

# Official Journal

## of the European Communities

ISSN 0378-6978

L 78

Volume 32

21 March 1989

English edition

## Legislation

Contents

### I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC, Euratom, ECSC) No 702/89 of 15 March 1989 adjusting the weightings applicable to the remuneration of officials posted in third countries** ..... 1
- Commission Regulation (EEC) No 703/89 of 20 March 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 3
- Commission Regulation (EEC) No 704/89 of 20 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 5
- Commission Regulation (EEC) No 705/89 of 20 March 1989 amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef ..... 7
- Commission Regulation (EEC) No 706/89 of 20 March 1989 fixing the difference in white sugar prices to be used in calculating the levy for processed fruit and vegetable products and for wine ..... 9
- ★ **Commission Regulation (EEC) No 707/89 of 17 March 1989 imposing a provisional anti-dumping duty on imports of calcium metal originating in the People's Republic of China or the Soviet Union** ..... 10
- ★ **Commission Decision No 708/89/ECSC of 17 March 1989 imposing a provisional anti-dumping duty on imports of certain flat-rolled products of iron or non-alloy steel, cold-rolled, originating in Yugoslavia** ..... 14
- Commission Regulation (EEC) No 709/89 of 20 March 1989 fixing the minimum selling prices for boned beef put up for sale by tender in accordance with Regulation (EEC) No 2326/79 ..... 18
- Commission Regulation (EEC) No 710/89 of 20 March 1989 on the supply of refined rape seed oil to non-governmental organizations (NGOs) as food aid ..... 21

Contents (continued)

Commission Regulation (EEC) No 711/89 of 20 March 1989 concerning applications for STM licences in the beef and veal sector submitted during the first 10 days of March 1989 .....	24
Commission Regulation (EEC) No 712/89 of 20 March 1989 correcting Regulation (EEC) No 701/89 altering the export refunds on milk and milk products .....	25
Commission Regulation (EEC) No 713/89 of 20 March 1989 fixing the import levies on white sugar and raw sugar .....	36
* Commission Regulation (EEC) No 714/89 of 20 March 1989 laying down detailed rules applying to the special premium for beef producers .....	38

---

II *Acts whose publication is not obligatory*

**Commission**

89/205/EEC :

* Commission Decision of 21 December 1988 relating to a proceeding under Article 86 of the EEC Treaty (IV/31.851 — Magill TV Guide/ITP, BBC and RTE) .....	43
--	----

89/206/EEC :

* Commission Decision of 14 March 1989 authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 February to 30 June 1989 .....	52
---	----

---

**Corrigenda**

Corrigendum to Commission Regulation (EEC) No 662/89 of 15 March 1989 fixing the amount of aid for peas, field beans and sweet lupins (OJ No L 72 of 16.3.1989) .....	54
---	----

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EEC, EURATOM, ECSC) No 702/89  
of 15 March 1989  
adjusting the weightings applicable to the remuneration of officials posted in  
third countries**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

currency of the country of employment must be determined with effect from 1 January 1989,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

HAS ADOPTED THIS REGULATION :

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 3982/88 <sup>(2)</sup>, and in particular the first subparagraph of Article 13 of Annex X to the said Staff Regulations,

*Article 1*

With effect from 1 January 1989 the weightings applicable to remuneration paid in the currency of the country of employment shall be fixed as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Regulation takes effect.

Having regard to the proposal from the Commission,

*Article 2*

Whereas, to take account of changes in the cost of living in third countries, weightings applicable to the remuneration paid to officials posted in third countries in the

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, 15 March 1989.

*For the Council*

*The President*

F. FERNANDEZ ORDOÑEZ

<sup>(1)</sup> OJ No L 56, 4. 3. 1968, p. 1.

<sup>(2)</sup> OJ No L 354, 22. 12. 1988, p. 1.

## ANNEX

## Weightings applicable with effect from 1 January 1989

Country of employment	Weighting	Country of employment	Weighting
Algeria	96,35	Lesotho	55,56
Angola	93,87	Liberia	83,11
Antigua and Barbuda	87,61	Madagascar	44,41
Australia	108,10	Malawi	61,00
Austria	114,50	Mali	102,30
Bahamas	98,92	Mauritania	118,91
Bangladesh	48,30	Mauritius	52,50
Barbados	88,43	Mexico	52,64
Belize	80,91	Morocco	66,47
Benin	93,67	Mozambique	19,35
Botswana	50,67	Netherlands Antilles	103,99
Brazil	54,90	Niger	103,08
Burkina Faso	88,50	Nigeria	66,04
Burundi	76,32	Norway	143,01
Cameroon	106,86	Pakistan	44,62
Canada	86,70	Papua-New Guinea	94,94
Cape Verde	89,91	Rwanda	114,40
Central African Republic	147,59	Samoa	68,17
Chad	144,56	Santo Tome and Principe	—
Chile	46,80	Senegal	114,99
China	63,88	Seychelles	171,33
Comoros	132,08	Sierra Leone	110,64
Congo	125,25	Solomon Islands	77,28
Costa Rica	61,91	South Korea	88,49
Côte d'Ivoire	125,49	Sudan	92,11
Djibouti	149,42	Surinam	147,24
Dominican Republic	29,18	Swaziland	44,09
Egypt	56,10	Sweden	126,04
Equatorial Guinea	116,77	Switzerland	139,83
Ethiopia	74,84	Syria	141,59
Fiji	58,72	Tanzania	40,56
Gabon	141,17	Thailand	54,42
Gambia	91,30	Togo	103,84
Ghana	39,17	Tonga	116,95
Grenada	83,46	Trinidad and Tobago	69,42
Guinea	42,75	Tunisia	50,08
Guinea Bissau	53,00	Turkey	46,44
Guyana	38,79	Uganda	97,75
Haiti	79,22	United States of America	86,47
India	35,97	Uruguay	53,16
Indonesia	65,89	Vanuatu	101,91
Israel	87,58	Venezuela	30,46
Jamaica	68,22	Yugoslavia	29,22
Japan	177,73	Zaire	93,63
Jordan	52,79	Zambia	55,27
Kenya	58,68	Zimbabwe	52,67
Lebanon	18,63		

## COMMISSION REGULATION (EEC) No 703/89

of 20 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 <sup>(5)</sup> 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 17 March 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 21 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 96.

## ANNEX

to the Commission Regulation of 20 March 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	21,98	126,23
0712 90 19	21,98	126,23
1001 10 10	55,14	181,62 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	55,14	181,62 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	32,44	117,95
1001 90 99	32,44	117,95
1002 00 00	60,11	110,86 <sup>(3)</sup>
1003 00 10	50,67	111,34
1003 00 90	50,67	111,34
1004 00 10	41,73	76,74
1004 00 90	41,73	76,74
1005 10 90	21,98	126,23 <sup>(4)</sup> <sup>(5)</sup>
1005 90 00	21,98	126,23 <sup>(4)</sup> <sup>(5)</sup>
1007 00 90	45,32	136,97 <sup>(4)</sup>
1008 10 00	50,67	23,67
1008 20 00	50,67	34,37 <sup>(4)</sup>
1008 30 00	50,67	0,00 <sup>(5)</sup>
1008 90 10	(7)	(7)
1008 90 90	50,67	0,00
1101 00 00	59,77	179,49
1102 10 00	98,51	169,56
1103 11 10	98,98	295,95
1103 11 90	63,11	192,40

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

<sup>(2)</sup> 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'.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

<sup>(7)</sup> 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 704/89

of 20 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 <sup>(5)</sup> 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 17 March 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 21 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 20 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0,81
1001 10 90	0	0	0	0,81
1001 90 91	0	0	0	0,40
1001 90 99	0	0	0	0,40
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0,58

## B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0,71	0,71
1107 10 19	0	0	0	0,53	0,53
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 705/89**

of 20 March 1989

**amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 4132/88 <sup>(2)</sup>, and in particular Article 6a (4) thereof,Whereas Commission Regulation (EEC) No 1787/87 <sup>(3)</sup>, as last amended by Regulation (EEC) No 619/89 <sup>(4)</sup>, introduced the buying in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No

2226/78 <sup>(5)</sup>, as last amended by Regulation (EEC) No 3492/88 <sup>(6)</sup>, the table of Member States or regions of Member States and of quality groups eligible for intervention, as well as the buying-in prices, should be replaced, on the basis of the data and prices available to the Commission, by the table and the prices annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to amended Regulation (EEC) No 1787/87 are hereby replaced by the Annexes hereto.

*Article 2*

This Regulation shall enter into force on 27 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.<sup>(2)</sup> OJ No L 362, 30. 12. 1988, p. 4.<sup>(3)</sup> OJ No L 168, 27. 6. 1987, p. 22.<sup>(4)</sup> OJ No L 68, 11. 3. 1989, p. 9.<sup>(5)</sup> OJ No L 261, 26. 9. 1978, p. 5.<sup>(6)</sup> OJ No L 306, 11. 11. 1988, p. 20.

## ANNEX I

## Member States or regions within a Member State and groups of qualities

Member State/Region	Groups of qualities (category and class)
Belgium	AO
Denmark	CR, CO
Germany	AU, AR
Spain	AU, AR, AO
France	—
Ireland	CU, CR, CO
Italy	—
Luxembourg	AR, AO, CO
Netherlands	—
Great Britain	CU
Northern Ireland	CU, CR, CO

## ANNEX II

## Buying-in price in ECU per 100 kg carcase weight

Quality (category and class)	Carcase price
AU2	307,089
AU3	302,871
AR2	291,497
AR3	287,321
AO2	278,652
AO3	274,417
CU2	307,114
CU3	302,896
CU4	294,459
CR3	292,287
CR4	283,790
CO3	279,611

**COMMISSION REGULATION (EEC) No 706/89****of 20 March 1989****fixing the difference in white sugar prices to be used in calculating the levy for processed fruit and vegetable products and for wine**

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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 2247/88 <sup>(2)</sup>, and in particular Article 10 (4) thereof,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987, on the common organization of the market in wine <sup>(3)</sup> as last amended by Regulation (EEC) No 4250/88 <sup>(4)</sup>, and in particular Article 55 (3) thereof,

Whereas, in order that the Member States may determine the amount of the levy applicable in respect of the various added sugars to imports of the products listed in Annex III to Regulation (EEC) No 426/86 and of the products falling within CN codes 2009 60 11, 2009 60 71, 2009 60 79 and 2204 30 99 which are listed in Article 1 (2) (a) of Regulation (EEC) No 822/87, it is necessary in accordance with Article 10 (3) of Regulation (EEC) No 426/86 and Article 55 (2) of Regulation (EEC) No 822/87

to determine the difference between, firstly, the average of the threshold prices for one kilogram of white sugar for each month of the quarter for which the difference is being determined and, secondly, the average of the cif prices for one kilogram of white sugar used in fixing the levies on white sugar, as calculated for a period comprising the first 15 days of the month preceding the quarter for which the difference is being determined and the two months immediately preceding that month; whereas, pursuant to the abovementioned Regulations, this difference must be determined by the Commission for each quarter of the calendar year,

HAS ADOPTED THIS REGULATION :

*Article 1*

For the period 1 April to 30 June 1989, the difference referred to in Article 10 (3) of Regulation (EEC) No 426/86 and in Article 55 (2) of Regulation (EEC) No 822/87 is fixed at ECU 0,4288.

*Article 2*

This Regulation shall enter into force on 1 April 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 21.

<sup>(3)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(4)</sup> OJ No L 373, 31. 12. 1988, p. 55.

## COMMISSION REGULATION (EEC) No 707/89

of 17 March 1989

imposing a provisional anti-dumping duty on imports of calcium metal  
originating in the People's Republic of China or the Soviet Union

THE COMMISSION 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<sup>(1)</sup>, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for in the above Regulation,

Whereas :

#### A. Procedure

- (1) In July 1987 the Commission received a complaint from the electrometallurgy and electrochemistry trade association, the *Chambre syndicale de l'électrometallurgie et de l'électrochimie*, on behalf of a Community producer representing the entire Community production of calcium metal.

The complaint contained evidence of dumping and of resulting material injury which was considered sufficient to justify the initiation of a proceeding.

The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports of calcium metal originating in the People's Republic of China or the Soviet Union. The product concerned is an alkaline earth metal corresponding to CN code 2805 21 00.

- (2) The Commission gave official notice of the initiation of the proceeding to the exporters and importers known to be concerned, the representatives of the two exporting countries and the complainant. It asked the parties directly concerned to answer the questionnaires which had been sent to them, giving them an opportunity to make known their views in writing and to request a hearing.

The Chinese exporter, two importers and the complainant returned the questionnaire to the Commission duly completed. The other importers

answered the questionnaire in part. The Soviet exporter argued that no calcium metal had been exported direct to the Community during the reference period.

The Chinese and Soviet exporters and two importers stated their views in writing. The Soviet exporter and one of the importers requested and were granted a hearing; the Chinese exporter also requested a hearing but was unable to follow up the Commission's favourable response.

- (3) The Commission sought and verified all information it deemed necessary and carried out inspections at the premises of the Community producer, Pechiney (France) and one of the importers, Extramet (France).
- (4) The Commission also visited the premises of the producer in the reference country, Quigly-Pfizer, New York.
- (5) The investigation of dumping covered the period from 1 January 1987 to 31 December 1987.

#### B. Description of the product

- (6) Calcium metal, which is used chiefly in the metal and uranium industries, is produced in two ways :
- the first procedure, the reduction of lime with aluminium, which may be followed by redistillation, is used by all western producers, including the Community producer, which distinguishes for the purposes of commercial designation between R calcium (without redistillation) and N calcium (obtained following redistillation),
  - the second procedure, the igneous electrolysis of calcium, is used by Chinese and Soviet producers and may be followed by redistillation in the Community.

Redistillation increases the purity of the product, up to a maximum degree corresponding to the 'nuclear' quality used in the production of uranium, which only the Community producer supplies within the Community.

- (7) The product is available in various forms : chunks, chips and grains (or granules), which are obtained in the Community by the importers and by the producer once the physical form has been processed according to specific procedures.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 20, 26. 1. 1988, p. 3.

- (8) One importer pointed out in written comments that a special feature of calcium metal is that its market, particularly the number of purchasers and sellers, is very restricted, mainly because its uses are still limited.

### C. Dumping

- (9) In establishing whether imports originating in the People's Republic of China or the Soviet Union were being dumped, the Commission had to take account of the fact that these countries do not have market economies within the meaning of Article 2 (5) of Regulation (EEC) No 2423/88 and had to adopt one of the methods of calculation of normal value provided for in that Article. The complainant proposed adopting United States prices to calculate the normal value, since the United States market was the biggest outside the Community.
- (10) One of the importers contested this choice, arguing that there was only one United States producer and insufficient domestic competition in the United States; he proposed the Canadian market, where there is also a single producer of calcium metal.

The importer, however, failed to provide enough evidence to justify such a choice, particularly as regards price levels and quantities sold on the Canadian market. Accordingly, the Commission did not agree to using the Canadian market.

- (11) The Commission chose the United States market, having carried out the following checks:
- it ensured that the United States producer produced calcium metal comparable to the Soviet and Chinese product, i.e. without redistillation,
  - it checked that the prices charged by the United States producer during the reference period allowed a reasonable but not excessive profit,
  - it ensured that the United States producer was subject to competition on its own market in the form of sufficient imports and that production was significant compared to these imports during the reference period.
- (12) The normal value was therefore calculated on the basis of domestic market prices in the United States as established by the Commission. To this end, the Commission restricted its calculation to the sales price of crowns or of pieces requiring no

redistillation or major transformation of form by the producer.

- (13) Export prices were determined on the basis of prices actually paid or payable for the Chinese or Soviet product sold for export to the Community.
- (14) In comparing normal value with export prices, the Commission took account, when circumstances permitted and when sufficient evidence was available, of differences affecting price comparability, including transport and insurance costs and payment schedules. All comparisons were made on an ex-works basis.
- (15) The comparison showed that Chinese and Soviet exports to the Community were being dumped during the reference period. Weighted average dumping margins calculated as a percentage of the cif price of the product at the Community frontier, excluding customs duties, came to 27,2 % for the Chinese product and 19 % for the Soviet product.

### D. Injury

- (16) As regards the injury to the Community industry caused by the dumped imports, the Commission's checks show that the volume of imports of the product in question originating in the People's Republic of China fell from 130 tonnes in 1985 to 119 tonnes in 1987, having reached a total of 150 tonnes in 1986, while imports originating in the Soviet Union rose from 60 tonnes in 1985 to 145 tonnes in 1987, having totalled 428 tonnes in 1986. The surge of Soviet imports in 1986 led to a build-up of surplus stocks which could not be shifted in 1987.
- (17) This trend needs to be seen in the context of the steady drop in consumption recorded in the Community since 1985. As a result of this falling consumption, the share of imports in the Community market rose between 1985 and 1987: the proportion accounted for by Chinese imports rose from 12 % in 1985 to 20 % in 1987, while the proportion of Soviet imports rose from 6 % in 1985 to 25 % in 1987.
- (18) The Soviet exporter claimed not to have exported any calcium metal direct to the Community during the reference period and referred to the difficulties encountered by importers selling Soviet products in the Community, where these do not always meet Community users' requirements of purity and physical form. These difficulties had been such as

to interrupt deliveries. However, the Commission received answers from several importers accompanied by proof of imports of the product in question originating in the Soviet Union. The import statistics also show clearly a significant level of imports originating in the Soviet Union during the reference period.

- (19) When analysing the difference in the sales price in the Community of calcium metal from the People's Republic of China and the Soviet Union and calcium metal produced by the Community producer, the Commission looked only at the prices of the product produced by the Community producer without redistillation and sold exclusively in the form of chunks and chips, i.e. at the cheapest prices.

Evidence gathered during the investigation showed that weighted average prices of the Soviet product during the reference period were 11,2 % lower than those of the Community producer and that those of the Chinese product were 10,7 % lower.

- (20) As regards the injury caused by goods imported at dumping prices, the information checked by the Commission shows that production of calcium without redistillation fell from 927 tonnes in 1985 to 591 tonnes in 1987. The fall-off in the production of calcium without redistillation worsened the Community producer's difficulties in maintaining production of redistilled calcium, which is used, in particular, by the uranium industry. Substantial investment was made in 1985 and 1986 as a result of decisions to invest taken when the market was in a period of expansion. Production capacity utilization fell from 81 % in 1985 to 52 % in 1987.

Sales of calcium metal without redistillation in the form of chunks or chips fell markedly in terms of both volume (from 277 tonnes in 1986 to 247 tonnes in 1987) and price (from FF 42/kg in 1986 to FF 32/kg in 1987).

Because of the downturn in activity the Community producer had to cut its labour force by half between 1985 and 1987; as a result of the erosion of profits it also suffered considerable financial losses in 1987.

- (21) As to the causal link between the injury to the Community industry and the dumped imports, the

Commission found that the deterioration of the complainant producer's situation, as described above, coincided with the increase in the share of the Community market held by Chinese and Soviet exporters from 1985 to 1987.

- (22) The Commission examined whether the injury sustained by the producer concerned was caused by factors other than dumped imports. In particular, it looked at the 45 % decline in Community consumption of calcium metal from 1985 to 1987. It found, however, that the fall in consumption had been almost exactly matched by the significant fall in imports from non-Community countries other than those covered by the proceeding, which declined by 46 % over the same period. It also found, for this reason, that imports originating in other third countries had not contributed to the injury.

The Commission therefore concluded, on the basis of the abovementioned evidence, that the injury caused by the dumped imports should be considered in itself to be major in that it made the producer's situation much more difficult and prevented both sales and investment intended to increase competitiveness from being sufficiently profitable.

#### E. Community Interest

- (23) In the absence of any protection against the injurious effects of this dumping, the viability of the sole Community producer could be jeopardized as a result of the disappearance of Community production of calcium without redistillation, and consequently of the redistilled calcium used in the production of uranium. The Community would then be entirely dependent on outside sources of calcium metal.
- (24) In assessing the Community interest, the Commission took account of the interests of the users of Chinese and Soviet calcium. It considered, in particular, that the proposed measures would have a limited impact on prices for Community users of calcium metal and would not be liable to deprive them of an alternative source of supplies.

In view of the difficulties faced by the Community industry, the Commission concluded that it was in the Community's interest to take defensive steps by imposing a provisional anti-dumping duty on the imports concerned.

### F. Rate of Duty

- (25) The Commission concluded that the provisional duty applicable to imports originating in the People's Republic of China or the Soviet Union should be less than the provisional dumping margins, but sufficient to redress the material injury arising from the price undercutting, while enabling the Community producer to make an adequate profit on sales. When imposing the provisional duty, the Commission chose the lower level of undercutting, in view of the very slight difference found between the Chinese and Soviet levels of undercutting during the reference period. For this reason, the provisional *ad valorem* anti-dumping duty should be set at a rate of 10,7 % of the net free-at-frontier price before duty of products originating in the two countries concerned.
- (26) A time limit should be set for the parties concerned to make known their views in writing and to request a hearing by the Commission,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of calcium metal originating in the People's

Republic of China or the Soviet Union corresponding to CN code 2805 21 00.

2. The duty shall be equal to 10,7 % of the net free-at-Community-frontier price before duty of goods originating in these countries.
3. The provisions in force with regard to customs duties shall apply.
4. The release for free circulation in the Community of the products originating in the People's Republic of China or the Soviet Union referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

#### Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make their views known in writing and request a hearing from the Commission within one month from the entry into force of this Regulation.

#### Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*. Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 17 March 1989.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

## COMMISSION DECISION No 708/89/ECSC

of 17 March 1989

imposing a provisional anti-dumping duty on imports of certain flat-rolled products of iron or non-alloy steel, cold-rolled, originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community<sup>(1)</sup>, as rectified<sup>(2)</sup>, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Decision,...

Whereas :

## A. PROCEDURE

- (1) In March 1988 the Commission received a complaint lodged by the European Confederation of Iron and Steel Industries (Eurofer) on behalf of producers whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*<sup>(1)</sup> the initiation of an anti-dumping proceeding concerning imports into the Community of flat-rolled products of iron or non-alloy steel (excluding 'electrical steels') of a width of 600 mm or more, cold-rolled, not clad, plated or coated, falling within CN codes 7209 11 00, 7209 12 90, 7209 13 90, 7209 14 90, 7209 21 00, 7209 22 90, 7209 23 90, 7209 24 91, 7209 24 99, 7209 31 00, 7209 32 90, 7209 33 90, 7209 34 90, 7209 41 00, 7209 42 90, 7209 43 90, 7209 44 90, 7209 90 10 and 7209 90 90, and originating investigation.
- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly

concerned the opportunity to make known their views in writing and to request a hearing.

- (3) The majority of the Yugoslav producers/exporters and some importers known to the Commission made their views known in writing. One of the importers requested a hearing which was granted.
- (4) No submissions were made by or on behalf of Community purchasers or processors of the cold-rolled flat products of iron or steel concerned.
- (5) The Commission sought and verified all information it deemed to be necessary for the purpose of a preliminary determination and carried out investigations at the premises of the following companies :

*EEC producers :*

- Stahlwerke Peine-Salzgitter AG, Salzgitter, Federal Republic of Germany,
- Cockerill Sambre SA, Seraing, Belgium,
- Italsider SpA, Genoa, Italy,
- Hoogovens Groep BV, IJmuiden, Netherlands,
- British Steel plc, London, United Kingdom.

*EEC importers :*

- Sam Industriestoffhandelsgesellschaft mbH, Werne, Federal Republic of Germany,
- Intersteel and Metals srl, Milan, Italy.

- (6) The Commission requested and received detailed written submissions from complainant Community producers and some importers and verified the information therein to the extent considered necessary.
- (7) The Commission also sent questionnaires to the Yugoslav producers known to be concerned in order to obtain the necessary information and granted ample extension of the time-limit laid down for the reply. However, the Yugoslav producers submitted incomplete information and refused in particular to disclose details of quantities and prices with regard to their domestic market and certain export transactions. Under these circumstances the Commission concluded that on the spot verification was not warranted and decided to base its preliminary determinations on the available evidence.
- (8) The investigation of dumping covered the period from 1 January 1987 to 30 June 1988.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 18.

<sup>(2)</sup> OJ No L 273, 5. 10. 1988, p. 19.

<sup>(3)</sup> OJ No C 184, 14. 7. 1988, p. 4.



**B. DUMPING****(a) Normal value**

- (9) As the Yugoslav producers refused to submit information with regard to sales of cold-rolled flat products of iron or steel on the domestic market, the Commission provisionally established normal values on the basis of the published basis prices<sup>(1)</sup> as they applied during the investigation period, referred to in the Exchange of Letters which appears in the Final Act of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part — 83/42/ECSC<sup>(2)</sup>.

**(b) Export prices**

- (10) As the Yugoslav producer failed to submit detailed information on its export transactions permitting to determine the export prices to the Community for the products in question, the Commission based its preliminary determination on the available evidence.

For this purpose the Commission used information from import licence applications transmitted to the Commission by the competent national authorities, in particular the purchase prices declared by applicant importers. As far as possible the Commission verified this information at the premises of those importers which were ready to cooperate.

**(c) Comparison**

- (11) In comparing normal value, i.e., basis prices less customs duty, with export prices the Commission took account, where appropriate and to the extent of the evidence available, of differences in conditions and terms of sale such as transport, insurance, forwarding and handling costs.
- (12) Since the basis prices are calculated cif Community frontier, all comparisons were made at the level of Community frontier, duty unpaid.

**(d) Dumping margins**

- (13) Export prices as established using the method described in recital 10 were compared with the corresponding normal value derived from the published basis prices transaction by transaction, the margins of dumping being equal to the amount

by which the normal value as established exceeds the prices for export to the Community.

- (14) The above preliminary examination of the facts shows the existence of dumping, the weighted average margin being 15,4 %.

**C. INJURY**

- (15) With regard to injury caused by the dumped imports the evidence available to the Commission shows that imports from Yugoslavia increased from 10 115 tonnes in 1985 to 114 372 tonnes in 1987 and 80 777 tonnes in the first six months of 1988. Their corresponding market share climbed from 0,4 % in 1985 to 4,2 % in 1987 and 5,6 % in the first half of 1988. The most affected Member States were Italy and the United Kingdom. The market share of the imports concerned shot up from 0,7 % in 1985 to 14,8 % in the second half of 1987 in Italy, and from zero in 1985 to 12,5 % in the first half of 1988 in the United Kingdom.

- (16) The evidence available to the Commission also indicates that the prices at which the dumped imports from Yugoslavia were sold in the Community undercut the prices of Community producers during the investigation period to a varying degree between 7 % and 25 %. Price undercutting was established by the Commission on the basis of price alignments to offers made for imports of cold-rolled flats originating in Yugoslavia notified to the Commission by Community producers.

The Commission has received notifications of price alignments against offers of the Yugoslav product in the investigation period for a total quantity of about 290 000 tonnes exceeding substantially the volume of dumped imports. This evidence shows that in addition to the injury caused by direct loss of sales through the volume increase of dumped imports from Yugoslavia considerable damage was generated by undercutting the prices of Community producers. The defensive price alignments to low priced offers of the dumped products caused a loss of revenue to Community producers which can be estimated at a minimum of ECU 21,5 million. On the basis the Commission has determined the weighted average margin of price undercutting provisionally at 14,75 % during the investigation period.

- (17) The information available to the Commission also reveals that sales by Community producers of cold-rolled flats, measured by deliveries to merchants on the Community market which are in direct competition to the imports from Yugoslavia concerned, declined by 8,5 % between 1984, when

<sup>(1)</sup> OJ No C 120, 15. 5. 1985, p. 25,  
OJ No C 119, 5. 5. 1987, p. 3,  
OJ No C 333, 11. 12. 1987, p. 2 and  
OJ No C 17, 22. 1. 1988, p. 2.  
<sup>(2)</sup> OJ No L 41, 14. 2. 1983, p. 113.

imports from Yugoslavia stood at a market share of 0,4 % and 1987, when the Yugoslav market share had reached 4,2 %. The Commission also considered that over the same period consumption of cold-rolled flats on the free market in the Community had increased by 5,5 %.

- (18) The consequent impact on the Community industry was a loss of sales and a decline of their market share combined with a substantial loss of revenues. The dumped imports from Yugoslavia also prevented the Community industry, just emerging from a crisis situation, to benefit in full from the recovery of demand for cold-rolled flats and to obtain the necessary improvement of their profitability.

- (19) The Commission has also considered whether injury has been caused by other factors such as a decline in Community consumption and imports from other third countries not alleged to be dumping. It was provisionally established that imports from other third countries have also moderately progressed during the investigation period. However, due to the stronger increase in Community consumption their market share fell by 1,5 percentage points while the Yugoslav share increased by 3,7 percentage points in the same period.

The evidence available to the Commission shows in addition that more than 90 % of the imports from other third countries have been originating in countries with which the Commission has concluded voluntary steel arrangements. The Commission is therefore satisfied that these imports, because of the quantitative limitation, the decline in their market share and the obligations of these countries to respect the Community price rules cannot be considered as factor that may have caused material injury to the Community industry.

- (20) The substantial increase in dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that, provisionally, the effect of the dumped imports of certain cold-rolled flat products of iron or steel originating in Yugoslavia taken in isolation has to be considered as constituting material injury to the Community industry concerned.

#### D. COMMUNITY INTEREST

- (21) The Commission had to take into account that the Community steel industry is faced with the necessity to continue its restructuring efforts and that the return to normal market conditions

following the gradual lifting of the crisis regime introduced by the Commission can only be achieved if fair trading conditions are established in the market.

In this context imports of significant quantities of dumped products into the Community also put into question the objectives sought by the external measures adopted within the framework of the Community steel policy; third countries which have concluded steel trade arrangements with the Community will only respect and renew these arrangements if they see a reasonable chance of selling the quantities provided for at price levels agreed.

- (22) In spite of the recent recovery of the steel market, which was just sufficient to overcome the crisis situation and permitted the Commission to lift the system to production quotas, serious difficulties remain for the Community steel industry. It is further necessary to continue the restructuring efforts with a view to better adaptation of capacities to the medium-term demand prospects, to modernize equipment and to rationalize production processes. For this purpose it is a necessary condition that operations of Community producers are not prevented by foreign exporters' unfair practices from prices of Community producers are realized in the Community market. In the light of this situation and the factors referred to above the Commission has come to the conclusion that it is in the Community's interest that action be taken.

In order to prevent further injury being caused during the remainder of the proceeding this action should take the form of a provisional anti-dumping duty to be imposed on imports of certain cold-rolled flat products of iron or steel originating in Yugoslavia.

#### E. RATE OF DUTY

- (23) Taking into account that it is necessary for the Community industry to achieve its published list prices in order to generate a sufficient flow of earnings and to keep the impact of restructuring within acceptable limits, the duty should be less than the dumping margin but sufficient to eliminate the injury found and be expressed as an amount in ecus to be paid on each tonne imported into the Community. This form of duty, seems more appropriate in the light of the specific circumstances of the market for the relevant products in order to ensure the effectiveness of the measure and to prevent evasion.

On this basis the Commission determined the amount of the provisional duty necessary to eliminate the injury to be ECU 54 to be paid on each tonne imported into the Community.

- (24) A period should be fixed within which the parties concerned may make their views known and request a hearing.

HAS ADOPTED THIS DECISION:

*Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of flat-rolled products of iron or non-alloy steel (excluding 'electrical steels') of a width of 600 mm or more, cold-rolled, not clad, plated or coated, corresponding to CN codes 7209 11 00, 7209 12 90, 7209 13 90, 7209 14 90, 7209 21 00, 7209 22 90, 7209 23 90, 7209 24 91, 7209 24 99, 7209 31 00, 7209 32 90, 7209 33 90, 7209 34 90, 7209 41 00, 7209 42 90, 7209 43 90, 7209 44 90, 7209 90 10 and 7209 90 90, originating in Yugoslavia.

2. The amount of the duty shall be ECU 54 per 1 000 kilograms.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

*Article 2*

Without prejudice to Article 7 (4) (b) and (c) of Decision No 2424/88/ECSC, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Decision.

*Article 3*

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

Subject to Articles 11, 12 and 14 of Decision No 2424/88/ECSC, it shall apply for a period of four months, unless the Commission adopts definitive measures before the expiry of that period.

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

Done at Brussels, 17 March 1989.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

**COMMISSION REGULATION (EEC) No 709/89**  
**of 20 March 1989**

**fixing the minimum selling prices for boned beef put up for sale by tender in  
accordance with Regulation (EEC) No 2326/79**

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 <sup>(3)</sup>, as amended by Regulation (EEC) No 1809/87 <sup>(4)</sup>, the minimum selling prices for meat put up for sale by tender should be fixed taking into account tenders submitted;

Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 2326/79 <sup>(5)</sup>, tenders have been invited for certain quantities of boned beef and veal fixed by Commission Regulation (EEC) No 106/89 <sup>(6)</sup>; whereas, consequently, the minimum selling prices should be fixed;

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. The minimum selling prices for boned beef stored by the Danish, Italian, and the United Kingdom intervention agencies for sale by tender in accordance with Regulation (EEC) No 2326/79, for which the time limit for the submission of tenders was 9 March 1989, shall be as set out in the Annex hereto.

2. Tenders submitted in response to the invitation referred to in paragraph 1 shall be rejected unless they are for the products listed in the Annex.

*Article 2*

This Regulation shall enter into force on 21 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 251, 5. 10. 1979, p. 12.

<sup>(4)</sup> OJ No L 170, 30. 6. 1987, p. 23.

<sup>(5)</sup> OJ No L 266, 24. 10. 1979, p. 5.

<sup>(6)</sup> OJ No L 15, 19. 1. 1989, p. 11.

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

## DANMARK (\*)

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ecus/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (Ecu/τόνο) Minimum selling prices (ECU/tonne) Prix de vente minimaux (écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkooprijzen (ecu/ton) Preço mínimo de venda (ecus/tonelada)
Kategori A  Bryst og slag	1 951

(\*) Anuncio de licitación nº DK P — 58, DO nº C 46 de 25. 2. 1989, p. 16.

(\*) Licitationsbekendtgørelse nr. DK P — 58, EFT nr. C 46 af 25. 2. 1989, s. 16.

(\*) Ausschreibung Nr. DK P — 58, ABl. Nr. C 46 vom 25. 2. 1989, S. 16.

(\*) Προκήρυξη διαγωνισμού αριθ. DK P — 58, ΕΕ αριθ. C 46 της 25. 2. 1989, σ. 16.

(\*) Notice of invitation to tender No DK P — 58, OJ No C 46, 25. 2. 1989, p. 16.

(\*) Avis d'adjudication nº DK P — 58, JO nº C 46 du 25. 2. 1989, p. 16.

(\*) Bando di gara n. DK P — 58, GU n. C 46 del 25. 2. 1989, pag. 16.

(\*) Bericht van inschrijving nr. DK P — 58, PB nr. C 46 van 25. 2. 1989, blz. 16.

(\*) Anúncio de adjudicação nº DK P — 58, JO nº C 46 de 25. 2. 1989, p. 16.

## ITALIA (\*)

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ecus/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (Ecu/τόνο) Minimum selling prices (ECU/tonne) Prix de vente minimaux (écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkooprijzen (ecu/ton) Preço mínimo de venda (ecus/tonelada)
Categoria A  Pancia Petto	1 604  1 755

(\*) Anuncio de licitación nº IT P — 2, DO nº C 46 de 25. 2. 1989, p. 13.

(\*) Licitationsbekendtgørelse nr. IT P — 2, EFT nr. C 46 af 25. 2. 1989, s. 13.

(\*) Ausschreibung Nr. IT P — 2, ABl. Nr. C 46 vom 25. 2. 1989, S. 13.

(\*) Προκήρυξη διαγωνισμού αριθ. IT P — 2, ΕΕ αριθ. C 46 της 25. 2. 1989, σ. 13.

(\*) Notice of invitation to tender No IT P — 2, OJ No C 46, 25. 2. 1989, p. 13.

(\*) Avis d'adjudication nº IT P — 2, JO nº C 46 du 25. 2. 1989, p. 13.

(\*) Bando di gara n. IT P — 2, GU n. C 46 del 25. 2. 1989, pag. 13.

(\*) Bericht van inschrijving nr. IT P — 2, PB nr. C 46 van 25. 2. 1989, blz. 13.

(\*) Anúncio de adjudicação nº IT P — 2, JO nº C 46 de 25. 2. 1989, p. 13.

## UNITED KINGDOM (1)

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ecus/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (Ecu/τόνο) Minimum selling prices (ECU/tonne) Prix de vente minimaux (écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkooprijzen (ecu/ton) Preço mínimo de venda (ecus/tonelada)
<i>Category C</i>  Pony Foreribs	  2 823 3 103

(1) Anuncio de licitación nº UK P — 53, DO nº C 53 de 2. 3. 1989, p. 17.

(1) Licitationsbekendtgørelse nr. UK P — 53, EFT nr. C 53 af 2. 3. 1989, s. 17.

(1) Ausschreibung Nr. UK P — 53, ABl. Nr. C 53 vom 2. 3. 1989, S. 17.

(1) Προκήρυξη διαγωνισμού αριθ. UK P — 53, ΕΕ αριθ. C 53 της 2. 3. 1989, σ. 17.

(1) Notice of invitation to tender No UK P — 53, OJ No C 53, 2. 3. 1989, p. 17.

(1) Avis d'adjudication nº UK P — 53, JO nº C 53 du 2. 3. 1989, p. 17.

(1) Bando di gara n. UK P — 53, GU n. C 53 del 2. 3. 1989, pag. 17.

(1) Bericht van inschrijving nr. UK P — 53, PB nr. C 53 van 2. 3. 1989, blz. 17.

(1) Anúncio de adjudicação nº UK P — 53, JO nº C 53 de 2. 3. 1989, p. 17.

**COMMISSION REGULATION (EEC) No 710/89****of 20 March 1989****on the supply of refined rape seed oil to non-governmental organizations (NGOs) 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1870/88 <sup>(2)</sup>, 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 <sup>(3)</sup> 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, by its Decision of 16 March 1988 on the supply of food aid to NGOs the Commission allocated to the latter organizations 90 tonnes of refined rape seed 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 <sup>(4)</sup>; 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*

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rape seed oil to NGOs in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annexé hereto.

*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, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.<sup>(2)</sup> OJ No L 168, 1. 7. 1988, p. 7.<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX

1. **Operation No** (1): 41/89
2. **Programme**: 1988
3. **Recipient**: Ligue des sociétés de la Croix-Rouge et du Croissant Rouge, Service Logistique, BP 372, CH-1211 Genève 19, tél. 34 55 80, telex 22555 LRCS CH
4. **Representative of the recipient** (2): Uganda Red Cross-97, Bungandi Road, Plot 97, PO Box 494-Kampala / Uganda-Tlx 62118 REDCROS UG. Tel. 25 87 01/2
5. **Place or country of destination**: Uganda
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3):  
See list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 90 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (4):  
See list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):  
— metal cans of 10 litres packed in cartons, with two cans per carton  
— the cans must carry the following wording:  
'ACTION No 41/89 / a red cross, 10 × 10 cm / VEGETABLE OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE LEAGUE OF RED CROSS SOCIETIES (LICROSS) / FOR FREE DISTRIBUTION / KAMPALA'
11. **Method of mobilization**: Community market
12. **Stage of supply**: free at destination: Red Cross warehouse / Kampala
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**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 16. 5. 1989 to 13. 6. 1989
18. **Deadline for the supply**: 11. 7. 1989
19. **Procedure for determining the costs of supply** (5): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 4. 4. 1989 not later than 12 noon. Tenders shall be valid until 12 midnight on 5. 4. 1989
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 18. 4. 1989 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 19. 4. 1989
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 30. 5. 1989 to 27. 6. 1989
  - (c) deadline for the supply: 25. 7. 1989
22. **Amount of the tendering security**: ECU 15/tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecu
24. **Address for submission of tenders** (6):  
Bureau de l'aide alimentaire,  
à l'attention de Monsieur N. Arend,  
bâtiment Loi 120, bureau 7/58,  
200, rue de la Loi,  
B-1049 Bruxelles  
Telex: AGREC 22037 B.
25. **Refund payable on request by the successful tenderer**: —



*Notes:*

- (<sup>1</sup>) The operation number is to be quoted in all correspondence.
- (<sup>2</sup>) Commission delegate to be contacted by the successful tenderer: see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (<sup>3</sup>) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The successful tenderer is to contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (<sup>4</sup>) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the 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
- (<sup>5</sup>) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (<sup>6</sup>) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing are to be borne by the successful tenderer:
- should containers be used on an FCL/FCL or LCL/FCL basis, all costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to be borne by the recipient,
  - should containers be used on an LCL/LCL or FCL/LCL basis, all the costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned Article 14 (5) (a), the LCL charges (destuffing of the goods). The local charges incurred after the stage of destuffing the goods from the containers are to be borne by the recipient.
-

**COMMISSION REGULATION (EEC) No 711/89**  
**of 20 March 1989**  
**concerning applications for STM licences in the beef and veal sector submitted**  
**during the first 10 days of March 1989**

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 569/86 of 25 February 1986 laying down general rules for the application of the supplementary trade mechanism (STM) <sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88 <sup>(2)</sup>, and in particular Article 7 thereof,

Having regard to Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) <sup>(3)</sup>, as last amended by Regulation (EEC) No 3296/88, and in particular Article 6 thereof,

Whereas Regulation (EEC) No 569/86 provides for the use of STM licences in order to ensure that the tonnages traded of certain products do not exceed those laid down in the Act of Accession and in Commission Regulation (EEC) No 3972/88 <sup>(4)</sup>; whereas, therefore, the Commission has to decide, in accordance with Article 6 of Regulation (EEC) No 574/86, whether STM licences can be issued for all, some, or none of the tonnages applied for;

Whereas, in the light of the quantities available and the applications for licences submitted during the first 10

days of March 1989, licences may, for certain products, be issued for the tonnages applied for and up to a percentage of the tonnages applied for in the case of other products,

HAS ADOPTED THIS REGULATION :

*Article 1*

Applications for STM licences, submitted during the first 10 days of March 1989 and notified to the Commission,

(a) shall be accepted for the tonnages applied for in the case of the following products :

— meat of animals of the bovine species, frozen, and offal of animals of the bovine species ;

(b) shall, in the case of the following products, be accepted up to the percentage shown :

— fresh or chilled meat of animals of the bovine species : 0,136 %,

— live animals of the bovine species, other than pure-bred breeding animals and animals for bull fights : 0,131 %.

*Article 2*

This Regulation shall enter into force on 21 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.

<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.

<sup>(3)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(4)</sup> OJ No L 351, 21. 12. 1988, p. 17.

**COMMISSION REGULATION (EEC) No 712/89**  
**of 20 March 1989**  
**correcting Regulation (EEC) No 701/89 altering the export refunds 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1109/88<sup>(2)</sup>, and in particular Article 17 (5) thereof,

Whereas the export refunds on milk and milk products were fixed by Commission Regulation (EEC) No 547/89<sup>(3)</sup>, as amended by Regulation (EEC) No 701/89<sup>(4)</sup>;

Whereas a mistake has crept into that Regulation; whereas the Regulation in question should be corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 547/89 are hereby corrected, in respect of the products set out in the Annex hereto, to the amounts set out therein.

*Article 2*

This Regulation shall enter into force on 21 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 27.

<sup>(3)</sup> OJ No L 60, 3. 3. 1989, p. 13.

<sup>(4)</sup> OJ No L 76, 18. 3. 1989, p. 31.

## ANNEX

to the Commission Regulation of 20 March 1989 correcting Regulation (EEC) No 701/89  
altering the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	75,00
	404	—
	...	87,74
0406 20 90 915	028	—
	032	—
	400	100,00
	404	—
	...	116,99
0406 20 90 917	028	—
	032	—
	400	106,25
	404	—
	...	124,30
0406 20 90 919	028	—
	032	—
	400	118,75
	404	—
	...	138,92
0406 20 90 990		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	15,41
	404	—
	...	23,26
0406 30 31 500'	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	—
	...	74,16
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	—
	...	50,52
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	—
	...	74,16
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	33,48
	404	20,00
	...	50,52
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	49,14
	404	28,00
	...	74,16
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00

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

Product code	Destination (*)	Amount of refund
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	71,56
	404	—
	...	108,00
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	87,34
	404	—
	...	131,82
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	87,34
	404	—
	...	131,82
0406 40 00 100	—	—
0406 40 00 900	028	—
	032	—
	038	—
	400	65,00
	404	—
	...	131,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 15 900	—	—
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	96,00
	404	—
	...	164,34
0406 90 17 900	—	—
0406 90 21 100	—	—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	156,68

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	43,18
	404	—
	...	119,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	48,06
	404	16,00
	...	93,27
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	44,92
	404	14,96
	...	87,18
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	163,54
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	170,00
	404	140,00
	...	190,00



*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	217,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	170,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	130,00
	404	80,00
	...	170,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	40,26
	404	—
	...	91,15
	0406 90 71 950	028
	032	20,00
	036	—
	038	—
	400	44,39
	404	—
	...	100,50
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	50,45
	404	—
	...	114,22
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	156,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	50,00
	404	—
	...	130,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	45,21
	404	—
	...	114,22
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	60,00
	404	—
	...	140,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	43,18
	404	—
	...	119,71

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 83 990	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	163,54
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	100,00
	404	—
	...	135,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	50,00
	404	—
	...	140,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	40,26
	404	—
	...	91,15

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	44,39
	404	—
	...	100,50
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	50,45
	404	—
	...	114,22
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	156,00
	0406 90 89 959	028
032		—
036		—
038		—
400		100,00
404		—
...		135,00
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	59,00
	404	—
	...	140,35
0406 90 89 972	028	—
	032	—
	400	30,02
	404	—
	...	50,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	59,00
	404	—
	...	140,35

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

Product code	Destination (*)	Amount of refund
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	18,09
	404	—
	...	21,46
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	31,72
	404	—
	...	37,62
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	38,62
	404	—
	...	45,81
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—

(\*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '...'. .

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

**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 713/89**  
**of 20 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 699/89 <sup>(4)</sup>;

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 21 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 203, 28. 7. 1988, p. 22.

<sup>(4)</sup> OJ No L 76, 18. 3. 1989, p. 27.

## ANNEX

to the Commission Regulation of 20 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,76 <sup>(1)</sup>
1701 11 90	32,76 <sup>(1)</sup>
1701 12 10	32,76 <sup>(1)</sup>
1701 12 90	32,76 <sup>(1)</sup>
1701 91 00	39,79
1701 99 10	39,79
1701 99 90	39,79 <sup>(2)</sup>

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

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

## COMMISSION REGULATION (EEC) No 714/89

of 20 March 1989

## laying down detailed rules applying to the special premium for beef producers

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 4a (3) thereof,

Having regard to Council Regulation (EEC) No 468/87 of 10 February 1987 laying down general rules applying to the special premium for beef producers <sup>(3)</sup>, as amended by Regulation (EEC) No 572/89 <sup>(4)</sup>, and in particular Articles 3 (2) and 5 thereof,

Whereas pursuant to Article 3 (2) of Regulation (EEC) No 468/87 Member States may be authorized, for administrative reasons, to stipulate that applications cover a minimum number of animals; to conditions under which such authorizations may be granted should be laid down;

Whereas Article 5 of the same Regulation states that the detailed rules of application for the special premium are to deal with the lodging of applications and payment of the premium, identification of animals, the control, in respect of the number of animals declared and the retention period; procedures and special provisions to be applied when live animals from Member States granting the premium on slaughter are exported from the Community or consigned to other Member States and the various conditions to be respected at the time when the slaughter premium is granted or when the animals are first marketed;

Whereas, in view of the difficulties of furnishing evidence of compliance with the requirements laid down, it should be specified that applications be accompanied by declarations and undertakings by recipients and that these be subject to both administrative and on-the-spot checks by Member States regarding a minimum number of holdings, and give rise to total recovery of the sums paid should they turn out to be inexact;

Whereas in the light of experience and taking account in an appropriate manner, of infractions of minor

importance it is necessary to reinforce the measures for preventing and sanctioning irregularities and frauds;

Whereas to this end it is appropriate to exclude applicants for the premium for a period of 12 months in the case of a false declaration made deliberately or through serious negligence;

Whereas, so that the checks can be carried out, Member States should specify a period during which cattle are to be retained on the farm following lodging of the application that suits their administrative requirements and is long enough to permit adequate checking without excessively delaying marketing of the cattle;

Whereas the premium must be paid within a time limit that while permitting the required conditions to be complied with does not result in any reduction of the producer income support that the Council intended to provide by granting the special premium;

Whereas in view of the control requirements for the special premium scheme animals should be visibly identified by means of marks or other, numerical, identification systems accompanied by documents or registers; whereas animals consigned alive from Member States granting the premium on slaughter to other Member States or exported live from the Community must also be marked in a special way; whereas in the case of these animals presentation must be required of a document certifying that they have left the Member State in question for another Member State or have left the customs territory of the Community;

Whereas, in view of the marketing requirements for male cattle held by producers at the time when this Regulation enters into force, a temporary exception to the obligation to the application should be granted, on condition however that the cattle two months; whereas it is necessary, furthermore, to lay down for these animals, which by virtue of their age are difficult to handle, an exception to the marking system;

Whereas Commission Regulation (EEC) No 859/87 <sup>(5)</sup>, as last amended by Regulation (EEC) No 675/89 <sup>(6)</sup>, is replaced by this Regulation and can therefore be repealed; whereas it must, however, remain applicable in

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 48, 17. 2. 1987, p. 4.

<sup>(4)</sup> OJ No L 63, 7. 3. 1989, p. 1.

<sup>(5)</sup> OJ No L 82, 26. 3. 1987, p. 25.

<sup>(6)</sup> OJ No L 73, 17. 3. 1989, p. 16.



respect of applications for premiums lodged before 3 April 1989 and applications concerning animals consigned or exported prior to that date ;

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. Applications for the premium referred to in Article 4a of Regulation (EEC) No 805/68 shall be lodged by producers with the competent authority designated by the Member State and shall include the number of animals for which the premium is requested.

Member States may determine the period or periods during which applications for the premium may be lodged. They may restrict the number of applications lodged by the same producer per period or per calendar year.

2. The total number of animals for which application for the premium may be made may not exceed 90 eligible animals per calendar year per holding.

Animals for which an application was lodged during the period from 1 January to 2 April 1989 shall be part of the number for the 1989 calendar year.

3. The authorization provided for in Article 3 (2) of Regulation (EEC) No 468/87 may not be granted unless the minimum number of animals laid down :

- is no more than five,
- will not give rise to any discrimination between producers within the Member State,
- is applicable for one or more calendar years.

4. To be valid, applications must include a declaration by the producer of the number of animals for which he has applied for the premium in the course of the calendar year.

5. After marking the necessary checks the competent authority shall inform each applicant of outcome of his application. If the application is accepted it may however pay the premium without first informing the applicant of the outcome.

#### Article 2

Applications for the premium in respect of live animals lodged pursuant to Article 3 of Regulation (EEC) No 468/87 shall, in addition to the declarations required pursuant to that Article and pursuant to Article 1 (4) of this Regulation :

- indicate the age of the animals, and
- include an undertaking by the producer to retain the male animals for which he applies for the premium on his holding for the period fixed pursuant to Article

8 (2), without prejudice to the provisions of the third subparagraph of Article 2 (1) of Regulation (EEC) No 468/87, and at least until they are nine months old.

#### Article 3

1. Premium applications lodged pursuant to Article 4 of Regulation (EEC) No 468/87 shall be presented as specified in that Regulation, and in particular paragraph 3 of the said Article 4.

2. Member States, in agreement with the Commission, may decide that where a single application in respect of one calendar year is lodged in advance, an indication of the number of animals to which the application applies shall not be necessary. The application shall be completed progressively by the competent authority on the basis of documents completed by the slaughterhouse attesting to the slaughter of each animal and the identity of its producer.

Notwithstanding Article 4, the date of slaughter shall be used to determine the year for the purposes of the headage limit.

#### Article 4

The date on which the application shall be lodged is used to determine the year for the purpose of complying with the annual headage limit.

#### Article 5

1. Animals for which the premium is granted in accordance with Article 4 (2) of Regulation (EEC) No 468/87 must be slaughtered within 21 days from the date on which they are first marketed.

2. The carcase weight referred to in Article 4 (1) (a) of Regulation (EEC) No 468/87 shall be established on the basis of a carcase meeting the requirements laid down in Annex II to Commission Regulation (EEC) No 2226/78 <sup>(1)</sup>. If the carcase presented differs from the above definition, the correction coefficients laid down in the Annex to Commission Regulation (EEC) No 563/82 <sup>(2)</sup> shall apply.

3. When the premium is paid back by an intermediary to the producer in accordance with Article 4 (3) (a) of Regulation (EEC) No 468/87, the amount repaid must be indicated on the invoice ; it may not be included in the price paid to the producer.

#### Article 6

1. The amounts fixed in Article 4(a) (1) of Regulation (EEC) No 805/68 shall be paid no later than nine months or where Article 3 (2) is applied, 15 months following the date on which the application was lodged. In no case shall they be paid before expiry of the retention period referred to in the second indent of Article 2.

<sup>(1)</sup> OJ No L 261, 26. 9. 1978, p. 5.

<sup>(2)</sup> OJ No L 67, 11. 3. 1982, p. 23.

2. The conversion rate to be applied to the amounts referred to in paragraph 1 shall be the agricultural conversion rate applicable on the day when the application was lodged. However, for applications lodged during a period fixed pursuant to the second subparagraph of Article 1 (1), the agricultural conversion rate shall be that applicable on the first day of this period.

#### Article 7

1. Animals for which a premium application as mentioned in Article 2 is lodged shall, within the time limits fixed by the Member States and at the latest within five weeks from the date when the application was lodged, bear a clearly visible permanent identification consisting of either perforation or marking of the ear or of an ear notch.

Methods of identification used by the Member States other than in specific connection with the special premium may also be used to identify the animals eligible for the premium, providing that such methods enable each animal to be identified by a number on the ear or on an ear tag. Where this is the case, the number of the animals in question must be stated on the premium application and this applications must be furnished:

- by a document which shall accompany the animal throughout its life and shall bear the identification number of the animal concerned,
- or, provided that the Member States take the necessary measures to avoid the risk of the premium being granted twice, by a register in which the animal is registered under its number, and which is kept by the competent authorities or, if national legislative and administrative rules permit and in agreement with the Commission, by the producer.

However, animals so identified which are consigned, after payment of the premium, to another Member State must be marked in a specific way at the time of consignment.

2. Member States may require that carcasses presented pursuant to Article 4 (1) of Regulation (EEC) No 468/87 be marked.
3. Animals which are the subject of a premium application pursuant to Article 4 (2) of Regulation (EEC) No 468/87 shall be marked by an ear punch when first marketed.
4. Member States shall adopt national provisions for the identification provided for in paragraph 1 and the marking provided for in paragraphs 2 and 3. They shall inform the Commission of these provisions before 3 April 1989.

#### Article 8

1. The competent authority appointed by each Member State shall operate administrative checks and on-farm inspection in order to verify that the provisions governing the special premium are complied with. These inspections must be carried out at a minimum number of

holdings to be determined by the Commission in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68. The control measures shall cover in particular:

- (a) the presence on the holding run by the producer of the number of male cattle covered by the application or the observance of the 90-head limit per calendar year and per farm for the purposes of Article 4 of Regulation (EEC) No 468/87;
- (b) the correctness of the required declarations and fulfilment of the undertakings made by the producer;
- (c) compliance with the provisions on identification and marking specified in Article 7.

2. In order to enable them to exercise adequate control of applications lodged pursuant to Article 2, Member States shall set a minimum period during which male cattle must be kept on the holding following the date of lodging of the application. This period may not be less than two nor more than five months.

3. For the purposes of Article 4 of Regulation (EEC) No 468/87, the checks must show that the producer has produced finished animals for slaughter or for first marketing with a view to slaughter and that the means of production have allowed for the fattening, for a period of at least two months on the holding, of the number of animals for which a, or the, application(s) were lodged by the producer for the year concerned.

The checks shall be carried out on the basis of the accounts of the holding and any other available document as well as a technical assessment of the means of production used by the producer. In cases of doubt, it shall be the responsibility of the producer to prove that he did fatten the number of animals in question.

#### Article 9

1. Without prejudice to paragraphs 2, 3 and 4, where the number of eligible animals ascertained at the time of inspection is lower than the number in respect of which the premium application was lodged, no premium shall be paid.

2. If the reduction in the number of animals can be ascribed to natural circumstances affecting the herd, the premium shall be paid for the number of animals actually eligible, provided that the recipient has informed the competent authority in writing of the circumstances in question within 10 days of the incident.

3. Entitlement to the premium shall subsist for the number of animals effectively eligible where, for reasons of *force majeure*, and especially those listed in Article 5 of Commission Regulation (EEC) No 1244/82<sup>(1)</sup> the producer has not been able to comply with the undertaking provided for in Article 2. The producer shall duly inform the competent authorities within 10 days of the incident.

<sup>(1)</sup> OJ No L 143, 20. 5. 1982, p. 20.

4. In cases other than those referred to in paragraphs 2 and 3 where the difference in the number of effectively eligible animals is less than 5 % of the declared number or, at most, one animal if the number of animals declared is equal or less than 20 head, the premium less 20 % shall be paid for the number of eligible animals provided that according to the competent authority, where is no suggestion that a false declaration has been made either deliberately or through serious negligence.

5. Premiums improperly paid shall be recovered, plus interest, to be fixed by the Member State in respect of the period between payment of the premium and its recovery.

6. In cases where paragraph 1 is applied, if the competent authority determines that a false declaration has been made either deliberately or through negligence the producer in question shall be excluded from the premium system for a period of 12 months from the date such determination was made.

#### Article 10

Where eligible live animals are consigned from a Member State applying the arrangement specified in Article 4 of Regulation (EEC) No 468/87 to another Member State or exported to a third country, the special premium may be granted when the animals leave the Member State in question.

In such cases :

(a) the application shall be accompanied :

- by a declaration by the producer that the animals are at least nine months old on the date of consignment or export and that they have been kept on his holding for at least two months, and
- by the proof of consignment or export of the animals, as specified in Article 12 (1) and (2).

(b) the animals shall be marked as specified in Article 7 (1).

#### Article 11

1. Notwithstanding Article 2, producers in Member States or regions of a Member State applying the special premium for the first time may, during a transition period from 3 April to 4 June 1989, lodge applications for the premium without making the undertaking referred to in the second indent of the said Article.

In such cases the producer must declare on his application that the animals concerned are at least nine months old on the date on which the application is lodged and that he has kept them on his holding for at least two months before that date.

2. Member States, not concerned by the application of paragraph 1, may open, from 3 April to 4 June 1989, a period for the lodging of transitional premium applications for animals whose fattening is almost completed.

In this case, the producer must declare in his application :

- that the animals concerned are at least 12 months old at the date of lodging of the application,

- that he is keeping them on his holding for at least one month,

- that the animals will be slaughtered or exported to third countries before 3 September 1989.

3. The animals concerned must have a clearly visible and permanent identification mark.

#### Article 12

1. Proof that animals have been consigned shall be considered to be furnished by presentation of an attestation issued by the competent authorities of the Member State of departure certifying that the animals have left the Member State.

Use of the internal Community transit procedure for consignment of the animals shall be compulsory in order to allow the abovementioned attestation to be issued. The attestation shall be stamped on request after the office of departure has received the transit document in return.

In the case of animals consigned under cover of an international consignment note equivalent to a T2 document, the attestation shall on request be issued after the consignment note has been presented showing that the animals have been accepted for transport by the railway authorities. Unless the attestation has not been delivered or will be returned, the office of departure may not authorize any change in the transport contract the effect of which would be that the transport operation would be terminated in a Member State other than the Member State of destination.

In cases of export, proof that the animals have left the Community shall be the same as that required in cases of application for export refunds.

#### Article 13

1. Member States shall notify the Commission of the measures taken to implement Regulation (EEC) No 468/87 and this Regulation, not more than 10 days after the date on which they are implemented.

2. Member States shall notify the Commission not later than 31 March of each year of the number of animals for which the special premium was granted during the previous calendar year.

#### Article 14

Regulation (EEC) No 859/87 is hereby repealed. However, it shall remain applicable to applications for the premium lodged prior to 3 April 1989 and to applications concerning animals consigned or exported before that date.

#### Article 15

This Regulation shall enter into force on 3 April 1989. It shall apply to applications lodged on and after 3 April 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

---

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 21 December 1988

relating to a proceeding under Article 86 of the EEC Treaty (IV/31.851 — Magill TV Guide/ITP, BBC and RTE)

(Only the English text is authentic)

(89/205/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962 First Regulation implementing Articles 85 and 86 of the Treaty <sup>(1)</sup>, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 3 (1) thereof,

Having regard to the complaint lodged by Magill TV Guide Ltd on 4 April 1986 against Independent Television Publications Ltd, British Broadcasting Corporation and Radio Telefis Eireann,

Having regard to the Commission Decision of 16 December 1987 to initiate proceedings in this case,

Having given the undertakings concerned the opportunity to make known their views on the objections raised by the Commission, pursuant to Article 19 (1) of Regulation No 17 read in conjunction with Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Article No 19 (1) of Council Regulation No 17 <sup>(2)</sup>,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas,

## I. THE FACTS

- (1) This Decision concerns the practices and policies of Independent Television Publications Ltd, British

Broadcasting Corporation and BBC Enterprises Ltd, and Radio Telefis Eireann, respectively, in relation to their advance programme listings, and the effect of these practices and policies on the market for television (TV) programme guides for programmes which can be received in Ireland and Northern Ireland.

## A. The undertakings

(a) *ITP*

- (2) Independent Television Publications Ltd, London, was established in 1967 in order to publish a national programme journal for independent television in the United Kingdom. The shareholders of ITP are the current television contractors franchised by the Independent Broadcasting Authority (IBA) to supply independent television programmes. The IBA itself is a public corporation established in order to provide (independent) television and radio broadcasting services as a public service in the United Kingdom, the Isle of Man and the Channel Islands additional to that of the BBC. The IBA awards contracts to private undertakings to supply programmes for particular regions of the country or to supply a particular programme service. These contractors together provide the programmes for one TV channel (ITV). In addition Channel 4 Television Company Ltd, a subsidiary of the IBA, also provides a television programme service.

<sup>(1)</sup> OJ No 13, 21. 2. 1962, p. 204/62.

<sup>(2)</sup> OJ No 127, 20. 8. 1963, p. 2268/63.

(b) *BBC*

- (3) The British Broadcasting Corporation is incorporated in the United Kingdom by Royal Charter and operates under a licence granted by the Secretary of State for Home Affairs. The principal object of the BBC is to provide a public broadcasting service for general reception at home and overseas. Another object is to compile, print, publish, issue, circulate and distribute, with or without charge, such printed matter as may be conducive to any of the objects of the corporation.

The BBC's revenue is derived from three sources: television licence income; grants; and the BBC's own commercial trading activities conducted through BBC Enterprises Ltd, the BBC's wholly owned subsidiary, including publications.

The total annual turnover of BBC Enterprises Ltd, for 1986 and 1987 was £ 117 million.

(c) *RTE*

- (4) Radio Telefis Eireann Authority is a statutory corporate body established in Ireland to provide a national television and sound broadcasting service, fulfilling public service conditions. RTE has also been granted authority to publish, with or without charge, such printed matter as may seem conducive or incidental to its objects.

RTE's revenue is derived from three sources: television licence income, advertising revenue and publications.

(d) *Magill*

- (5) Magill TV Guide Ltd, Dublin, was established in order to publish in Ireland and Northern Ireland a weekly magazine containing information on forthcoming television programmes available to television viewers in the area. Publication began initially in May 1985. Following injunctions obtained by ITP, BBC and RTE, restraining Magill from publishing their advance weekly television listings pending full national proceedings on the right to publish this material, Magill has for the present ceased its publishing activities.

Magill TV Guide Ltd is a wholly owned subsidiary of Magill Publications Holdings Ltd, Dublin.

### B. The television market <sup>(1)</sup>

- (6) In December 1985 there were 0,5 million colour and 0,2 million black and white television licences

<sup>(1)</sup> The market for radio programmes is not considered separately in the present Decision because advance listings for radio programmes services are normally published together with television programme listings.

on issue to households in Ireland (Central Statistical Office's figures). The comparable figures for the United Kingdom in July 1986 were 16,3 million and 2,6 million. In Northern Ireland 0,3 million households possessed television licences in November 1986. The vast majority of the population in both countries have access to a television.

In Ireland RTE enjoys a statutory monopoly for the provision of a national broadcasting service. It currently broadcasts on two channels — RTE 1 and RTE 2.

In the United Kingdom a duopoly exists between the BBC and the IBA for the provision of the two national television services. Each provides two channels — BBC 1 and BBC 2, ITV and Channel 4, respectively, with regional variations. Northern Ireland is one such region <sup>(2)</sup>.

In addition to the programme services which are broadcast to them directly, most television viewers in Ireland and Northern Ireland also receive the neighbouring television programmes. As a result, therefore, these viewers receive at least six television channels: RTE 1, RTE 2, BBC 1 (Northern Ireland), BBC 2, ITV (Ulster) and Channel 4. Alternatively or in addition some viewers receive the BBC and IBA programmes broadcast in Wales.

Furthermore, since January 1987 many viewers in Ireland have also been able to receive a number of satellite channels distributed by the various cable operators in that country <sup>(3)</sup>. Additional television channels are also envisaged in both countries in the course of 1989.

### C. The products

- (7) The products involved in this case are the advance listings of forthcoming television and radio programmes.

Advance weekly listings are sent, free of charge, on request, to newspapers, and in some cases, to magazines in the form of programme information sheets or summaries. These sheets or summaries may include additional information on the content of individual programmes. They also include a

<sup>(2)</sup> A limited number of viewers in the United Kingdom may also receive additional channels distributed by local cable operators. As yet however cable services are not widely available in the United Kingdom as a whole. No such service is available in Northern Ireland.

<sup>(3)</sup> These include Sky Channel, Super Channel, Arts Channel, Children's Channel, Cork Multichannel, Lifestyle and Screensport.

copy of, or reference to, the copyright notice or licence defining the limits within which publishers are permitted to reproduce this information which viewers and listeners in Ireland and in the United Kingdom or substantial parts thereof can receive. A listing is defined for present purposes as a list of programmes to be broadcast by or on behalf of a broadcasting organization within a given period of time, the list including the following information: the title of each programme to be broadcast, the channel, the date and time of transmission.

Programme listings are produced in the course of determining the content of the programme service to be broadcast, including the channel and time of transmission of each programme. This may be termed programme scheduling. The planning procedure for the IBA, BBC and RTE programme schedules may start several months before the actual date of broadcast, and may initially relate to periods of more than a week before weekly and daily programme schedules are prepared. In any event the schedules go through a series of drafts, which become increasingly detailed and precise at each stage, until a weekly schedule is finalized (subject to last minute changes) between two and four weeks before transmission, depending on the practice of the broadcasting organization or companies concerned. The listings serve to document the weekly programme schedules. At this stage, however, they also become marketable products.

#### D. Copyright law and programme listings

##### *United Kingdom*

- (8) It has been expressly confirmed that television programme listings, including programme summaries (that is, a factual synopsis of each programme) are entitled to copyright protection as literary works under the 1956 Copyright Act<sup>(1)</sup>. As a result the owners of programme listings are entitled to prevent unauthorized third parties *inter alia* from reproducing, publishing or broadcasting the whole or a substantial part of the protected work. No precise definition of what constitutes a 'substantial part' of a programme listing, however, has yet been established.

##### *Ireland*

- (9) The legal position with regard to programme listings under the 1963 Copyright Act has to date not been examined judicially. The matter is currently the subject of legal proceedings between Magill and the BBC, ITP and RTE.

#### E. Copyright and ITP (ITV and Channel 4), BBC and RTE programme listings

##### (a) *ITP (ITV and Channel 4)*

- (10) Ownership of the copyright in the programme listings of the ITV television service is vested initially in the programme contractors which produce the programme schedules. However, the terms of their contracts with the IBA require them to assign this copyright to ITP for the duration of their contracts, and forbid them from publishing a programme journal or programme details themselves<sup>(2)</sup>. In return ITP agrees to pay contractors an amount equal to a proportion of 70 % of the net profits of ITP attributable to the sale of *TV Times*. This amount is divided amongst the programme contractors in direct proportion to the net advertising revenue of each<sup>(3)</sup>. Channel 4 also assigns the copyrights in its programme listings to ITP without charge, in consideration of the latter's agreement to incur costs and expenses in order to publish and publicize Channel 4's information on its programmes. For the purposes of the present Decision these listings are collectively termed ITP listings.

##### (b) *BBC*

- (11) Ownership of the copyright in the programme listings for BBC 1 and BBC 2 is vested initially in the BBC itself. Since an agreement signed in May 1986, however, this copyright has been assigned to BBC Enterprises Ltd, subject to the right of the BBC to exercise such rights as are necessary for its own publicity.

##### (c) *RTE*

- (12) Ownership of the copyright in the programme listings for RTE 1 and RTE 2 is vested in RTE.

#### F. The programme listings and TV guide markets

- (13) Programme listings are the means by which the viewing public may obtain advance information as to the forthcoming programmes services which they can receive. In general these listings are not imparted directly to the public as such, but to the extent that they are made available, they are received by them via intermediary publications (or broadcasting services). To the extent that they contain this information these publications may be termed TV guides<sup>(4)</sup>. However, a distinction may be drawn between daily (or weekend) and weekly TV guides, and also between comprehensive and other guides.

<sup>(2)</sup> This agreement is not the subject of the present proceedings.

<sup>(3)</sup> The programme contractors also have an interest in the profits of ITP in their capacity as shareholders in the company.

<sup>(4)</sup> The term 'TV guide' is considered to include radio programme listings.

<sup>(1)</sup> BBC and ITP v. Time Out Ltd (1984) FSR 64.

(a) *Daily (or weekend) guides*

- (14) Most, if not all, daily newspapers published in Ireland and Northern Ireland contain the ITP, BBC and RTE television and radio programme listings for that day. United Kingdom newspapers sold in Ireland include the same ITP and BBC television and radio programme listings. Weekly newspapers also contain the listings for the day of publication. On certain days some newspapers may contain up to two days listings. A number of Irish newspapers also publish the listings of the cable and satellite channels available in Ireland or in the Local area at least. As a result, therefore, a number of comprehensive daily TV guides exist on the market in Ireland and the United Kingdom, including Northern Ireland.

In addition the daily (or in some cases two days) listings of the BBC and ITP are available on Ceefax and Oracle, the television teletext information services provided by the BBC and ITV and Channel 4 to households with television sets which receive this service.

The newspapers (daily and weekly) receive advance weekly listings free on request from ITP<sup>(1)</sup>, BBC and RTE, together with programme summaries, that is, additional factual information about some of the programmes concerned. This is accompanied in each case by a copyright notice or licence setting out the terms upon which this information may be reproduced. The practices and policies of ITP, BBC and RTE in this respect, with minor variations in their individual policies, are that newspapers may reproduce daily (or in some circumstances two days) listings, subject to certain conditions as to the format of publication. RTE also permits magazines to publish this information on the same basis as weekly newspapers.

The licensing policies of ITP, BBC and RTE are strict by enforced by each party, if necessary by taking legal action against publications exceeding the terms permitted<sup>(2)</sup>.

The cable and satellite companies by contrast do not impose any limitations on the publication of their programme listings, which are also distributed free of charge on request.

(<sup>1</sup>) In fact the listings are received from the contractors and Channel Four themselves.  
 (<sup>2</sup>) A certain number of 'highlights', that is, reference to a limited number of programmes to be broadcast over the following week are deemed by each of the parties not to infringe their copyright.

(b) *Weekly guides*

- (15) No comprehensive weekly TV guides currently exist on the market in Ireland or the United Kingdom. For a brief period in May and June 1986 the *Magill TV Guide* did publish such a guide in Ireland, but following injunctions obtained by ITP, BBC and RTE in national legal proceedings, Magill ceased publication of the guide.

Undertakings seeking to publish a comprehensive weekly TV guide in Ireland and the United Kingdom are restrained by the licensing policy of ITP, BBC and RTE, which is limited to that described in paragraph 14. Where undertakings are considered to have exceeded the limits of these licences, legal proceedings have been threatened or initiated against the undertakings concerned for infringement of copyright under United Kingdom and/or Irish law. Proceedings have been initiated against Magill on this basis by ITP, BBC and RTE. By contrast neither ITP nor the BBC have sought to prevent the publication of their programme listings in any weekly TV guides published outside Ireland and the United Kingdom for the declared reason that they have no interest in pursuing foreign language publications, even if it is suspected that these publications may include material, which, depending on local law, may infringe their copyright.

ITP, BBC and RTE each publish weekly TV guides containing only their own individual weekly programme listings.

(i) *ITP*

- (16) The ITP weekly TV guide is *TV Times*, published in 13 regional editions at a price of £ 0,37 or £ Irl 0,52. The Northern Ireland and Wales editions are sold in the United Kingdom and also in Ireland. The average weekly circulation figures for *TV Times* in Northern Ireland and Ireland for 1986 are 72 410 and 15 910 respectively. According to ITP the total average weekly circulation figures for *TV Times* are around 3 million, the guide being purchased by some 16 % of households in the United Kingdom in possession of a television set<sup>(3)</sup>.

Together with the BBC TV guide, *TV Times* is the biggest selling weekly journal in the United Kingdom. As a result it is very attractive to advertisers. *TV Times* is purchased by 2% of households in Ireland.

The total trading results for *TV Times* for the five years up to July 1986 are as follows:

(<sup>3</sup>) No separate figure is maintained for Northern Ireland.



	Year to 29 July <sup>(1)</sup> (£ 1 000)				
	1981/82	1982/83	1983/84	1984/85	1985/86
1. Turnover <sup>(1)</sup>	47 678	49 850	54 079	57 294	59 563
2. Profit before tax	2 599	3 140	3 613	3 884	3 944
3. Profit before tax as a percentage of turnover	5,45 %	6,30 %	6,68 %	6,78 %	6,62 %
4. Copyright fees	6 063	7 327	8 429	9 063	9 203

<sup>(1)</sup> Source ITP.  
<sup>(2)</sup> Divided between sales and advertising.

(ii) *BBC*

- (17) The BBC weekly TV guide (now published by the BBC's own wholly owned subsidiary) is *Radio Times*, published in 16 regional editions at a price of £ Irl 0,37 or £ Irl 0,52. The Northern Ireland and Wales editions are sold in the United Kingdom and also in Ireland. The average weekly circulation figures for *Radio Times* in Northern Ireland and Ireland are 75 430 and 15 020 respectively. The total average weekly circulation figures exceed 3 million, the guide being purchased by approximately 15 % of households in the United

Kingdom in possession of a television set. Although no precise statistics are available on the point, it would seem that many of the consumers who purchase the *Radio Times* also purchase *TV Times* (see Report of the Monopolies and Mergers Commission: The British Broadcasting Corporation and Independent Television Publications Ltd 1985 Cmnd. 9614). The *Radio Times* is, therefore, also very attractive to advertisers.

The total trading results for *Radio Times* for the five years up to 1986 are as follows:

	Year to 31 March (£ million)				
	1982	1983	1984	1985	1986
Turnover <sup>(1)</sup>	41,5	45,2	43,7	52,6	56,3
Net profit before tax	3,6	5,6	2,8	2,2	1,3
Net profit before tax, as a percentage of turnover	8,7 %	12,4 %	6,4 %	4,2 %	2,2 %

<sup>(1)</sup> Net sales plus advertising revenue.  
 Source: BBC

(iii) *RTE*

- (18) The RTE weekly guide is *RTE Guide*, published at a price of £ 0,50 or £ Irl 0,40. It is sold in Ireland and also in Northern Ireland. The average weekly circulation of the *RTE Guide* in Ireland and Northern Ireland in 1986 was 130 000 and 6 500 respectively.

The total trading results for the *RTE Guide* for the five years up to September 1985 are as follows:

Year to September (£ Irl 1 000)

	1981	1982	1983	1984	1985
Turnover (Sales and Advertising)	1 706	2 195	2 853	3 099	3 916

## II. LEGAL ASSESSMENT

## A. Article 86

## Undertakings

- (19) In publishing TV guides in return for commercial gain, including the sale of advertising space, ITP, BBC (or since May 1986 BBC Enterprises Ltd) and RTE are each engaged in an economic activity. As such they are undertakings within the meaning of Article 86. The applicability of the competition rules in such circumstances to public broadcasting organizations was confirmed by the court in Case 155/73 *Sacchi*<sup>(1)</sup>.

As regards the BBC, while the TV guide publishing activities of this organization have been transferred to BBC Enterprises Ltd since May 1986, the latter is a wholly owned subsidiary of the organization and hence subject to its control. Moreover the BBC has retained certain rights in relation to copyright in BBC programme listings and still determines overall policy over the licensing of these listings. As such therefore the BBC and BBC Enterprises Ltd are to be considered as a single economic unit for the purposes of Article 86 in the present case.

<sup>(1)</sup> Case 155/73 *Sacchi* [1984] ECR 409.

*Dominance*

## Relevant product market

- (20) The products to be taken into account are the advance weekly listings of ITP and BBC regional programme services and those of RTE and also the TV guides in which these listings are published (or broadcast).

For a publisher wishing in particular to produce a weekly comprehensive TV guide for distribution in the geographic area where the programmes to which these listings relate can be received, these listings constitute the essential raw materials for any such guide, in addition to other listings which are already available. The individual listings are not interchangeable with one another but instead are complementary to one another, as they concern different programmes. In the case of comprehensive guides therefore each of these listings are elements of a comprehensive whole.

Equally for the consumer wishing to obtain advance weekly information these listings are essential. In practice they are made available to the consumer through the publication (or broadcasting) of the TV guides. The advance weekly listings of the broadcasting organizations contained in the guides are not interchangeable as far as the consumer is concerned, for the same reason as for the publisher stated above.

Moreover weekly listings can be distinguished from daily listings. Daily listings are only to a limited extent substitutable for advance weekly listings in terms of the information they provide to consumers. The fact that many consumers are prepared to purchase one or more of the weekly TV guides published by ITP, BBC and RTE when information on a daily basis is available in newspapers demonstrates the demand for more advance information.

In addition this indicates the demand for this information to be contained in a single periodical, that is, a comprehensive guide. This is the experience of Magill, and other publishers who have sought to publish advance weekly listings. It is also the situation in other Member States where comprehensive weekly TV guides are available.

In this context the importance of comprehensive TV guides for advertisers should also be underlined, particularly in view of the potential demand for these guides.

The TV guide markets referred to above are separate from the market(s) for broadcasting services although the former derive their existence

from and may be considered as ancillary to the latter.

## Relevant geographic market

- (21) The geographic market in the present case is determined by the common area within which the programmes to which the weekly listings relate can be received and where TV guides containing these listings are distributed. The RTE programme service is received in most, if not all, of Ireland and Northern Ireland. The BBC, ITV and Channel 4 programme services, or at least regional versions of these services, are also received in this area. Any comprehensive weekly TV guide therefore would contain at least the weekly listings for these regional services.

It follows for the purposes of the present case that the relevant geographical market is most if not all of Ireland and Northern Ireland, which are constituting a substantial part of the common market for the purposes of Article 86.

*Dominance*

- (22) Irrespective of any intellectual property rights which they may be, or may at least claim to be, entitled to, broadcasting organizations have a factual monopoly over the production and first publication of their weekly listings. This is because programme listings are a by-product of the programme scheduling process, carried out and known only to the programme planners themselves. Moreover the listings only become marketable products when the schedules themselves are finalised (subject to last minute changes), a short time before transmission. As a result therefore it is not possible for third parties to produce reliable listings themselves for publication in their own TV guides. Instead they must obtain listings from the broadcasting organizations themselves, or from undertakings to which the rights in the listings have been granted, in this case ITP, BBC and RTE. Third parties are therefore in a position of economic dependence which is characteristic of the existence of a dominant position.

In addition, the factual monopoly held by the broadcasting organizations in relation to their individual programme listings is strengthened into a legal monopoly in so far as they claim protection under the copyright laws in the United Kingdom and/or Ireland, or parties to whom they may have transferred their claimed legal rights seek the same

protection. In the present case ITP (to whom independent television companies in the United Kingdom have assigned their rights), BBC and RTE have each sought protection under the copyright laws in question.

As a result no competition from third parties is permitted to exist on these markets.

On the basis of the above it is concluded that ITP, BBC and RTE each hold a dominant position within the meaning of Article 86.

#### Abuse

- (23) Article 86 expressly provides at (b) that an abuse is committed if an undertaking in a dominant position limits production or markets to the prejudice of consumers.

At present publishers have no means of producing a comprehensive TV guide for consumers in Ireland and Northern Ireland. Instead consumers wishing to obtain advance weekly programme information are required to purchase three separate guides, that is *TV Times*, *Radio Times* and *RTE Guide*, published by ITP, BBC and RTE, respectively, at a total weekly cost of £ Irl 1,54 or around £ Irl 77 annually. Even so the consumer in Ireland is not fully informed of all programme services available in his area as a number of cable and satellite channels are also distributed in various parts of the country. Although publishers are entitled to publish this information free of charge, it is not commercially viable to do this in the form of a weekly publication which does not also include the ITP, BBC and RTE weekly listings.

The impossibility for publishers to produce and publish a comprehensive TV guide results from the refusal of ITP, BBC and RTE to permit the publication of advance weekly listings as well as from the legal proceedings which ITP, BBC and RTE institute against those publishers not respecting the terms of the licences granted and those not granted licences at all. That is confirmed by the experience of Magill and the declared policies and practices of the parties themselves in this regard.

Thus, ITP, BBC and RTE prevent the meeting of a substantial potential demand existing on the market for comprehensive TV guides.

The demand results from the advantages offered by comprehensive TV guides, i.e. marking advance-weekly listings for a great number of programmes available to the consumer in a reasonably practical way and without having to pay a considerable amount of money.

As to the price itself, the situation in other Member States and the experience of Magill indicate that such comprehensive guides may become available at a reasonable price as far as consumers are concerned. In that respect the importance of the commercial potential of comprehensive TV guides for advertisers must be taken into account. This attraction is increased by the fact that, according to BBC estimates, TV guides like *Radio Times* are in fact read by many more than the number of persons who actually purchase them.

The potential of the market as above is also confirmed by the situation in several other Member States where comprehensive weekly TV guides are purchased by a large proportion of the national population, despite the fact that comprehensive daily TV guides also exist in newspapers in the same form as in Ireland and the United Kingdom.

The publication of the *Magill TV Guide*, albeit brief and of a limited print run, also clearly demonstrates the consumer demand for a comprehensive weekly TV guide in the area concerned.

ITP, BBC and RTE (individually or collectively) claim that their current policies and practices with regard to their advance weekly listings are motivated by the need to ensure comprehensive high-quality coverage of all their programmes, including those of minority and/or regional appeal, and those of cultural, historical and/or educational significance. The Commission is of the opinion that these policies and practices are not necessary to achieve these aims, but can instead be achieved by less restrictive means, if necessary by imposing terms to this effect upon publishers to whom they grant licences to publish their programme listings. The Commission does note, however, that none of the parties have considered it necessary to impose any limitations on the publication by third parties of daily (or two days') listings in order to achieve this purpose.

Indeed, having regard to the actual policies and practices of ITP, BBC and RTE, respectively, which are to supply publishers with their advance weekly listings but to limit by means of the terms of licences granted the reproduction of these listings to one or at most two days' listings at a time or to refuse licences altogether, the Commission takes the view that these policies and practices are unduly restrictive.

In the light of the above the Commission concludes that the current policies and practices of ITP, BBC and RTE in relation to their respective advance weekly listings are intended to protect and have the effect of protecting the position of their individual TV guides, which do not compete with one another or with any other guides.

In this connection the Commission considers that the three undertakings are perfectly capable, having regard to their present position and experience on the market, of playing a major role on the market for comprehensive weekly TV guides, if they so wish. Alternatively they may continue to publish individual TV guides on a market where comprehensive TV guides are available if they consider the consumer to be best served by their own guides, as they have stated. By limiting the scope of their licencing policies so as to prevent the production and sale of comprehensive TV guides, however, they restrict competition to the prejudice of consumers.

The Commission takes the view that in the circumstances described above undertakings in a dominant position, that is, in this case ITP, BBC and RTE, respectively, which use that position to prevent the introduction on to the market of a new product, that is, a comprehensive weekly TV guide, abuse that dominant position in a manner which is prohibited under Article 86.

The argument put forward by the parties in relation to copyright do not affect this conclusion. On the contrary the Commission considers that the practices and policies of ITP, BBC and RTE in the present case in fact use copyright as an instrument of the abuse, in a manner which falls outside the scope of the specific subject-matter of that intellectual property right.

A further element of the abuse is that, by virtue of their current policies and practices, ITP, BBC and RTE, which are each dominant on the market for their own listings, retain for themselves also the derivative market for weekly TV guides, a market upon which competition could otherwise take place, particularly in relation to weekly comprehensive guides.

#### *Effect on trade between Member States*

- (24) The abovementioned abuse has an effect on trade between Member States because a comprehensive TV guide containing the advance weekly listings of

ITP and BBC regional programmes and those of RTE would clearly be marketed in both Ireland and Northern Ireland, which would include cross-border trade in such a guide or guides. In addition trade in the advance weekly listings themselves would include that of a cross-frontier nature.

#### *Article 90 (2)*

- (25) Even if ITP, BBC and/or RTE are under a public or statutory duty to produce and publish their individual programme listings in the form of TV guides, the application of the competition rules in this case in no way obstructs the performance of that particular task within the meaning of Article 90 (2). Therefore that Article is not applicable in the present case.

#### **B. Article 3 of Regulation 17**

- (26) Article 3 (1) provides that where the Commission finds that there is infringement of Article 86 of the Treaty, it may by decision require the undertakings or associations of undertakings concerned to bring such infringement to an end.
- (27) The abuse in the present case is the limitation by the parties of the market for weekly TV guides in Ireland and Northern Ireland by limiting the scope of their licencing policies and practices so as to prevent the entry on to the market of a comprehensive TV guide or guides. It follows that the Commission's intervention should remedy the current situation by providing for at least the possibility of the publication of a comprehensive weekly TV guide. To achieve this end it is necessary for the regional ITP and BBC weekly programme listings and those of RTE to be made available to each other or to a third party or parties for publication in a comprehensive guide. To confine an order for the supply of these listings to ITP, BBC and RTE, *inter se*, would discriminate against third parties wishing to produce a comprehensive weekly guide in a manner which would not be compatible with Article 86. Accordingly the only remedy possible in the present case is to require ITP, BBC and RTE to supply each other and third parties on request and on a non-discriminatory basis with their individual advance weekly programme listings and to permit reproduction of those listings by such parties. This requirement does not extend to information in addition to the listings themselves, as defined in this Decision. If they choose to supply and permit reproduction of the listings by means of licences, any royalties requested by ITP, BBC and RTE should be reasonable. Moreover, ITP, BBC and RTE may include in any licences granted to third parties such terms as are considered necessary to ensure comprehensive, high-quality coverage of all their programmes, including

those of minority and/or regional appeal, and those of cultural, historical and educational significance. The parties should therefore be required within two months from the date of notification of this Decision to submit proposals for approval by the Commission of the terms upon which they consider third parties should be permitted to publish the advance weekly programme listings which are the subject of this Decision.

high-quality coverage of all their programmes, including those of minority and/or regional appeal, and those of cultural, historical and educational significance. The parties are therefore required, within two months from the date of notification of this Decision, to submit proposals for approval by the Commission of the terms upon which they consider third parties should be permitted to publish the advance weekly programme listings which are the subject of this Decision.

HAS ADOPTED THIS DECISION:

*Article 1*

The policies and practices of ITP, BBC and RTE, respectively, in relation to their individual advance weekly programme listings, on programmes which may be received in Ireland and Northern Ireland, constitute infringements of Article 86 in so far as they prevent the publication and sale of comprehensive weekly TV guides in Ireland and Northern Ireland.

*Article 2*

ITP, BBC and RTE shall bring the infringements as mentioned in Article 1 to an end forthwith by supplying each other and third parties on request and on a non-discriminatory basis with their individual advance weekly programme listings and by permitting reproduction of those listings by such parties. This requirement does not extend to information in addition to the listings themselves, as defined in this Decision. If they choose to supply and permit reproduction of the listings by means of licences, any royalties requested by ITP, BBC and RTE should be reasonable. Moreover, ITP, BBC and RTE may include in any licences granted to third parties such terms as are considered necessary to ensure comprehensive

*Article 3*

This Decision is addressed to

Independent Television Publications Ltd,  
247 Tottenham Court Road,  
London W1P 0AU,  
United Kingdom;

British Broadcasting Corporation,  
BBC Broadcasting House,  
London W1A 1AA,  
United Kingdom;

BBC Enterprises Ltd,  
Woodlands,  
80 Wood Lane,  
London W12 0TF,  
United Kingdom;

Radio Telefis Eireann,  
Dublin 4,  
Ireland.

Done at Brussels, 21 December 1988.

*For the Commission*

Peter SUTHERLAND

*Member of the Commission*

## COMMISSION DECISION

of 14 March 1989

authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 February to 30 June 1989

(Only the Portuguese text is authentic)

(89/206/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, hereinafter referred to as 'the Act' and in particular the third subparagraph of Article 303 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88<sup>(2)</sup>, and in particular Articles 13 (2) and 16 (7) and the second subparagraph of Article 39 thereof,

Whereas, pursuant to the first and second subparagraphs of Article 303 of the Act, the maximum quantities of raw sugar to be imported at a reduced levy from certain ACP States, together with the relevant periods of application in order to supply the Portuguese refineries, have been determined by Commission Regulation (EEC) No 600/86<sup>(3)</sup>;

Whereas the third subparagraph of Article 303 of the Act provides in particular that, where, during the specified periods of application, the Community forward estimate for raw sugar for a given marketing year or part thereof shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third countries under the marketing year or part thereof concerned, the quantities which it is estimated are lacking, under the same conditions regarding the reduced levy as those provided for in respect of the quantities to be imported from the ACP States in question; whereas the forward estimate, for the period from 1 July 1988 to 30 June 1989 showed that the foreseeable shortfall could be fixed in a first stage by Commission Decision 88/462/EEC<sup>(4)</sup> at 120 000 tonnes to be imported from third countries in respect of the period 1 July 1988 to 31 January 1989; whereas the actual quantities of raw sugar available in the Community, and in particular production in the French

department of Réunion, and quantities available for refining are now known; whereas the remainder of the shortfall in respect of the period 1 February to 30 June 1989 should accordingly be fixed;

Whereas, in order to ensure sound management of the markets in the sector and, in particular, effective control of operations, it is necessary firstly to apply to the sugar concerned the normal rules for performance of the customs formalities for import and, secondly, to provide for notification by Portugal of the quantities of raw sugar imported and refined within the meaning of this Decision;

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

HAS ADOPTED THIS DECISION:

*Article 1*

Portugal is hereby authorized to import from third countries during the period 1 February to 30 June 1989 a quantity of raw sugar equivalent to 15 000 tonnes of white sugar, at the reduced levy determined in accordance with Article 1 of Regulation (EEC) No 600/86.

*Article 2*

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 30 June 1989.
2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal, during the 1988/89 marketing year, and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantity of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

If the sugar in question is not refined within the prescribed time limit the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 20.

<sup>(4)</sup> OJ No L 223, 13. 8. 1988, p. 43.

3. The application for the import licence and the licence itself shall include in box 12 the following:

'import of raw sugar at reduced levy in accordance with Decision 87/429/EEC'.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at ECU 0,25 for each 100 kilograms of sugar net.

*Article 3*

If the volume of applications for licences exceeds the quantity provided for in Article 1, Portugal shall proceed with a fair apportionment of this quantity among the applicants concerned.

*Article 4*

Portugal shall communicate to the Commission each month in respect of the previous month:

- (a) the quantities of raw sugar expressed by weight 'tel quel' for which the licences referred to in Article 2 have been issued;
- (b) the quantities of raw sugar, expressed by weight 'tel quel' actually imported under the licences referred to in Article 2;
- (c) the total quantities of sugar in question, by weight 'tel quel' and expressed as white sugar, which have been refined.

*Article 5*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 14 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 662/89 of 15 March 1989 fixing the amount of aid for peas, field beans and sweet lupins**

*(Official Journal of the European Communities No L 72 of 16 March 1989)*

On page 16, in Annex I, products used in animal feed, peas used in another Member State, under column '2nd period 5':

*for:* '9,942'.

*read:* '8,942'.

---