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Contents

I Acts whose publication is obligatory

- * **Council Regulation (EEC) No 1254/89 of 3 May 1989 fixing, for the 1989/90 marketing year, inter alia, certain sugar prices and the standard quality of beet** 1
- * **Council Regulation (EEC) No 1255/89 of 3 May 1989 fixing, for the 1989/90 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal** 4
- Commission Regulation (EEC) No 1256/89 of 8 May 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal 6
- Commission Regulation (EEC) No 1257/89 of 8 May 1989 fixing the premiums to be added to the import levies on cereals, flour and malt 8
- Commission Regulation (EEC) No 1258/89 of 8 May 1989 amending Regulation (EEC) No 1057/89 introducing a countervailing charge on tomatoes originating in the Canary Islands 10
- Commission Regulation (EEC) No 1259/89 of 8 May 1989 abolishing the countervailing charge on fresh lemons originating in Spain (except the Canary Islands) 11
- * **Commission Regulation (EEC) No 1260/89 of 8 May 1989 concerning the classification of certain goods within the combined nomenclature** 12
- Commission Regulation (EEC) No 1261/89 of 8 May 1989 on an invitation to tender for the refund on export of wholly milled medium grain rice to certain third countries 14
- Commission Regulation (EEC) No 1262/89 of 8 May 1989 fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86 16

Contents (continued)

Commission Regulation (EEC) No 1263/89 of 8 May 1989 introducing a countervailing charge on apples originating in Chile	18
Commission Regulation (EEC) No 1264/89 of 8 May 1989 amending Regulation (EEC) No 1626/85 on protective measures applicable to imports of certain sour cherries	20
Commission Regulation (EEC) No 1265/89 of 8 May 1989 fixing the import levies on white sugar and raw sugar	21
Commission Regulation (EEC) No 1266/89 of 8 May 1989 fixing the amount of the subsidy on oil seeds	23
Commission Regulation (EEC) No 1267/89 of 8 May 1989 altering the import levies on products processed from cereals and rice	27
* Commission Regulation (EEC) No 1268/89 of 8 May 1989 reducing the quantities of table wine covered by approved contracts and declarations for distillation as provided for in Regulation (EEC) No 86/89	29
Commission Regulation (EEC) No 1269/89 of 8 May 1989 introducing a countervailing charge on artichokes originating in Egypt	30

II *Acts whose publication is not obligatory*

Commission

89/306/ECSC :

* Commission Decision of 23 February 1989 derogating from High Authority Recommendation No 1-64 on tariff protection in order to enable the generalized tariff preferences to be applied to certain iron and steel products originating in the developing countries (136th derogation)	32
--	----

89/307/EEC, Euratom, ECSC :

* Commission Decision of 20 April 1989 adjusting the weightings applicable from 1 April 1989 to the remuneration of officials of the European Communities serving in non-member countries	34
---	----

89/308/EEC :

* Commission Decision of 26 April 1989 reallocating the fifth European Development Fund appropriations not yet committed from non-programmable resources for the overseas countries and territories	36
---	----

89/309/EEC :

* Commission Decision of 28 April 1989 accepting an undertaking relating to the anti-dumping proceeding concerning certain plain paper photocopiers assembled or produced in the Community by Sharp Manufacturing (UK) Ltd	38
--	----

89/310/EEC :

* Commission Decision of 28 April 1989 on the quantities of sheepmeat and goatmeat that may be imported in 1989 into certain sensitive marketing zones from certain non-member countries	40
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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1254/89

of 3 May 1989

fixing, for the 1989/90 marketing year, *inter alia*, certain sugar prices and the standard quality of beet

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Articles 2 (3), 3 (4) and 4 (3) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁵⁾,

Whereas, when sugar prices are fixed, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community intends to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and ensure that they reach consumers at reasonable prices;

Whereas, in order to attain these objectives, the target price for sugar must be fixed at a level which, taking into account in particular the resultant level of the intervention price, ensures a fair remuneration for beet and sugar-cane producers while at the same time respecting consumers' interests, and which is likely to maintain the balance between the prices of the principal agricultural products;

Whereas, as a result of the characteristics of the sugar market, the risks involved in this trade are relatively slight; whereas, consequently, when the intervention price for sugar is being fixed, the difference between the target price and the intervention price may be fixed at a relatively low level;

Whereas the intervention prices to be fixed for the 1989/90 marketing year will be lower than those for the 1988/89 marketing year; whereas, in order to avoid any depreciation in stock which remain free at the end of the latter year and which form part of the quotas of those eligible for reimbursement for storage costs for such stocks under Article 8 of Regulation (EEC) No 1785/81 it should be provided that if such stocks are disposed of between 1 July and 30 September 1989, they shall continue to benefit from the price for the 1988/89 marketing year;

Whereas the basic price for beet must take account of the intervention price and of the costs of processing and delivering the beet to factories and be based on an estimated Community yield of 130 kilograms of white sugar per tonne of beet at 16 % sugar content;

Whereas the production of sugar-cane and raw cane-sugar in the French overseas departments always encounters difficulties that are peculiar to the crop, environmental and operating conditions of this sector; whereas these crops represent an essential component of the economy of the French overseas departments; whereas, pursuant to Article 227 (2) of the Treaty, the Council is to take care, within the framework of the procedures provided for by the Treaty, that the economic and social development of the French overseas departments is made possible; whereas, moreover, Italy is carrying out a restructuring of the sugar-beet sector and sugar production by means of restructuring plans under Articles 92 to 94 of the Treaty; whereas, under these circumstances, Italy should be authorized to continue to grant, for the 1989/90 and 1990/91 marketing years, national aid on downward-sliding terms as compared with the overall financial commitment already authorized for aid for the 1988/89

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No C 82, 3. 4. 1989, p. 12.

⁽⁴⁾ Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

⁽⁵⁾ Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

marketing year; whereas it is nevertheless desirable that, for the marketing years concerned and without prejudice to Articles 92 to 94 of the Treaty, the authorization to adjust this aid should be maintained when the aid is linked to restructuring plans; whereas, for the aforesaid reasons, provision should also be made for the extension, pending the decisions to be adopted for sugar under the programme of options specific to the remote and insular nature of the French overseas departments, 'Poseidom', of the system of national aid authorized by Article 46 of Regulation (EEC) No 1785/81 applicable to the cane and sugar produced in the French overseas departments,

HAS ADOPTED THIS REGULATION:

Article 1

1. The target price for white sugar shall be ECU 55,89 per 100 kilograms.
2. The intervention price for white sugar shall be ECU 53,10 per 100 kilograms for the non-deficit areas of the Community with the exception of Spain.

However, for white sugar forming part of quotas in stocks which are free at 24.00 on 30 June 1989 in the hands of those eligible for the reimbursement for storage costs for such stocks under Article 8 of Regulation (EEC) No 1785/81 and disposed of during the period 1 July to 30 September 1989, the intervention price shall be fixed at ECU 54,18 for the areas referred to in the first subparagraph.

Article 2

The basic price for beet, applicable in the Community with the exception of Spain and Portugal, shall be ECU 40,07 per tonne delivered at the collection centre.

Article 3

Standard quality beet shall:

- (a) be of sound, genuine and merchantable quality;
- (b) have a sugar content of 16 % at the reception point.

Article 4

1. The Italian Republic, during the 1989/90 and 1990/91 marketing years, and the French Republic shall be authorized to grant, under the terms of paragraphs 2 to 4, adjustment aid to sugar-beet, sugar-cane and, where such is the case, sugar producers.

2. In Italy, the aid referred to in paragraph 1 may be granted only in respect of the quantity of sugar produced within the limit of the A and B quotas of each sugar-producing undertaking.

For this production, the maximum amount of the aid may not:

- (a) per 100 kilograms of white sugar, exceed 23,64 % of the intervention price for white sugar fixed in accordance with Article 3 (1) (a) of Regulation (EEC) No 1785/81 for the marketing year in question and
- (b) for the 1989/90 and 1990/91 marketing years, exceed 90 and 80 % respectively of the overall financial commitment in ecus already authorized for the 1988/89 marketing year by Article 46 (1) and (2) of Regulation (EEC) NO 1785/81.

3. However, the Italian Republic may adjust the aid referred to in paragraph 2 where this is necessitated by exceptional requirements connected with current plans for restructuring the sugar sector in Italy. In applying Articles 92 to 94 of the Treaty, the Commission shall assess in particular whether such aid is consistent with the restructuring plans.

4. In France, the aid referred to in paragraph 1 may be granted only in respect of a quantity of white sugar produced in the overseas departments not exceeding the basic quantity allocated to those departments as reduced by the A quota transfer of 30 000 tonnes of white sugar made in 1981/82 pursuant to the second subparagraph of Article 25 (3) of Regulation (EEC) No 1785/81. Such aid may not exceed ECU 6,04 per 100 kilograms of sugar expressed as white sugar.

The arrangements applied by the French Republic will be re-examined in the context of the decision establishing a programme of options specific to the remote and insular nature of the French overseas departments, 'Poseidom'.

5. In addition, during the 1989/90 and 1990/91 marketing years, the Italian Republic shall be authorized, when the interest rate granted in July to the most solvent applicant is higher, by 3 % or more, than the interest rate used to calculate the reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81, to cover the effect of this difference on the storage costs by a national aid.

Article 5

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

Articles 1 to 3 shall be applicable for the 1989/90 marketing year.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

COUNCIL REGULATION (EEC) No 1255/89

of 3 May 1989

fixing, for the 1989/90 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (2) 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⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Articles 3 (5), 5 (5), 8 (4) and 14 (5) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Whereas Council Regulation (EEC) No 1254/89 of 3 May 1989 fixing, for the 1989/90 marketing year, *inter alia* certain sugar prices and the standard quality of beet⁽⁵⁾ fixed the intervention price for white sugar at ECU 53,10 per 100 kilograms applicable for the non-deficit areas and that applicable for white sugar falling under quotas held in free stock on 30 June 1989 at 24.00 by those persons entitled to reimbursement of storage costs for those stocks pursuant to Article 8 of Regulation (EEC) No 1785/81 and disposed of during the period 1 July to 30 September 1989; whereas such an intervention price should also be fixed for those stocks in the other areas of the Community;

Whereas Article 3 (1) of Regulation (EEC) No 1785/81 provides that derived intervention prices for white sugar are to be fixed for each of the deficit areas; whereas, for such fixing, it is appropriate that account be taken of the regional variations which, given a normal harvest and free movement of sugar, might be expected to occur in the price of sugar under natural conditions of price formation on the market;

Whereas a deficit supply situation is to be foreseen in the areas of production in Italy, Ireland and the United Kingdom;

Whereas Article 3 (5) of Regulation (EEC) No 1785/81 provides that an intervention price for raw sugar shall be

fixed; whereas such price should be established on the basis of the intervention price for white sugar; whereas a special intervention price should be fixed for stocks of raw sugar falling under quotas held in free stock on 30 June 1989 at 24.00 by those persons entitled to reimbursement of storage costs for those stocks pursuant to Article 8 of Regulation (EEC) No 1785/81 and disposed of during the period 1 July to 30 September 1989;

Whereas Regulation (EEC) No 1254/89 fixed the basic price for beet at ECU 40,07 per tonne; whereas Article 5 (2) of Regulation (EEC) No 1785/81 provides that the minimum price to be fixed for A beet shall be 98 % of the basic price of the beet and the minimum price to be fixed for B beet shall in principle be 68 % of the said basic price, without prejudice to Article 28 (5) of that Regulation;

Whereas Article 14 (2) of Regulation (EEC) No 1785/81 provides that the threshold price for white sugar shall be equal to the target price, plus costs, calculated at a flat rate, of transport from the Community area having the largest surplus to the most distant deficit consumption area in the Community, plus a flat-rate amount which takes into account the foreseeable storage levy; whereas, given the state of supplies within the Community, account should be taken of transport charges between the departments of northern France and Palermo;

Whereas the threshold price for raw sugar is to be derived from the threshold price for white sugar by reference to a processing margin and a standard yield;

Whereas the threshold price for molasses should be fixed in such a way that the receipts from sales of molasses may reach the level of receipts of undertakings taken into account in the fixing of basic prices for beet;

Whereas Article 5 of Regulation (EEC) No 1358/77⁽⁶⁾ provides that the amount of repayment in the context of the compensation for storage costs shall be fixed per month and per unit of weight, taking account of financing, insurance and specific storage costs;

Whereas the prices to be applied in Spain should be fixed in such a way as to avoid enlarging the gap between those prices and the common prices,

(1) OJ No L 177, 1. 7. 1981, p. 4.

(2) OJ No L 114, 27. 4. 1989, p. 1.

(3) OJ No C 82, 3. 4. 1989, p. 13.

(4) Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

(5) See page 1 of this Official Journal.

(6) OJ No L 156, 25. 6. 1977, p. 4.

HAS ADOPTED THIS REGULATION:

Article 1

For the deficit areas of the Community, with the exception of Portugal, the derived intervention price for white sugar shall be fixed, per 100 kilograms, at:

- (a) ECU 54,31 for all the areas in the United Kingdom;
- (b) ECU 54,31 for all the areas in Ireland;
- (c) ECU 55,04 for all the areas in Italy.

Article 2

The intervention price per 100 kilograms of raw sugar shall be ECU 44,02.

However, for raw sugar coming from quotas, held in free stock on 30 June 1989 at 24.00 by those persons entitled to reimbursement of storage costs for those stocks pursuant to Article 8 of Regulation (EEC) No 1785/81 and disposed of during the period 1 July to 30 September 1989, the intervention price shall be fixed at ECU 44,92 per 100 kilograms.

Article 3

1. The minimum price for A beet, applicable in the Community with the exception of Spain and Portugal, shall be ECU 39,27 per tonne.

2. Subject to Article 28 (5) of Regulation (EEC) No 1785/81, the minimum price for B beet, applicable in the Community with the exception of Spain and Portugal, shall be ECU 27,25 per tonne.

Article 4

1. The sugar prices to be applied in Spain and Portugal shall be as follows:

— Spain:

- (a) the intervention price for white sugar shall be ECU 61,70 per 100 kilograms;
- (b) the prices for beet shall be:
 - ECU 47,16 per tonne for the basic price,
 - ECU 46,36 per tonne for the minimum price for A beet,
 - ECU 34,34 per tonne for the minimum price for B beet, subject to the application of Article 28 (5) of Regulation (EEC) No 1785/81;

— Portugal:

- (a) the intervention price for white sugar shall be ECU 51,68 per 100 kilograms;
- (b) the prices for beet shall be:
 - ECU 42,90 per tonne for the basic price,
 - ECU 42,10 per tonne for the minimum price for A beet,
 - ECU 30,08 per tonne for the minimum price for B beet, subject to the application of Article 28 (5) of Regulation (EEC) No 1785/81.

2. The beet prices referred to in paragraph 1 shall be for delivery at the collection centre and shall apply to beet of standard quality as defined in Article 3 of Regulation (EEC) No 1254/89

Article 5

The threshold price shall be:

- (a) ECU 65,00 per 100 kilograms of white sugar;
- (b) ECU 55,61 per 100 kilograms of raw sugar;
- (c) ECU 6,90 per 100 kilograms of molasses.

Article 6

The amount of the reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81 shall be ECU 0,48 per month per 100 kilograms of white sugar.

Article 7

By way of derogation from Article 1 and from (a) under the first indent of Article 4 (1) and from (a) under the second indent thereof, for white sugar coming from quotas, held in free stock on 30 June 1989 at 24.00 by those persons entitled to reimbursement of storage costs for those stocks pursuant to Article 8 of Regulation (EEC) No 1785/81 and disposed of during the period 1 July to 30 September 1989, the intervention prices shall be fixed, per 100 kilograms, at:

- (a) ECU 55,39 for all areas of the United Kingdom;
- (b) ECU 55,39 for all areas of Ireland;
- (c) ECU 56,12 for all areas of Italy;
- (d) ECU 62,78 for Spain;
- (e) ECU 51,88 for Portugal.

Article 8

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

It shall apply for the 1989/90 marketing year.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

COMMISSION REGULATION (EEC) No 1256/89

of 8 May 1989

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 5 May 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 9 May 1989.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

ANNEX

to the Commission Regulation of 8 May 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	25,25	130,75
0712 90 19	25,25	130,75
1001 10 10	59,60	189,64 ⁽¹⁾ ⁽²⁾
1001 10 90	59,60	189,64 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	115,98
1001 90 99	35,73	115,98
1002 00 00	63,32	121,51 ⁽⁶⁾
1003 00 10	53,90	121,71
1003 00 90	53,90	121,71
1004 00 10	44,96	91,24
1004 00 90	44,96	91,24
1005 10 90	25,25	130,75 ⁽²⁾ ⁽³⁾
1005 90 00	25,25	130,75 ⁽²⁾ ⁽³⁾
1007 00 90	48,56	139,60 ⁽⁴⁾
1008 10 00	53,90	23,53
1008 20 00	53,90	14,01 ⁽⁴⁾
1008 30 00	53,90	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	53,90	0,00
1101 00 00	64,72	177,07
1102 10 00	103,35	184,81
1103 11 10	106,02	306,69
1103 11 90	68,09	189,42

- (1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (2) In accordance with Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.
- (3) Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.
- (4) Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.
- (5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.
- (6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).
- (7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 1257/89

of 8 May 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 5 May 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 9 May 1989.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 8 May 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 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	4,40	4,40	4,85
1001 10 90	0	4,40	4,40	4,85
1001 90 91	0	0,82	0,82	6,82
1001 90 99	0	0,82	0,82	6,82
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	1,13	1,13	9,55

B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	1,46	1,46	12,14	12,14
1107 10 19	0	1,09	1,09	9,07	9,07
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 1258/89
of 8 May 1989
amending Regulation (EEC) No 1057/89 introducing a countervailing charge on
tomatoes originating in the Canary Islands

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1057/89⁽³⁾, as amended by Regulation (EEC) No 1190/89⁽⁴⁾, introduced a countervailing charge on tomatoes originating in the Canary Islands;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of tomatoes originating in the Canary Islands must be altered,

Whereas, in accordance with Article 1 (5) of Protocol 2 to the Act, the Community must apply in its trade with the Canary Islands, for products covered by Annex II to the EEC Treaty, the general arrangements which it applies in its foreign trade;

Whereas, in accordance with Article 4 of the said Protocol, the products, including tomatoes specified in Annex A to the Protocol, qualify for preferential arrangements, subject to the tariff quota opened by way of Council Regulation (EEC) No 4092/88⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1057/89, 68,95 and 74,95 ECU are hereby replaced by 83,51 and 90,77 ECU.

Article 2

This Regulation shall enter into force on 9 May 1989.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 112, 25. 4. 1989, p. 9.

⁽⁴⁾ OJ No L 122, 3. 5. 1989, p. 21.

⁽⁵⁾ OJ No L 363, 30. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 1259/89
of 8 May 1989
abolishing the countervailing charge on fresh lemons originating in Spain
(except the Canary Islands)

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 947/89⁽³⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 947/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 9 May 1989.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 101, 13. 4. 1989, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1260/89
of 8 May 1989
concerning the classification of certain goods within the combined nomenclature

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

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

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

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

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed hereto must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the nomenclature committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the 21st day after its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 8 May 1989.

For the Commission
Christiane SCRIVENER
Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 4, 6. 1. 1989, p. 19.

ANNEX

Description of the goods	CN code classification	Reasons
(1)	(2)	(3)
A product having the appearance of a soft white wax, consisting of a mixture of alpha-olefins which have even-numbered carbon chains of 18 to 26 atoms, of which the 20- and 22-carbon chains represent more than 80 % by weight of the total	2712 90 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the texts of CN codes 2712 and 2712 90 90. It is a product similar to those mentioned in the second part of CN code 2712
[4,4'-bis(1,1,3,3-tetrametilbutil)-2,2'-thiodiphenolato-0,0',S](butilamina)nickel(II)	2930 90 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the interpretation of the combined nomenclature, note 6 to Chapter 29 and the texts of CN codes 2930 and 2930 90 90
A solution in a volatile organic solvent (25 % by weight approximately) of a triazin derivate (75 % by weight approximately), formed by the reorganization of polymerization of hexmaethylene diisocyanate (HMDI), in which the free isocyanate groups are protected	3911 90 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 3e to Chapter 39 and the texts of CN codes 3911 and 3911 90 90. The product has a polymeric character and is considered to be a prepolymer

COMMISSION REGULATION (EEC) No 1261/89

of 8 May 1989

on an invitation to tender for the refund on export of wholly milled medium grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 17 thereof,

Having regard to Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 4 thereof,

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1988/89 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 4 of Regulation (EEC) No 1431/76 enabling the amount of refund to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽⁴⁾, as last amended by Regulation (EEC) No 379/89 ⁽⁵⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI and Zone VIII, excluding Guyana, Madagascar and Surinam, noted in Annex I to Regulation (EEC) No 1124/77 ⁽⁶⁾, as last amended by Regulation (EEC) No 296/89 ⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened, for the export refund referred to in Article 4 of Regulation (EEC) No 1431/76, for Zones I to VI and Zone VIII excluding Guyana, Madagascar and Surinam, of Annex I to Regulation (EEC) No 1124/77.

2. The invitation to tender shall be open until 27 July 1989. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 50 tonnes but not more than 5 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 20 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽⁸⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ No L 44, 16. 2. 1989, p. 22.

⁽⁶⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁷⁾ OJ No L 30, 2. 2. 1988, p. 9.

⁽⁸⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 1418/76:

- either to fix a maximum export refund, taking account of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 1431/76,
- or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 25 May 1989 at 10 a.m. (Belgian time).

The final date for submission of tenders is hereby fixed at 27 July 1989.

Article 9

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, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled medium grain rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenders	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EEC) No 1262/89
of 8 May 1989

fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 12 (2) and (5) thereof,

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 426/86, to the extent necessary to enable the products referred to in Article 1 (1) (a) of the said Regulation to be exported in economically significant quantities on the basis of prices for those products on the world market, the difference between those prices and prices within the Community may be covered by an export refund; whereas Article 12 (3) of Regulation (EEC) No 426/86 provides that in cases where the refund for sugars incorporated in the products listed in Article 1 (1) (b) of the Regulation is not sufficient to permit export of the products, the refund fixed pursuant to Article 12 (1) shall apply for such products;

Whereas, pursuant to Article 2 of Council Regulation (EEC) No 519/77 of 14 March 1977 laying down general rules for granting export refunds on products processed from fruit and vegetables and criteria for fixing the amount of such refunds⁽³⁾, account should be taken, when refunds are being fixed, of the existing situation and future trends with regard to, on the one hand, prices and availabilities on the Community market of products processed from fruit and vegetables and, on the other hand, of prices ruling in international trade; whereas account should also be taken of the costs referred to in subparagraph (b) of the said Article and of the economic aspect of the proposed exports;

Whereas, in accordance with Article 3 of Regulation (EEC) No 519/77, account should be taken, when prices on the Community market are being determined, of the ruling prices which are most favourable from the point of view of exportation; whereas, when prices in international

trade are being determined, account should be taken of the prices referred to in paragraph 2 of the said Article;

Whereas the export refunds for these products were last fixed by Commission Regulation (EEC) No 665/89⁽⁴⁾;

Whereas when the application of the rules referred to above results in an amount of refund which for products listed in Article 1 (1) (b) of Regulation (EEC) No 426/86 is supposed to be lower than the refund for the added sugars pursuant to Article 11 of the same Regulation, no refund should be fixed; whereas in such cases the refunds for added sugars should apply;

Whereas application of the abovementioned rules and criteria to the current market situation, and in particular to the prices of products processed from fruit and vegetables on the Community market and in international trade entails fixing an appropriate refund;

Whereas the Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 12 of Regulation (EEC) No 426/86 shall be as set out in the Annex hereto.
2. Where no refund is fixed for a product listed in the Annex, that product may, where applicable, benefit from any export refund applicable to added sugars pursuant to Article 11 of Regulation (EEC) No 426/86.

Article 2

Regulation (EEC) No 665/89 is hereby repealed.

Article 3

This Regulation shall enter into force on 9 May 1989.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

⁽⁴⁾ OJ No L 72, 16. 3. 1989, p. 25.

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

Done at Brussels, 8 May 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 8 May 1989, fixing the export refunds for products processed from fruit and vegetables as provided for in Article 12 of Council Regulation (EEC) No 426/86

(ECU/100 kg net)

Product code	Destination of the exports (1)	Refund (1)
0806 20 19 (2)	01	18,00
0806 20 99 (2)	01	18,00
0812 10 00 100	02	13,30
2006 00 31 000	02	30,22
2006 00 90 100	02	30,22
2008 19 10 100		21,80
2008 19 90 100		21,80
2009 11 99 110		2,10
2009 19 99 110		2,10
2009 11 99 120		4,20
2009 19 99 120		4,20
2009 11 99 130		6,30
2009 19 99 130		6,30
2009 11 99 140		8,40
2009 19 99 140		8,40
2009 11 99 150		10,50
2009 19 99 150		10,50

(1) For the following destinations:

01 Countries or States with a planned economy in central or eastern Europe and Yugoslavia (1988 crop).

02 All destinations except North America.

(1) Amounts shown shall apply to products obtained from fruit harvested within the Community.

(2) CN code.

COMMISSION REGULATION (EEC) No 1263/89

of 8 May 1989

introducing a countervailing charge on apples originating in Chile

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 1789/88 of 24 June 1988 fixing for the 1988/89 marketing year the reference prices for apples⁽³⁾ fixed the reference price for products of class I at ECU 56,31 per 100 kilograms net for the month of May 1989;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74 of the Commission⁽⁴⁾, as last amended

by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for apples originating in Chile the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these apples;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 3,33 per 100 kilograms net is applied to apples (CN codes 0808 10 91, 0808 10 93 and 0808 10 99) originating in Chile.

Article 2

This Regulation shall enter into force on 10 May 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 158, 25. 6. 1988, p. 18.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1264/89

of 8 May 1989

amending Regulation (EEC) No 1626/85 on protective measures applicable to imports of certain sour cherries

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

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 18 (2) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1626/85 ⁽³⁾, as last amended by Regulation (EEC) No 1260/88 ⁽⁴⁾, provides that the Regulation shall apply until 9 May 1989;

Whereas foreseeable trends in prices applied by non-member countries for certain sour cherries are such that the import prices are likely to remain significantly below the prices at which Community products can be marketed;

Whereas stocks in the Community of such products in syrup are still considerable; whereas that situation could expose the Community market to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 of Regulation (EEC) No 1626/85, '9 May 1989' is replaced by '9 July 1989'.

Article 2

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

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 156, 15. 6. 1985, p. 13.

⁽⁴⁾ OJ No L 119, 7. 5. 1988, p. 32.

COMMISSION REGULATION (EEC) No 1265/89
of 8 May 1989
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 1207/89 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 9 May 1989.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 43.

ANNEX

to the Commission Regulation of 8 May 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,00 ⁽¹⁾
1701 11 90	32,00 ⁽¹⁾
1701 12 10	32,00 ⁽¹⁾
1701 12 90	32,00 ⁽¹⁾
1701 91 00	38,11
1701 99 10	38,11
1701 99 90	38,11 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1266/89

of 8 May 1989

fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2210/88 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1132/89 ⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 682/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 1205/89 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 682/89 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas, in the absence of the target price for the 1989/90 marketing year for colza, rape and sunflower seed, the abatement of the subsidy from the system of

maximum guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza, rape and sunflower seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced to take account of indicative prices for the 1989/1990 marketing year and the application of the system of maximum guaranteed quantities;

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza, rape and sunflower seed will be confirmed or replaced as from 9 May 1989 to take into account the prices and connected measures, for the 1989/90 marketing year, and the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 9 May 1989.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 119, 29. 4. 1989, p. 26.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 73, 17. 3. 1989, p. 32.

⁽⁸⁾ OJ No L 123, 4. 5. 1989, p. 38.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

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

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7 ⁽¹⁾	3rd period 8 ⁽¹⁾	4th period 9 ⁽¹⁾	5th period 10 ⁽¹⁾
1. Gross aids (ECU):						
— Spain	0,580	0,580	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,022	20,341	15,775	15,214	14,754	14,394
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	47,68	48,43	37,65	36,34	35,26	34,60
— Netherlands (Fl)	53,19	54,03	41,61	40,13	38,92	38,20
— BLEU (Bfrs/Lfrs)	966,80	982,20	761,73	734,64	712,42	695,04
— France (FF)	146,36	148,87	118,29	113,89	110,28	107,45
— Denmark (Dkr)	175,22	178,06	140,87	135,86	131,75	128,54
— Ireland (£ Irl)	16,278	16,557	13,166	12,676	12,274	11,959
— United Kingdom (£)	12,380	12,613	10,471	10,046	9,710	9,352
— Italy (Lit)	31 348	31 891	25 729	24 652	23 864	22 896
— Greece (Dr)	2 260,02	2 304,76	2 390,00	2 244,37	2 151,21	1 984,09
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 181,24	3 227,26	2 556,84	2 463,26	2 396,37	2 305,57
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 330,16	4 391,41	3 673,68	3 549,29	3 460,24	3 340,21

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

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	22,522	22,841	18,275	17,714	17,254	16,894
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,59	54,33	43,56	42,24	41,17	40,50
— Netherlands (Fl)	59,81	60,65	48,21	46,73	45,51	44,79
— BLEU (Bfrs/Lfrs)	1 087,52	1 102,92	882,44	855,35	833,14	815,76
— France (FF)	165,32	167,83	137,54	133,13	129,52	126,69
— Denmark (Dkr)	197,32	200,17	163,20	158,19	154,08	150,86
— Ireland (£ Irl)	18,388	18,667	15,308	14,818	14,416	14,101
— United Kingdom (£)	14,068	14,301	12,224	11,800	11,463	11,105
— Italy (Lit)	35 435	35 978	29 912	28 834	28 047	27 079
— Greece (Dr)	2 650,07	2 694,81	2 838,47	2 692,84	2 599,68	2 432,56
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 566,77	3 612,79	2 939,08	2 845,50	2 778,61	2 687,81
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	480,01	480,01	480,01	480,01
— in another Member State (Esc)	4 800,18	4 861,43	4 153,68	4 029,29	3 940,25	3 820,21

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

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 5	1st period 6	2nd period 7	3rd period 8 (1)	4th period 9 (1)
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	22,200	22,366	22,366	17,610	17,610
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	52,89	53,28	53,28	42,04	42,04
— Netherlands (Fl)	58,98	59,42	59,42	46,45	46,45
— BLEU (Bfrs/Lfrs)	1 071,97	1 079,98	1 079,98	850,33	850,33
— France (FF)	162,07	163,37	163,37	132,00	132,00
— Denmark (Dkr)	194,20	195,69	195,69	157,26	157,26
— Ireland (£ Irl)	18,025	18,170	18,170	14,692	14,692
— United Kingdom (£)	13,682	13,803	13,803	11,663	11,663
— Italy (Lit)	34 703	34 985	34 923	28 578	28 578
— Greece (Dr)	2 471,77	2 483,27	2 448,00	2 624,56	2 624,56
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	1 053,45	1 053,45
— in another Member State (Pta)	3 578,07	3 602,01	3 588,60	3 047,71	3 047,71
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 417,76	6 450,46	6 432,74	5 709,85	5 709,85
— in another Member State (Esc)	6 254,66	6 286,54	6 269,26	5 564,74	5 564,74
3. Compensatory aids:					
— in Spain (Pta)	3 526,98	3 552,85	3 539,44	2 998,97	2 998,97
4. Special aid:					
— in Portugal (Esc)	6 254,66	6 286,54	6 269,26	5 564,74	5 564,74

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

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

ANNEX IV

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

(value of 1 ECU)

	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
DM	2,080480	2,077030	2,074000	2,071000	2,071000	2,062890
Fl	2,347620	2,344150	2,340880	2,337760	2,337760	2,326460
Bfrs/Lfrs	43,544900	43,539800	43,526400	43,515000	43,515000	43,467400
FF	7,035200	7,037550	7,039550	7,041180	7,041180	7,046180
Dkr	8,096980	8,100650	8,104620	8,108710	8,108710	8,119160
£ Irl	0,779127	0,779170	0,779318	0,779438	0,779438	0,779613
£	0,654575	0,656080	0,657282	0,658504	0,658504	0,662571
Lit	1 523,42	1 528,31	1 533,54	1 538,78	1 538,78	1 553,50
Dr	177,40400	179,33200	181,04800	182,60000	182,60000	186,87800
Esc	171,98000	172,76400	173,54200	174,25100	174,25100	176,36500
Pta	128,97400	129,57800	130,09800	130,59400	130,59400	132,08200

COMMISSION REGULATION (EEC) No 1267/89

of 8 May 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1081/89⁽⁷⁾, as last amended by Regulation (EEC) No 1186/89⁽⁸⁾;

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

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

(¹) OJ No L 281, 1. 11. 1975, p. 1.
 (²) OJ No L 20, 25. 1. 1989, p. 16.
 (³) OJ No L 166, 25. 6. 1976, p. 1.
 (⁴) OJ No L 197, 26. 7. 1988, p. 30.
 (⁵) OJ No L 164, 24. 6. 1985, p. 1.
 (⁶) OJ No L 153, 13. 6. 1987, p. 1.
 (⁷) OJ No L 114, 27. 4. 1989, p. 24.
 (⁸) OJ No L 122, 3. 5. 1989, p. 15.
 (⁹) OJ No L 182, 3. 7. 1987, p. 49.
 (¹⁰) OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 5 May 1989;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1081/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 9 May 1989.

(¹¹) OJ No L 168, 25. 6. 1974, p. 7.

(¹²) OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 8 May 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 8 May 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1103 19 10	119,55	225,15	219,11
1103 29 10	119,55	225,15	219,11
1104 19 30	119,55	225,15	219,11
1104 29 10*20 (*)	86,89	164,92	161,90
1104 29 30*20 (*)	103,92	197,79	194,77
1104 29 95	67,34	127,18	124,16

(*) TARIC code : rye.

COMMISSION REGULATION (EEC) No 1268/89
of 8 May 1989

reducing the quantities of table wine covered by approved contracts and
declarations for distillation as provided for in Regulation (EEC) No 86/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2964/88 ⁽²⁾, and in particular Article 41 (10) thereof;

Whereas Article 3 (1) of Commission Regulation (EEC) No 2721/88 of 31 August 1988 laying down detailed rules for voluntary distillation as provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87 ⁽³⁾ provides for a mechanism enabling the total quantity of table wine which may be sent for distillation to be kept within a given limit;

Whereas the information forwarded to the Commission by the Member States shows that, on expiry of the time limit laid down for the submission of delivery contracts and declarations to the intervention agencies, the total quantity of table wine covered by such contracts and declarations exceeds by approximately 0,225 million hectolitres the quantity referred to in Article 1 of Commission Regulation (EEC) No 86/89 of 16 January 1989 opening, for the 1988/89 wine year, distillation of table wine as provided for in Article 41 (1) of Council Regulation (EEC) No 822/87 ⁽⁴⁾ and considered sufficient to improve market conditions; whereas, in the circumstances, the provision enabling distillation to be limited to the quantity laid down should be applied and consequently the quantities covered by each contract and declaration should be reduced proportionately;

Whereas Article 6 (5) of that Regulation provides that the minimum quantity of wine which may be delivered by a producer is 10 hectoliters; whereas provision should consequently be made, in cases where the reduction

applicable to a contract would lead to the delivery of a quantity less than that minimum, for the quantity which may be delivered to be 10 hectolitres;

Whereas, after the introduction of new provisions by Regulation (EEC) No 2721/88, difficulties have been encountered in implementing the procedures for approving contracts; whereas provision must be made for a short additional time limit for the notification of the results of the approval procedure;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantity of table wine which may be delivered for distillation as provided for in Regulation (EEC) No 86/89 shall be 94 % of the quantity covered by any contract or declaration submitted for approval.

However, if the quantity resulting from the application of that percentage is less than 10 hectolitres, the quantity which may be delivered shall be 10 hectolitres.

Article 2

By way of derogation from Article 6 (4) of Regulation (EEC) No 2721/88, the results of the procedure for approving contracts concluded pursuant to Regulation (EEC) No 86/89 shall be notified by the intervention agency to producers by 10 May 1989 at the latest.

Article 3

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

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 88.

⁽⁴⁾ OJ No L 13, 17. 1. 1989, p. 17.

COMMISSION REGULATION (EEC) No 1269/89

of 8 May 1989

introducing a countervailing charge on artichokes originating in Egypt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 3138/88 of 12 October 1988 fixing for the 1988/89 marketing year the reference prices for artichokes⁽³⁾ fixed the reference price for products of class I for the period 1 January to 30 April 1989 at ECU 78,03 per 100 kilograms net and for the month of May 74,95 per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for artichokes originating in Egypt the entry price calculated in this way has remained at least ECU 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these artichokes;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 17,57 per 100 kilograms net is applied to artichokes (CN code 0709 10 00) originating in Egypt.

Article 2

This Regulation shall enter into force on 10 May 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 280, 13. 10. 1988, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 8 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 February 1989

derogating from High Authority Recommendation No 1-64 on tariff protection in order to enable the generalized tariff preferences to be applied to certain iron and steel products originating in the developing countries

(136th derogation)

(89/306/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to High Authority Recommendation No 1-64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, as last amended by Recommendation 88/27/ECSC⁽²⁾, and in particular Article 3 thereof,

Whereas, for a number of years, the Governments of the Member States of the European Coal and Steel Community meeting within the Council have granted non-member countries covered by the generalized preferences scheme tariff advantages in respect of imports into the Community of certain ECSC iron and steel products in the form of total tariff suspensions without quantitative limits for certain types of product or total tariff suspensions within the limits of quotas either fixed or to be calculated for other types of product;

Whereas the Commission is involved in the negotiation of such concessions and in the decisions of the representatives of the governments implementing them; whereas the decisions in question are taken with the Commission's full agreement;

Whereas such concession are covered by Article 3 of High Authority Recommendation No 1-64, under which

the Commission, after consulting the Member States, can for reasons of commercial policy derogate from the tariff obligations laid down by the Recommendation;

Whereas Decision 88/654/ECSC⁽³⁾, establishing tariff concessions, was taken by the Member States with the Commission's agreement; whereas it meets the requirements laid down in Article 3 of the Recommendation for the granting of a derogation; whereas as a consequence it is appropriate to grant the derogation for the concessions in question;

Whereas the Member States have been consulted on the draft of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Member States are hereby authorized to derogate from obligations arising under Article 1 of High Authority Recommendation No 1-64 to the extent necessary to apply, on imports from non-member countries of iron and steel products covered by the ECSC Treaty, originating in those countries, the duty suspensions resulting from Decision 88/654/ECSC of the representatives of the Governments of the Member States of the European Coal and Steel Community meeting within the Council.

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ No L 15, 20. 1. 1988, p. 13.

⁽³⁾ OJ No L 375, 31. 12. 1988, p. 125.

Article 2

This Decision is addressed to the Member States. It shall apply from 1 January until 31 December 1989.

Done at Brussels, 23 February 1989.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 20 April 1989

adjusting the weightings applicable from 1 April 1989 to the remuneration of officials of the European Communities serving in non-member countries

(89/307/EEC, Euratom, ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Staff Regulations of Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 3982/88 ⁽²⁾, and in particular the second subparagraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first subparagraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EEC, Euratom, ECSC) No 702/89 ⁽³⁾ laid down the weightings to be applied from 1 January 1989 to the remuneration of officials serving in non-member countries payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas some of these weightings should be adjusted with effect from 1 April 1989 given that the statistics available to the Commission show that in certain non-member countries the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 April 1989 the weightings applicable to the remuneration of officials serving in non-member countries payable in the currency of their country of employment are adjusted 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 Decision takes effect.

Done at Brussels, 20 April 1989.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 354, 22. 12. 1988, p. 1.

⁽³⁾ OJ No L 78, 21. 3. 1989, p. 1.

⁽⁴⁾ OJ No L 110, 21. 4. 1989, p. 52.

ANNEX

Country of employment	Weighting
Brazil	73,90
Jordan	57,35
Malawi	66,03
Uganda	116,28
Somalia	45,39
Sudan	111,66
Syria	175,14
Trinidad and Tobago	78,07
Turkey	51,64
Yugoslavia	34,04

COMMISSION DECISION

of 26 April 1989

reallocating the fifth European Development Fund appropriations not yet committed from non-programmable resources for the overseas countries and territories

(89/308/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community, and in particular Articles 117 (3) (c) and 132 thereof⁽¹⁾,

Having regard to the Internal Agreement of 1979 on the financing and administration of Community aid, hereinafter referred to as the 'Internal Agreement'⁽²⁾,

Whereas, by Decision 80/1186/EEC, the Council granted certain appropriations to overseas countries and territories, hereinafter referred to as 'OCT', under the fifth European Development Fund (EDF); whereas there are among the non-programmable appropriations outstanding balances which have not yet been committed for emergency aid (ECU 2 325 061), risk capital (ECU 1 283 000) and regional projects (ECU 3 908 000);

Whereas this Decision provides that upon its expiry (28 February 1985) any monies transferred to the special appropriation which have not been committed for emergency aid shall be returned to the Fund proper for financing other schemes falling within the scope of financial and technical cooperation, unless the Council decides otherwise (Article 117 (3) (c)), that the appropriations provided for in the form of risk capital but not committed shall be added to those provided for in the form of special loans, and that the appropriations provided for financing regional projects but not committed shall be made available for financing other projects and programmes in the same subregion (Article 132);

Whereas a sufficient period of time has been allowed for these appropriations to be committed and they should now be reallocated; whereas as regards emergency aid, in the light of initial contacts with the representatives of the three Member States concerned, there is no evidence to suggest that the Council will decide otherwise; whereas the unused funds should therefore be returned according

to the procedures set out in Decision 80/1186/EEC and pursuant to Article 7 (1) of the Internal Agreement;

Whereas the Council had originally divided into three equal shares the resources granted to the United Kingdom, French and Netherlands OCT for projects and programmes to be implemented under the fifth EDF; whereas since then the shares of France and the United Kingdom have been slightly reduced, as two of the OCT for which these Member States has responsibility (the Franco-British condominium of New Hebrides, and Saint Vincent) became independent and acceded to the second Lomé Convention (as Vanuatu, and Saint Vincent and the Grenadines), whereupon the Council transferred a proportion of the regional appropriations for the two areas concerned to the ACP appropriations; whereas it is necessary to keep the same balance when reallocating the appropriations which have not yet been committed;

Whereas, moreover, since 1 January 1988 Commission delegates have been involved in the implementation of the EDF in the United Kingdom and Netherlands OCT, using the resources of Chapters A 18 and A 28 of the Community budget, while the EDF is implemented in the French OCT by means of technical assistance; whereas, in order to maintain the balance between the three equal shares, pending similar treatment for the French OCT, an appropriate amount should be added to the French share to cover the costs of this technical assistance;

Whereas it will then be necessary to carry out additional programming procedures with the relevant authorities of the countries and territories concerned for the additional amounts made available to them,

HAS ADOPTED THIS DECISION:

Article 1

In the framework of the appropriations provided for under the fifth EDF for overseas countries and territories, funds not committed from the appropriations relating to emergency aid, risk capital or regional projects shall be transferred to the financing of projects and programmes to be implemented in the three OCT areas for which the Kingdom of the Netherlands, the French Republic and the United Kingdom have responsibility.

(¹) OJ No L 361, 31. 12. 1980, p. 1.

(²) OJ No L 347, 22. 12. 1980, p. 210.

The procedures for the transfers are the subject of Article 2 and the figures are set out in Article 3.

Article 2

With reference to Decision 80/1186/EEC :

- (a) the appropriations not committed under the special funds provided for the financing of emergency aid in Article 117 (3) (b), amounting to ECU 2 325 061 in the form of grants, minus ECU 150 000 earmarked for the OCT for which the French Republic has responsibility to cover the costs of technical assistance, shall be divided into three equal shares of ECU 725 000 each ;
- (b) the appropriations not committed under the funds provided for risk capital in Article 83 (1) (a), amounting to ECU 1 283 000 in the form of special loans, shall be divided into three equal shares of ECU 427 667 each ;
- (c) the outstanding balances for each of the three OCT areas from the funds provided for in Article 114 (2) to finance regional projects shall be added to the indicative programmes of each of these three areas.

Article 3

1. The appropriations of ECU 20 million set out in Article 83 (3) of Decision 80/1186/EEC shall be increased for each of the three OCT areas to the following amounts

(in ecus)

OCT for which the following Member State is responsible	Total	Grants	Special loans
France	21 380 687	12 953 020	8 427 667
Netherlands	23 514 687	13 921 020	9 593 667
United Kingdom	22 470 687	13 209 020	9 261 667

2. Moreover, an amount of ECU 150 000 in the form of grants shall be allocated to the OCT for which the French Republic is responsible to finance technical assistance for implementing the EDF, until such time as they receive treatment similar to that of the OCT for which the Kingdom of the Netherlands and the United Kingdom are responsible.

Article 4

The chief authorizing officer of the EDF is hereby instructed to carry out with the relevant authorities of the countries and territories the additional programming procedures required by the differences between :

- (a) the appropriations set out in Article 3 (1), and
- (b) the total amounts of the indicative programmes arising from the programming already carried out with each of the three OCT areas, pursuant to Article 91 of Decision 80/1186/EEC.

Article 5

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

Done at Brussels, 26 April 1989.

For the Commission

Manuel MARIN

Vice-President

COMMISSION DECISION

of 28 April 1989

accepting an undertaking relating to the anti-dumping proceeding concerning certain plain paper photocopiers assembled or produced in the Community by Sharp Manufacturing (UK) Ltd

(89/309/EEC)

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 Community⁽¹⁾, and in particular Article 13 (10) thereof,

After consultations within the Advisory Committee as provided for under Regulation (EEC) No 2423/88,

Whereas :

A. Procedure

- (1) By Regulation (EEC) No 535/87⁽²⁾, the Council imposed definitive anti-dumping duties on imports of plain paper photocopiers (PPCs) originating in Japan. In January 1988, the Commission received a complaint lodged by Cecom, the Committee of European Copier Manufacturers, on behalf of producers of PPCs whose collective output constitutes a major proportion of Community production of the product in question. The complaint contained sufficient evidence that, following the opening of the investigation on PPCs originating in Japan⁽³⁾, a number of companies where assembling PPCs in the Community under the conditions referred to in Article 13 (10) of Regulation (EEC) No 2423/88.

After consultation, the Commission accordingly announced, by notice published in the *Official Journal of the European Communities*⁽⁴⁾, the initiation of an investigation under Article 13 (10) of Regulation (EEC) No 2423/88 concerning PPCs assembled in the Community by the following companies related to or associated with the Japanese manufacturers whose imports of PPCs into the Community are subject to a definitive anti-dumping duty :

- Canon Bretagne SA (France),
- Canon Glessen GmbH (Germany),
- Firma Develop Dr Eisbein GmbH (Germany),
- Konica Business Machines Manufacturing GmbH (Germany),
- Matsushita Business Machine (Europe) GmbH (Germany),
- Olivetti-Canon Industriale Spa (Italy),
- Ricoh (UK) Products Ltd (United Kingdom),
- Sharp Manufacturing (UK) Ltd (United Kingdom),
- Toshiba Systèmes (France) SA (France).

B. Results of the first investigation

- (2) The investigation, which covered the period from April 1987 to January 1988, showed that Sharp Manufacturing (UK) Ltd had not assembled or produced PPCs in the Community during the investigation period and that Canon Glessen GmbH and Olivetti-Canon Spa had reached the required 40 % of non-Japanese parts during that period. Accordingly, the relevant anti-dumping duties were not extended to PPCs assembled or produced in the Community by these companies. In addition, Canon Bretagne SA, Firma Develop Dr Eisbein GmbH and Ricoh (UK) Products Ltd offered undertakings during the course of the proceeding which were accepted by the Commission by Decision 88/519/EEC⁽⁵⁾.
- (3) For all other companies investigated, and after taking into consideration the circumstances of each case, Council Regulation (EEC) No 3205/88⁽⁶⁾ extended the anti-dumping duty imposed by Regulation (EEC) No 535/87 to certain PPCs assembled in the Community by these companies.
- (4) Matsushita Business Machine (Europe) GmbH and Toshiba Systèmes (France) SA⁽⁷⁾ and subsequently Konica Business Machines Manufacturing GmbH⁽⁸⁾ offered undertakings which were accepted by the Commission and Regulation (EEC) No 3205/88 was accordingly repealed⁽⁹⁾.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 54, 24. 2. 1987, p. 12.

⁽³⁾ OJ No C 194, 2. 8. 1985, p. 5.

⁽⁴⁾ OJ No C 44, 17. 2. 1988, p. 3.

⁽⁵⁾ OJ No L 284, 19. 10. 1988, p. 60.

⁽⁶⁾ OJ No L 284, 19. 10. 1988, p. 36.

⁽⁷⁾ OJ No L 355, 23. 12. 1988, p. 66.

⁽⁸⁾ OJ No L 43, 15. 2. 1989, p. 54.

⁽⁹⁾ OJ No L 43, 15. 2. 1989, p. 1.

C. Subsequent investigation

- (5) During the first investigation, the Commission established that Sharp Corporation, at its wholly owned subsidiary in the United Kingdom, Sharp Manufacturing (UK) Ltd, had in fact commenced production or assembly of the product concerned subsequent to the reference period.
- (6) The Commission, accordingly, considered it appropriate that the investigation concerning the production of assembly of PPCs in the Community should also cover assembly or production facilities of Sharp Manufacturing (UK) Ltd and published a notice⁽¹⁾ in the *Official Journal of the European Communities* to that effect and commenced an investigation.
- (7) The investigation established that, during the period June to November 1988, the weighted average value of parts and materials of Japanese origin incorporated in all models assembled or produced by Sharp Manufacturing (UK) Ltd was more than 60 %.

D. Undertaking

- (8) Subsequently, Sharp Manufacturing (UK) Ltd offered an undertaking and the Commission verified, at the premises of the company concerned, the contents thereof. This undertaking would remove the conditions justifying the extension to the abovementioned company of the anti-dumping

duty imposed on PPCs by Regulation (EEC) No 535/87. In the light of the undertaking offered and of the results of the verification and after consultation, the Commission is satisfied that the changes in the sourcing of parts and materials, the assurances regarding future sourcing and of other aspects of this company's assembly or production operation in the Community are sufficient for the undertaking to be accepted,

HAS ADOPTED THIS REGULATION :

Sole Article

The undertaking offered by Sharp Manufacturing (UK) Ltd in connection with plain paper photocopiers incorporating an optical system (falling within CN codes ex 9009 11 00, ex 9009 12 00 and ex 9009 21 00) introduced into the commerce of the Community after having been assembled in the Community by Sharp Manufacturing (UK) Ltd is hereby accepted.

Done at Brussels, 28 April 1989.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No C 306, 1. 12. 1988, p. 8.

COMMISSION DECISION

of 28 April 1989

on the quantities of sheepmeat and goatmeat that may be imported in 1989 into certain sensitive marketing zones from certain non-member countries

(89/310/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2641/80 of 14 October 1980 derogating from certain import rules laid down in Regulation (EEC) No 1837/80 on the common organization of the market in sheepmeat and goatmeat ⁽³⁾, and in particular Article 1 (2) thereof,

Whereas certain non-member countries which have concluded voluntary restraint agreements with the European Economic Community have undertaken to limit their exports of sheepmeat and goatmeat to sensitive marketing zones to the traditional quantities or the quantities towards which the traditional trade flows have tended; whereas, under the provisions of the third indent of Article 1 (1) of Regulation (EEC) No 2641/80, the issuing of import licences for the products in question is suspended when agreed import quantities into these zones are exceeded; whereas the quantities that may be imported into these zones for 1989 should therefore be specified and importers should be informed of the time from which licences will no longer be granted;

Whereas quantities have already been agreed, by exchange of letter, with Austria ⁽⁴⁾, Iceland ⁽⁵⁾, Czechoslovakia ⁽⁶⁾, Yugoslavia ⁽⁷⁾, Romania ⁽⁸⁾ and the German Democratic Republic ⁽⁹⁾;

Whereas for Bulgaria, Hungary and Poland the quantities must be fixed each year in the framework of consultation;

Whereas the Australian authorities have undertaken to limit exports to the French and Irish markets to the traditional quantities; whereas, given the present situation and in order not to interrupt import flows, a quantity should be fixed unilaterally for Ireland on the basis of these traditional quantities;

Whereas discussions are taking place with Argentina, New Zealand and Uruguay regarding arrangements for

the French and Irish markets; whereas, however, quantities have not yet been agreed; whereas in view of the present situation and in order not to interrupt trade flows, provisional quantities should be fixed autonomously;

Whereas the quantities fixed are provisional and should apply without prejudice to the outcome of negotiations on the temporary adaptation of the voluntary restraint agreements;

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

HAS ADOPTED THIS DECISION:

Article 1

The competent authorities of France shall issue, up to the quantities listed in the Annexe hereto, import licences for 1989 for sheepmeat and goatmeat falling within CN codes 0104 10 90, 0104 20 90 and 0204, imported from the non-member countries listed in the Annex into France.

Article 2

Ireland shall not issue any import licences for the products referred to in Article 1.

Article 3

The licences referred to in this Decision shall be issued only in France and Ireland, respectively.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 28 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 275, 18. 10. 1980, p. 2.

⁽⁴⁾ OJ No L 154, 9. 6. 1984, p. 36.

⁽⁵⁾ OJ No L 96, 3. 4. 1985, p. 30.

⁽⁶⁾ OJ No L 309, 31. 10. 1987, p. 107.

ANNEX

Quantities referred to in Article I

	(tonnes)
	Carcase weight equivalent
Argentina (1)	1 210
Australia	806
Austria	0
Bulgaria	360
Hungary	975
Iceland	0
New Zealand (1)	5 637
Poland	1 150
Romania	114
Czechoslovakia	0
Uruguay (1)	0
Yugoslavia	50
German Democratic Republic	0

(1) Quantity fixed autonomously.