continued until their completion under the terms of the Annex concerned.

(d) In the event that, during the period of the Agreement, the nature of either party's fusion programme should change substantially, whether this be by substantial expansion, reduction or transformation, or by an amalgamation of major elements with the fusion programme of a third party, either party shall have the right to request revisions in the scope and terms of the Annexes concerned.

Article V

1. The Parties shall establish a Coordinating Committee to facilitate the coordination and implementation of cooperative activities under this Agreement. Each Party shall appoint an equal number of members to the Coordinating Committee and nominate one of its appointed members as the head of its delegation.

2. The Coordinating Committee shall meet annually, alternately in Europe and in Japan, or at other agreed times and places. The head of the delegation of the host Party shall chair the meeting.

3. The functions of the Coordinating Committee shall include :

- (a) reviewing and monitoring the progress of cooperative activities ;
- (b) exchanging information and views on scientific and technological policy issues ; and
- (c) discussing future cooperative activities.

Article VI

Treatment of information, industrial property and copyright in connection with the cooperative activities under this Agreement is provided in Annexes I, II and III. These provisions are identical in all the Annexes.

Article VII

Nothing in this Agreement shall be construed to prejudice existing or future arrangements for cooperation between the Parties.

Article VIII

1. Performance of the Parties under this Agreement shall be subject to the availability of appropriated funds.

2. Cooperation under this Agreement shall be in accordance with the laws and regulations applicable in the respective countries and to Euratom.

3. Each Party shall use its best endeavours, within the framework of the applicable laws, to facilitate the accomplishment of formalities involved in the movement of

persons, the import of materials and equipment and the transfer of currency, which shall be required to conduct the cooperation.

4. Compensation for damages incurred during the implementation of this Agreement shall be in accordance with the laws applicable in the respective countries and to Euratom.

Article IX

All questions related to this Agreement will be settled by mutual consultations of the Parties.

Article X

1. This Agreement shall enter into force on the date of signature thereof. It shall remain in force for three years and shall continue in force thereafter unless terminated by either Party at the end of the initial three-year period or at any time thereafter by giving to the other Party at least six months' written advance notice of its intention to terminate this Agreement.

2. The termination of this Agreement shall not affect the carrying-out of any project or programme undertaken under this Agreement and not fully executed at the time of termination of this Agreement.

3. The termination of this Agreement or its Annexes shall not affect rights and obligations under Article VI or any agreement made in accordance with Article VI.

Article XI

1. This Agreement shall apply, in so far as Euratom is concerned, to the territories in which the Treaty establishing the European Atomic Energy Community is applied and under the conditions laid down in that Treaty.

2. Whenever in this Agreement the words 'country', 'entity', 'organization' or 'national' are used with reference to Euratom, they shall be understood to mean or to refer to the Member States of Euratom as well as to the Kingdom of Sweden and the Swiss Confederation which are both associated with the Euratom Fusion Programme and represented in the JET Joint Undertaking.

Done at Brussels on the twentieth day of February 1988, in duplicate in the English and Japanese languages, each version being equally authentic.

*For the European Atomic
Energy Community*

Filippo M. PANDOLFI

For the Government of Japan

Munioki DATE

*Ambassador of Japan
to the European Communities*

ANNEX I

Pursuant to Article IV of this Agreement, the Parties hereby establish the following arrangements for specific implementing procedures and details for a programme of cooperation in the area of fusion research and development between Euratom and the Monbusho of Japan (Monbusho) (hereinafter in this Annex referred to as 'the cooperation').

1. Euratom and Monbusho (hereinafter jointly referred to as 'the implementing agencies') shall each appoint a contact person who is responsible for the coordination of the cooperation and for reporting to the Coordinating Committee referred to in Article V of this Agreement.
2. The implementing agencies may designate appropriate national universities and research institutions under their jurisdiction or associated with them (hereinafter referred to as 'designees'), with the consent of the designees, to cooperate in the implementation of the cooperation.
3. The cooperation may be undertaken in the following areas :
 - 3.1. tokamaks ;
 - 3.2. alternative lines to tokamaks including inertial confinement ;
 - 3.3. fusion technology ;
 - 3.4. plasma theory and applied plasma physics ; and
 - 3.5. other areas as may be mutually agreed by the implementing agencies.
- 4.1. The cooperation may include the following activities (hereinafter referred to as 'cooperative activities') :
 - 4.1.1. exchange and provision of scientific and technical information ;
 - 4.1.2. exchange of scientists for participation in research, development, analysis, design, planning and experimental activities ;
 - 4.1.3. holding of seminars and other meetings ;
 - 4.1.4. short-term visits by scientists ;
 - 4.1.5. exchange and provision of equipment, instruments and materials for testing ; and
 - 4.1.6. other activities as may be mutually agreed by the implementing agencies.
- 4.2. When necessary, any specific details and procedures to implement activities listed in subparagraphs 4.1.1 to 4.1.5 may be determined through consultations or auxiliary arrangements between the implementing agencies or the designees. Specific terms and conditions necessary to implement activities listed in subparagraph 4.1.6 shall be determined through written agreement between the implementing agencies.
5. All costs resulting from the cooperation shall be borne by the implementing agency or the designee which incurs them unless otherwise specifically agreed in writing by the implementing agencies.
- 6.1. The implementing agencies shall support the widest possible dissemination of information which they have the right to disclose and which is either in their possession or available to them, and is provided or exchanged under the cooperation subject to the need to protect proprietary information, to copyright restrictions, and to the provisions of paragraph 8.

Upon publication of such information, it shall be made clear that the information was obtained under the cooperation.
- 6.2. Proprietary information shall be treated as follows :
 - 6.2.1. Definitions

The term 'proprietary information' means scientific or technical data, results or methods of research and development, and any other information intended to be provided or exchanged under the cooperation, such as know-how, information directly related to inventions and discoveries as referred to in paragraph 8, technical, commercial or financial information, provided that it is appropriately marked or considered as such in accordance with subparagraph 6.2.2 and :

 - (a) is not generally known or publicly available from other sources ;
 - (b) has not previously been made available by the owner to others without obligation concerning its confidentiality ; and
 - (c) is not already in the possession of the receiving implementing agency or its designees without obligation concerning its confidentiality.

and to any such invention or discovery in its own country.

6.2.2. Procedures

- (i) An implementing agency or its designees receiving proprietary information under the cooperation shall respect the privileged nature thereof. Any document which contains proprietary information shall be clearly marked by the disseminating implementing agency or its designees with the following (or substantially similar) restrictive provision :

'This document contains proprietary information furnished in confidence under Annex I to the Agreement for Cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion, dated 20 February 1989 and shall not be disseminated outside Euratom and Monbusho, their contractors, licencees and the designees without the prior approval of ...

This notice shall be marked on any reproduction of this document, in whole or in part. These limitations shall automatically terminate when this information is disclosed by the owner without restriction.'

- (ii) Proprietary information received in confidence under the cooperation may be disseminated by the receiving implementing agency or its designees to :

- (a) persons within or employed by the receiving implementing agency or by other concerned government departments and agencies or by the designees in the country of the receiving implementing agency ;
- (b) contractors or subcontractors of the receiving implementing agency or its designees in the country of the receiving implementing agency for use only within the framework of their contracts with the receiving implementing agency or its designees in work relating to the subject matter of the proprietary information ;

provided that any proprietary information so disseminated shall be marked with a restrictive provision substantially identical to that appearing in point (i).

- (iii) with the prior written consent of the implementing agency providing proprietary information under the cooperation, the receiving implementing agency may disseminate such proprietary information more widely than otherwise permitted in the foregoing point (ii). The implementing agencies shall cooperate with each other in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each implementing agency will grant such approval to the extent permitted by the laws and regulations applicable in the respective countries and to Euratom and by policies of the Parties.

6.3. If one of the implementing agencies becomes aware that it or its designees will be, or may reasonably be expected to become, unable to meet the restrictions and conditions of dissemination in this paragraph, it shall immediately inform the other implementing agency. The implementing agencies shall thereafter consult to define an appropriate course of action.

6.4. Information arising from seminars, workshops, and other meetings, the assignment of staff, use of facilities and exchange of equipment arranged under the cooperation shall be treated by the implementing agencies and their designees according to the principles specified in this paragraph, provided that no proprietary information orally communicated shall be subject to the limited disclosure requirements of the cooperation unless the individual communicating such information places the recipient on notice as to the proprietary nature of the information communicated.

7. The transmitting implementing agency or its designees in its relation with the receiving implementing agency or its designees does not warrant the suitability of any information transmitted for any particular use or application.

8.1. With respect to any invention or discovery made or conceived in the execution of the cooperation, the implementing agencies will take all necessary steps within the framework of the applicable laws and regulations with a view to realizing the following.

8.1.1. Where the invention or discovery is made or conceived by personnel (the inventor) of either implementing agency (the assigning agency) or its designees or their contractors while assigned to the other implementing agency (the receiving agency) or its designees or their contractors in connection with exchanges of scientists, engineers and other specialists :

- (i) the receiving agency or its designees shall acquire all rights, title and interest in and to any such invention or discovery in its own country and in third countries ; and

- (ii) the assigning agency or its designees or the inventor shall acquire all rights, title and interest in and to any such invention or discovery in its own country.
- 8.1.2. In cases to which subparagraph 8.1.1. does not apply and where the invention or discovery is made or conceived by personnel (the inventor) of either implementing agency or its designees or their contractors as a direct result of employing information which has been communicated to them under the cooperation by the other implementing agency or its designees or their contractors or communicated during seminars or other joint meetings, the implementing agency or its designees or their contractors whose personnel make the invention or the inventor shall acquire all rights, title, and interest in and to such invention or discovery in all countries.
- 8.1.3. Either the implementing agency or its designees or their contractors or the inventor, whichever of them owns the invention referred to in subparagraphs 8.1.1 and 8.1.2 shall license such invention to the other implementing agency, its designees, its government and the nationals of its country designated by it, upon request of the other implementing agency or its designees on reasonable terms and conditions.
- 8.1.4. With regard to industrial property rights related to inventions or discoveries resulting from cooperative activities other than exchange of personnel or information, the implementing agencies or the designees shall, prior to commencing such cooperative activities, decide on an appropriate distribution of such rights taking into consideration the benefits, rights and contribution of the implementing agencies or the designees.
- 8.2. The provisions of subparagraph 8.1 shall apply *mutatis mutandis* to the protection of utility model and of design.
- 8.3. Each implementing agency or its designees shall assume the responsibility to pay awards or compensation required to be paid to its own employees or nationals of respective countries in accordance with the applicable laws. Each implementing agency or its designees shall, without prejudice to any rights of inventors under the applicable laws, take all necessary steps to provide the cooperation of its inventors required to implement the provisions of this paragraph.
9. Copyrights of the implementing agencies or the designees shall be accorded treatment consistent with the Universal Copyright Convention as revised at Paris on 24 July 1971. As to copyrights on materials within the scope of subparagraph 6.1 owned or controlled by either implementing agency or its designees, that implementing agency or its designees shall make efforts to grant to the other implementing agency or its designees a license to reproduce or translate copyrighted material.
10. With respect to the exchange of staff under the cooperation, the following provisions shall apply.
- 10.1. Whenever an exchange of staff is contemplated under the cooperation, each implementing agency or its designees shall ensure that qualified staff are selected for assignment to the other implementing agency or its designees.
- 10.2. Each such assignment of staff shall be the subject of a separate assignment agreement between the implementing agencies or the designees.
- 10.3. Each implementing agency or its designees shall be responsible for the salaries, insurance and allowances to be paid to its staff.
- 10.4. Unless otherwise agreed, the sending implementing agency or its designees shall pay for the travel and living expenses of its staff while on assignment.
- 10.5. The receiving implementing agency or its designees shall arrange for adequate accommodation for the assigned staff and their families on a mutually agreeable reciprocal basis.
- 10.6. The receiving implementing agency or its designees shall provide all necessary assistance to the assigned staff and their families as regards administrative formalities (travel arrangements, etc.).
- 10.7. The assigned staff of the sending implementing agency or its designees shall conform to the general and special rules of work and safety regulations in force at the host establishment, or as agreed in a separate assignment agreement.
11. In the event that equipment, instruments, materials or necessary spare parts (hereinafter jointly referred to as 'equipment, etc.') are to be exchanged or provided by one implementing agency or its designees, to the other implementing agency or its designees, the following provisions shall apply covering the shipment and use of such equipment, etc.

- 11.1. The sending implementing agency or its designees shall supply as soon as possible a detailed list of the equipment, etc. to be provided together with the relevant specifications and technical and informational documentation.
 - 11.2. Equipment, etc. provided by the sending implementing agency or its designees shall remain their property and shall be returned to the sending implementing agency or its designees upon completion of the mutually agreed activity unless otherwise agreed.
 - 11.3. Equipment, etc. shall be brought into operation at the host establishment only by mutual agreement between the implementing agencies or the designees.
 - 11.4. The receiving implementing agency or its designees shall provide the necessary premises for the equipment, etc., and shall provide for electrical power, water, gas, etc., in accordance with technical requirements which shall be mutually agreed by the implementing agencies or the designees.
 - 11.5. Unless otherwise agreed, responsibility for the transport of the equipment, etc. from the sending implementing agency or its designees to their ultimate destination in the country of the receiving implementing agency or its designees and return, and for their safekeeping and insurance *en route*, together with expenses relating thereto shall be undertaken by the sending implementing agency or its designees.
 - 11.6. The receiving implementing agency or its designees shall notify the customs authorities that it considers the equipment, etc. provided by the sending implementing agency or its designees for carrying out mutually agreed activities to be of a scientific character and not of a commercial character.
-

ANNEX II

Pursuant to Article IV of this Agreement, the Parties hereby establish the following arrangements for specific implementing procedures and details for a programme of cooperation in the area of fusion research and development between Euratom and the Ministry of International Trade and Industry of Japan (MITI) (hereinafter in this Annex referred to as 'the cooperation').

1. Euratom and MITI (hereinafter jointly referred to as 'the implementing agencies') shall each appoint a contact person who is responsible for the coordination of the cooperation and for reporting to the coordinating Committee referred to in Article V of this Agreement.
2. The implementing agencies may designate their attached or associated institutes (hereinafter referred to as 'designees'), with the consent of the designees, to cooperate in the implementation of the cooperation.
3. The cooperation may be undertaken in the following areas:
 - 3.1. tokamaks, including the projects of present generation and activities related to those of the next generation;
 - 3.2. alternative lines to tokamaks including inertial confinement and reversed field pinch;
 - 3.3. fusion technology including plasma engineering;
 - 3.4. plasma theory and applied plasma physics; and
 - 3.5. other areas as may be mutually agreed by the implementing agencies.
4. The cooperation may include the following activities (hereinafter referred to as 'cooperative activities'):
 - 4.1.1. exchange and provision of information and data on scientific and technical activities, developments, practices and results, and on programme policies and plans;
 - 4.1.2. exchange of scientists, engineers and other specialists for agreed periods of time in order to participate in experiments, analysis, design and other research and development activities;
 - 4.1.3. meetings of various forms to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify cooperative actions;
 - 4.1.4. exchange and provision of samples, materials, instruments and components for experiments, testing and evaluation;
 - 4.1.5. conduct of joint studies, projects or experiments including their joint design, construction and operation; and
 - 4.1.6. other activities as may be mutually agreed by the implementing agencies.
- 4.2. When necessary, any specific details and procedures to implement activities listed in subparagraphs 4.1.1 to 4.1.5 may be determined through consultations or auxiliary arrangements between the implementing agencies or the designees. Specific terms and conditions necessary to implement activities listed in subparagraph 4.1.6 shall be determined through written agreement between the implementing agencies.
5. All costs resulting from the cooperation shall be borne by the implementing agency or the designee which incurs them unless otherwise specifically agreed in writing by the implementing agencies.
- 6.1. The implementing agencies shall support the widest possible dissemination of information which they have the right to disclose and which is either in their possession or available to them, and is provided or exchanged under the cooperation subject to the need to protect proprietary information, to copyright restrictions, and to the provisions of paragraph 8.

Upon publication of such information, it shall be made clear that the information was obtained under the cooperation.
- 6.2. Proprietary information shall be treated as follows:
 - 6.2.1. Definitions

The term 'proprietary information' means scientific or technical data, results or methods of research and development, and any other information intended to be provided or exchanged under the cooperation, such as know-how, information directly related to inventions and discoveries as referred to in paragraph 8, technical, commercial or financial information, provided that it is appropriately marked or considered as such in accordance with subparagraph 6.2.2 and;

- (a) is not generally known or publicly available from other sources ;
- (b) has not previously been made available by the owner to others without obligation concerning its confidentiality ; and
- (c) is not already in the possession of the receiving implementing agency or its designees without obligation concerning its confidentiality.

6.2.2. Procedures

- (i) An implementing agency or its designees receiving proprietary information under the cooperation shall respect the privileged nature thereof. Any document which contains proprietary information shall be clearly marked by the disseminating implementing agency or its designees with the following (or substantially similar) restrictive provision :

'This document contains proprietary information furnished in confidence under Annex II to the Agreement for Cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion, dated 20 February 1989 and shall not be disseminated outside Euratom and MITI, their contractors, licensees and the designees without the prior approval of ...

This notice shall be marked on any reproduction of this document, in whole or in part. These limitations shall automatically terminate when this information is disclosed by the owner without restriction.'

- (ii) Proprietary information received in confidence under the cooperation may be disseminated by the receiving implementing agency or its designees to :

- (a) persons within or employed by the receiving implementing agency or by other concerned government departments and agencies or by the designees in the country of the receiving implementing agency ;

- (b) contractors or subcontractors of the receiving implementing agency or its designees in the country of the receiving implementing agency for use only within the framework of their contracts with the receiving implementing agency or its designees in work relating to the subject matter of the proprietary information ;

provided that any proprietary information so disseminated shall be marked with a restrictive provision substantially identical to that appearing in point (i).

- (iii) With the prior written consent of the implementing agency providing proprietary information under the cooperation, the receiving implementing agency may disseminate such proprietary information more widely than otherwise permitted in the foregoing point (ii). The implementing agencies shall cooperate with each other in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each implementing agency will grant such approval to the extent permitted by the laws and regulations applicable in the respective countries and to Euratom and by policies of the Parties.

6.2.3. If one of the implementing agencies becomes aware that it or its designees will be, or may reasonably be expected to become, unable to meet the restrictions and conditions of dissemination in this paragraph, it shall immediately inform the other implementing agency. The implementing agencies shall thereafter consult to define an appropriate course of action.

6.2.4. Information arising from seminars, workshops, and other meetings, the assignment of staff, use of facilities and exchange of equipment arranged under the cooperation shall be treated by the implementing agencies and their designees according to the principles specified in this paragraph provided that no proprietary information orally communicated shall be subject to the limited disclosure requirements of the cooperation unless the individual communicating such information places the recipient on notice as to the proprietary nature of the information communicated.

7. The transmitting implementing agency or its designees in its relation with the receiving implementing agency or its designees does not warrant the suitability of any information transmitted for any particular use or application.

8.1. With respect to any invention or discovery made or conceived in the execution of the cooperation, the implementing agencies will take all necessary steps within the framework of the applicable laws and regulations with a view to realizing the following.

8.1.1. Where the invention or discovery is made or conceived by personnel (the inventor) of either implementing agency (the assigning agency) or its designees or their contractors while assigned to the other implementing agency (the receiving agency) or its designees or their contractors in connection with exchanges of scientists, engineers and other specialists :

- (i) the receiving agency or its designees shall acquire all rights, title and interest in and to any such invention or discovery in its own country and in third countries ; and
 - (ii) the assigning agency or its designees or the inventor shall acquire all rights, title and interest in and to any such invention or discovery in its own country.
- 8.1.2. In cases to which subparagraph 8.1.1 does not apply and where the invention or discovery is made or conceived by personnel (the inventor) of either implementing agency or its designees or their contractors as a direct result of employing information which has been communicated to them under the cooperation by the other implementing agency or its designees or their contractors or communicated during seminars or other joint meetings, the implementing agency or its designees or their contractors whose personnel make the invention or the inventor shall acquire all rights, title, and interest in and to such invention or discovery in all countries.
- 8.1.3. Either the implementing agency or its designees or their contractors or the inventor, whichever of them owns the invention referred to in subparagraphs 8.1.1 and 8.1.2 shall license such invention to the other implementing agency, its designees, its government and the nationals of its country designated by it, upon request of the other implementing agency or its designees on reasonable terms and conditions.
- 8.1.4. With regard to industrial property rights related to inventions or discoveries resulting from cooperative activities other than exchange of personnel or information, the implementing agencies or the designees shall, prior to commencing such cooperative activities, decide on an appropriate distribution of such rights taking into consideration the benefits, rights and contribution of the implementing agencies or the designees.
- 8.2. The provisions of the subparagraph 8.1 shall apply *mutatis mutandis* to the protection of utility model and of design.
- 8.3. Each implementing agency or its designees shall assume the responsibility to pay awards or compensation required to be paid to its own employees or nationals of respective countries in accordance with the applicable laws. Each implementing agency or its designees shall, without prejudice to any rights of inventors under the applicable laws, take all necessary steps to provide the cooperation of its inventors required to implement the provisions of this paragraph.
9. Copyrights of the implementing agencies or the designees shall be accorded treatment consistent with the Universal Copyright Convention as revised at Paris on 24 July 1971. As to copyrights on materials within the scope of subparagraph 6.1 owned or controlled by either implementing agency or its designees, that implementing agency or its designees shall make efforts to grant to the other implementing agency or its designees a license to reproduce or translate copyrighted material.
10. With respect to the exchange of staff under the cooperation, the following provisions shall apply.
- 10.1. Whenever an exchange of staff is contemplated under the cooperation, each implementing agency or its designees shall ensure that qualified staff are selected for assignment to the other implementing agency or its designees.
- 10.2. Each such assignment of staff shall be the subject of a separate assignment agreement between the implementing agencies or the designees.
- 10.3. Each implementing agency or its designees shall be responsible for the salaries, insurance and allowances to be paid to its staff.
- 10.4. Unless otherwise agreed, the sending implementing agency or its designees shall pay for the travel and living expenses of its staff while on assignment.
- 10.5. The receiving implementing agency or its designees shall arrange for adequate accommodation for the assigned staff and their families on a mutually agreeable reciprocal basis.
- 10.6. The receiving implementing agency or its designees shall provide all necessary assistance to the assigned staff and their families as regards administrative formalities (travel arrangements, etc.).
- 10.7. The assigned staff of the sending implementing agency or its designees shall conform to the general and special rules of work and safety regulations in force at the host establishment, or as agreed in a separate assignment agreement.
11. In the event that equipment, instruments, materials or necessary spare parts (hereinafter jointly referred to as 'equipment, etc.') are to be exchanged or provided by one implementing agency or its designees to the other implementing agency or its designees, the following provisions shall apply covering the shipment and use of such equipment, etc.

- 11.1. The sending implementing agency or its designees shall supply as soon as possible a detailed list of equipment etc. to be provided together with the relevant specification and technical and informational documentation.
 - 11.2. Equipment, etc. provided by the sending implementing agency or its designees shall remain their property and shall be returned to the sending implementing agency or its designees upon completion of the mutually agreed activity unless otherwise agreed.
 - 11.3. Equipment, etc. shall be brought into operation at the host establishment only by mutual agreement between the implementing agencies or the designees.
 - 11.4. The receiving implementing agency or its designees shall provide the necessary premises for the equipment, etc., and shall provide for electrical power, water, gas, etc., in accordance with technical requirements which shall be mutually agreed by the implementing agencies or the designees.
 - 11.5. Unless otherwise agreed, responsibility for the transport of the equipment, etc. from the sending implementing agency or its designees to their ultimate destination in the country of the receiving implementing agency or its designees and return and for their safekeeping and insurance *en route*, together with expenses relating thereto shall be undertaken by the sending implementing agency or its designees.
 - 11.6. The receiving implementing agency or its designees shall notify the customs authorities that it considers the equipment, etc. provided by the sending implementing agency or its designees for carrying out mutually agreed activities to be of a scientific character and not of a commercial character.
-

ANNEX III

Pursuant to Article IV of this Agreement, the Parties hereby establish the following arrangements for specific implementing procedures and details for a programme of cooperation in the area of fusion research and development between Euratom and the Science and Technology Agency of Japan (STA) (hereinafter in this Annex referred to as 'the cooperation').

1. Euratom and STA (hereinafter jointly referred to as 'the implementing agencies') shall each appoint a contact person who is responsible for the coordination of the cooperation and for reporting to the Coordinating Committee referred to in Article V of this Agreement.
2. The implementing agencies may designate official institutions whose annual budgets and operating plans are approved by the head of the implementing agency respectively or its attached or associated institutes (hereinafter referred to as 'Designees') with the consent of the designees, to cooperate in the implementation of the cooperation.
3. The cooperation may be undertaken in the following areas :
 - 3.1. tokamaks, including the large projects of the present generation (including JET and JT-60) and activities related to those of the next generation ;
 - 3.2. alternative lines to tokamaks ;
 - 3.3. fusion technology ;
 - 3.4. plasma theory and applied plasma physics ; and
 - 3.5. other areas as may be mutually agreed by the implementing agencies.
- 4.1. The cooperation may include the following activities (hereinafter referred to as 'cooperative activities') :
 - 4.1.1. exchange and provision of information and data on scientific and technical activities, development, practices and results, and on programme policies and plans ;
 - 4.1.2. exchange of scientists, engineers and other specialists for agreed periods of time in order to participate in experiments, analysis, design and other research and development actions ;
 - 4.1.3. meetings of various forms to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify cooperative actions ;
 - 4.1.4. exchange and provision of samples, materials, instruments and components for experiments, testing and evaluation ;
 - 4.1.5. conduct of joint studies, projects or experiments including their joint design, construction and operation ; and
 - 4.1.6. other activities as may be mutually agreed by the implementing agencies.
- 4.2. When necessary, any specific details and procedures to implement activities listed in subparagraphs 4.1.1 to 4.1.5 may be determined through consultations or auxiliary arrangements between the implementing agencies or the designees. Specific terms and conditions necessary to implement activities listed in subparagraph 4.1.6 shall be determined through written agreement between the implementing agencies.
5. All costs resulting from the cooperation shall be borne by the implementing agency or the designee which incurs them unless otherwise specifically agreed in writing by the implementing agencies.
- 6.1. The implementing agencies shall support the widest possible dissemination of information which they have the right to disclose and which is either in their possession or available to them, and is provided or exchanged under the cooperation subject to the need to protect proprietary information, to copyright restrictions, and to the provisions of paragraph 8.

Upon publication of such information, it shall be made clear that the information was obtained under the cooperation.
- 6.2. Proprietary information shall be treated as follows :
 - 6.2.1. Definitions

The term 'proprietary information' means scientific or technical data, results or methods of research and development, and any other information intended to be provided or exchanged under the cooperation, such as know-how, information directly related to inventions and discoveries as referred to in paragraph 8, technical, commercial or financial information, provided that it is appropriately marked or considered as such in accordance with subparagraph 6.2.2 and :

- (a) is not generally known or publicly available from other sources ;
- (b) has not previously been made available by the owner to others without obligation concerning its confidentiality ; and
- (c) is not already in the possession of the receiving implementing agency or its designees without obligation concerning its confidentiality.

6.2.2. Procedures

- (i) An implementing agency or its designees receiving proprietary information under the cooperation shall respect the privileged nature thereof. Any document which contains proprietary information shall be clearly marked by the disseminating implementing agency or its designees with the following (or substantially similar) restrictive provision :

'This document contains proprietary information furnished in confidence under Annex III to the Agreement for Cooperation between the European Atomic Energy Community and the Government of Japan in the field of controlled thermonuclear fusion, dated 20 February 1989 and shall not be disseminated outside Euratom and STA, their contractors, licensees and the designees without the prior approval of ...

This notice shall be marked on any reproduction of this document, in whole or in part. These limitations shall automatically terminate when this information is disclosed by the owner without restriction.'

- (ii) Proprietary information received in confidence under the cooperation may be disseminated by the receiving implementing agency or its designees to :
 - (a) persons within or employed by the receiving implementing agency or by other concerned government departments and agencies or by the designees in the country of the receiving implementing agency ;
 - (b) contractors or subcontractors of the receiving implementing agency or its designees in the country of the receiving implementing agency for use only within the framework of their contracts with the receiving implementing agency or its designees in work relating to the subject matter of the proprietary information ;

provided that any proprietary information so disseminated shall be marked with a restrictive provision substantially identical to that appearing in point (i).

- (iii) with the prior written consent of the implementing agency providing proprietary information under the cooperation, the receiving implementing agency may disseminate such proprietary information more widely than otherwise permitted in the foregoing point (ii). The implementing agencies shall cooperate with each other in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each implementing agency will grant such approval to the extent permitted by the laws and regulations applicable in the respective countries and to Euratom and by policies of the parties.

6.2.3. If one of the implementing agencies becomes aware that it or its designees will be, or may reasonably be expected to become unable to meet the restrictions and conditions of dissemination in this paragraph, it shall immediately inform the other implementing agency. The implementing agencies shall thereafter consult to define an appropriate course of action.

6.2.4. Information arising from seminars, workshops, and other meetings, the assignment of staff, use of facilities and exchange of equipment arranged under the cooperation shall be treated by the implementing agencies and their designees according to the principles specified in this paragraph, provided that no proprietary information orally communicated shall be subject to the limited disclosure requirements of the cooperation unless the individual communicating such information places the recipient on notice as to the proprietary nature of the information communicated.

7. The transmitting implementing agency or its designees in its relation with the receiving implementing agency or its designees does not warrant the suitability of any information transmitted for any particular use or application.

8.1. With respect to any invention or discovery made or conceived in the execution of the cooperation, the implementing agencies will take all necessary steps within the framework of the applicable laws and regulations with a view to realizing the following.

- 8.1.1. Where the invention or discovery is made or conceived by personnel (the inventor) of either implementing agency (the assigning agency) or its designees or their contractors while assigned to the other implementing agency (the receiving agency) or its designees or their contractors in connection with exchanges of scientists, engineers and other specialists :
- (i) the receiving agency or its designees shall acquire all rights, title and interest in and to any such invention or discovery in its own country and in third countries ; and
 - (ii) the assigning agency or its designees or the inventor shall acquire all rights, title and interest in and to any such invention or discovery in its own country.
- 8.1.2. In cases to which subparagraph 8.1.1 does not apply and where the invention or discovery is made or conceived by personnel (the inventor) of either implementing agency or its designees or their contractors as a direct result of employing information which has been communicated to them under the cooperation by the other implementing agency or its designees or their contractors or communicated during seminars or other joint meetings, the implementing agency or its designees or their contractors whose personnel make the invention or the inventor shall acquire all rights, title, and interest in and to such invention or discovery in all countries.
- 8.1.3. Either the implementing agency or its designees or their contractors or the inventor, whichever of them owns the invention referred to in subparagraphs 8.1.1 and 8.1.2 shall license such invention to the other implementing agency, its designees, its government and the nationals of its country designated by it, upon request of the other implementing agency or its designees on reasonable terms and conditions.
- 8.1.4. With regard to industrial property rights related to inventions or discoveries resulting from cooperative activities other than exchange of personnel or information, the implementing agencies or the designees shall, prior to commencing such cooperative activities, decide on an appropriate distribution of such rights taking into consideration the benefits, rights and contribution of the implementing agencies or the designees.
- 8.2. The provisions of subparagraph 8.1 shall apply *mutatis mutandis* to the protection of utility model and of design.
- 8.3. Each implementing agency or its designees shall assume the responsibility to pay awards or compensation required to be paid to its own employees or nationals of respective countries in accordance with the applicable laws. Each implementing agency or its designees shall, without prejudice to any rights of inventors under the applicable laws, take all necessary steps to provide the cooperation of its inventors required to implement the provisions of this paragraph.
9. Copyrights of the implementing agencies or the designees shall be accorded treatment consistent with the Universal Copyright Convention as revised at Paris on 24 July 1971. As to copyrights on materials within the scope of subparagraph 6.1 owned or controlled by either implementing agency or its designees, that implementing agency or its designees shall make efforts to grant to the other implementing agency or its designees a license to reproduce or translate copyrighted material.
10. With respect to the exchange of staff under the cooperation, the following provisions shall apply.
- 10.1. Whenever an exchange of staff is contemplated under the cooperation, each implementing agency or its designees shall ensure that qualified staff are selected for assignment to the other implementing agency or its designees.
- 10.2. Each such assignment of staff shall be the subject of a separate assignment agreement between the implementing agencies or the designees.
- 10.3. Each implementing agency or its designees shall be responsible for the salaries, insurance and allowances to be paid to its staff.
- 10.4. Unless otherwise agreed, the sending implementing agency or its designees shall pay for the travel and living expenses of its staff while on assignment.
- 10.5. The receiving implementing agency or its designees shall arrange for adequate accommodation for the assigned staff and their families on a mutually agreeable reciprocal basis.
- 10.6. The receiving implementing agency or its designees shall provide all necessary assistance to the assigned staff and their families as regards administrative formalities (travel arrangements, etc.).

- 10.7. The assigned staff of the sending implementing agency or its designees shall conform to the general and special rules of work and safety regulations in force at the host establishment, or as agreed in a separate assignment agreement.
 11. In the event that equipment, instruments, materials or necessary spare parts (hereinafter jointly referred to as 'equipment, etc.')
 - 11.1. The sending implementing agency or its designees shall supply as soon as possible a detailed list of the equipment, etc. to be provided together with the relevant specifications and technical and informational documentation.
 - 11.2. Equipment, etc. provided by the sending implementing agency or its designees shall remain their property and shall be returned to the sending implementing agency or its designees upon completion of the mutually agreed activities unless otherwise agreed.
 - 11.3. Equipment, etc. shall be brought into operation at the host establishment only by mutual agreement between the implementing agencies or the designees.
 - 11.4. The receiving implementing agency or its designees shall provide the necessary premises for the equipment, etc., and shall provide for electrical power, water, gas, etc., in accordance with technical requirements which shall be mutually agreed by the implementing agencies or the designees.
 - 11.5. Unless otherwise agreed, responsibility for the transport of the equipment, etc. from the sending implementing agency or its designees to their ultimate destination in the country of the receiving implementing agency or its designees and return, and for their safekeeping and insurance *en route*, together with expenses relating thereto shall be undertaken by the sending implementing agency or its designees.
 - 11.6. The receiving implementing agency or its designees shall notify the customs authorities that it considers the equipment, etc. provided by the sending implementing agency or its designees for carrying out mutually agreed activities to be of a scientific character and not of a commercial character.
-