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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2096/89

of 13 July 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 1834/89⁽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 1915/89⁽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 12 July 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 1915/89 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 14 July 1989.

(¹) OJ No L 281, 1. 11. 1975, p. 1.
 (²) OJ No L 180, 27. 6. 1989, p. 1.
 (³) OJ No L 164, 24. 6. 1985, p. 1.
 (⁴) OJ No L 153, 13. 6. 1987, p. 1.
 (⁵) OJ No L 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 13 July 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 13 July 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	34,31	136,66
0712 90 19	34,31	136,66
1001 10 10	13,87	150,30 ⁽¹⁾ ⁽²⁾
1001 10 90	13,87	150,30 ⁽¹⁾ ⁽²⁾
1001 90 91	13,66	107,59
1001 90 99	13,66	107,59
1002 00 00	41,42	112,67 ⁽³⁾
1003 00 10	32,09	105,14
1003 00 90	32,09	105,14
1004 00 10	23,49	83,60
1004 00 90	23,49	83,60
1005 10 90	34,31	136,66 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	136,66 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	142,54 ⁽⁴⁾
1008 10 00	32,09	2,07
1008 20 00	32,09	21,04 ⁽⁵⁾
1008 30 00	32,09	0,00 ⁽⁷⁾
1008 90 10	(7)	(7)
1008 90 90	32,09	0,00
1101 00 00	32,13	164,48
1102 10 00	70,99	171,52
1103 11 10	35,82	247,29
1103 11 90	34,71	177,64

⁽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 2097/89

of 13 July 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 1834/89⁽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 1916/89⁽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 12 July 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 14 July 1989.

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

Done at Brussels, 13 July 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 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 13 July 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	7	8	9	10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	1,82
1001 10 90	0	0	0	1,82
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	1,65	1,65	1,65
1004 00 90	0	1,65	1,65	1,65
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	7	8	9	10	11
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2098/89

of 13 July 1989

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 1225/89⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 10 and 11 July 1989 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 14 July 1989.

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 13 July 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

**COMMISSION REGULATION (EEC) No 2099/89
of 13 July 1989**

adjusting the agricultural conversion rates for the pigmeat sector in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽²⁾, as last amended by Regulation (EEC) No 1889/87⁽³⁾, lays down that the agricultural

conversion rates of a Member State should be adjusted so as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the Greek drachma during the reference period 5 to 11 July 1989 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁴⁾, as last amended by Regulation (EEC) No 2015/89⁽⁵⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁶⁾, as last amended by Regulation (EEC) No 3521/88⁽⁷⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Greece effective from 17 July 1989; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to avoid the creation of these new monetary compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	ECU 1 = Dr...	Applicable until	ECU 1 = Dr...	Applicable from
Pigmeat	196,93	16 July 1989	196,727	17 July 1989'

Article 2

This Regulation shall enter into force on 17 July 1989.

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

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 192, 7. 7. 1989, p. 8.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁷⁾ OJ No L 307, 12. 11. 1988, p. 28.

COMMISSION REGULATION (EEC) No 2100/89**of 12 July 1989****on the supply of refined rape seed oil to the World Food Programme (WFP) as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

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

Whereas, by its Decision of 16 December 1988 on the supply of food aid to WFP, the Commission allocated to the latter organization 2 250 tonnes of refined rape seed oil to be supplied free at port of shipment;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 12 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation No** (1): 234/89
2. **Programme**: 1989
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma; telex 626675 I WFP
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Pakistan
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 2 250 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - new metal 200-kilogram drums with bungs
 - the drums must carry the following wording:
'ACTION No 234/89-PAKISTAN 0392200 / VEGETABLE OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / KARACHI'
11. **Method of mobilization**: Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 12. 9 to 10. 10. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** (5): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 1. 8. 1989 not later than 12 noon. Tenders shall be valid until 12 midnight on 2. 8. 1989
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 15. 8. 1989 not later than 12 noon. Tenders shall be considered valid until 12 midnight on 16. 8. 1989
 - (b) period for making the goods available at the port of shipment: 26. 9 to 24. 10. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer**: —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 103 of 16 April 1987, page 6.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
 - certificate of origin.
- (⁴) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05
- (⁶) Supply free-at-port-of-shipment, as provided for in Article 13 of Regulation (EEC) No 2200/87, implies that the following costs at the port of shipment shall be borne by the successful tenderer :
- should containers be used on an FCL/FCL or FCL/LCL basis, all costs pertaining to the use of such containers, with the exception of rental costs, up to the terminal stage, including THC (terminal handling charges).

Where, on the basis of the second subparagraph of point 2 of the aforementioned Article 13, the successful tenderer is responsible for loading the containers on board of the vessel designated by the recipient, the refund of the costs within the meaning of the said provisions does not include the THC,
 - should containers be used on an LCL /FCL or LCL/LCL basis, no costs ; the successful tenderer shall deliver the goods to the terminal at a stage where the stuffing of the containers can be immediately done at the recipient's expense.

COMMISSION REGULATION (EEC) No 2101/89

of 13 July 1989

opening an invitation to tender for the sale for export of baled tobacco held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 1251/89 ⁽²⁾, and in particular Article 7 (4) thereof,

Whereas Commission Regulation (EEC) No 3389/73 ⁽³⁾, as last amended by Regulation (EEC) No 3263/85 ⁽⁴⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the costs of storage, an invitation to tender should be opened for the sale of the tobacco in lots; whereas this tobacco should be intended for export, without refund;

Whereas payment for all these lots is made before the tobacco is removed; whereas it should be provided that, at the request of the successful tenderer, the security should be released progressively as the quantities of tobacco are exported;

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

HAS ADOPTED THIS REGULATION:

Article 1

Nine lots of baled raw tobacco from the 1986 and 1987 harvests, held by the Greek intervention agency, with a total weight of 11 211 693 kilograms divided by varieties as shown in the Annex hereto, shall be sold for export.

Article 2

The sale shall take place in accordance with the tendering procedure provided for in Regulation (EEC) No 3389/73.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 16.

⁽³⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁴⁾ OJ No L 311, 22. 11. 1985, p. 22.

Article 3

The deadline for the submission of tenders at the headquarters of the Commission of the European Communities shall be at 3 p.m. local time, on 13 September 1989.

Article 4

The closing date referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for removal of the tobacco by the successful tenderer shall be:

- (a) at the end of the fourth month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*, in respect of at least one-third of the lots;
- (b) at the end of the sixth month following the said date for the remaining tobacco.

Article 5

1. The security referred to in Article 5 of Regulation (EEC) No 3389/73 must be lodged with and made payable to the Ypiresia Diachirisis Agoron Georgikon Proionton (YDAGEP), Acharnon 5, GR-Athens 108.

2. The Commission shall inform the relevant intervention agency forthwith of the result of the sale by tender. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released in instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 (c) of the said Regulation has been furnished.

Article 6

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

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

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Lot No	Variety	Harvest	Weight (kilograms)
1	Mavra	1986	306 491
	Kaba Koulak classic and Ellassona	1986	623 250
	Kaba Koulak non-classic	1986	155 308
	Katerini	1986	229 960
	Burley EL	1986	252 050
	Basmas	1986	238 844
			<u>1 805 903</u>
2	Mavra	1986	306 491
	Kaba Koulak classic and Ellassona	1986	567 712
	Kaba Koulak non-classic	1986	163 129
	Katerini	1986	229 988
	Burley EL	1986	252 516
			<u>1 519 836</u>
3	Mavra	1986	306 491
	Kaba Koulak classic and Ellassona	1986	567 740
	Kaba Koulak non-classic	1986	163 155
	Katerini	1986	229 988
	Burley EL	1986	252 617
			<u>1 519 991</u>
4	Myrodata Agrinon	1986	699 479
	Zichnomyrodata	1986	137 200
	Mavra	1987	338 132
	Katerini	1986	289 768
			<u>1 464 579</u>
5	Kaba Koulak classic	1987	496 384
	Ellassona	1987	341 954
	Katerini	1986	400 154
			<u>1 238 492</u>
6	Mavra	1987	333 872
	Basmas	1987	91 826
			<u>425 698</u>
7	Mavra	1987	447 165
	Basmas	1987	197 561
			<u>644 726</u>
8	Burley EL	1986	754 261
	Burley EL	1987	97 697
	Katerini	1987	581 203
	Basmas	1987	197 562
			<u>1 630 723</u>
9	Katerini	1986	689 921
	Basmas	1987	271 824
			<u>961 745</u>
Total			11 211 693

COMMISSION REGULATION (EEC) No 2102/89

of 13 July 1989

opening an invitation to tender for the sale of olive oil held by the Portuguese intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1225/89⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Portuguese intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Portuguese intervention agency, 'Instituto Nacional de Intervenção e Garantia Agrícola', hereinafter referred to

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

as 'INGA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil: 1 300 tonnes of virgin olive oil.

Article 2

The invitation to tender shall be published on 14 July 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of INGA, Rua Padre António Vieira n° 1, Lisbon, Portugal.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach the INGA at the central office, Rua Padre António Vieira n° 1, Lisbon, Portugal not later than 2 p.m. (local time) on 21 July 1989.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is registered as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 150 tonnes.

Article 4

Not later than three days after the expiry of the time limit laid down for the submission of tenders, INGA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 5

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 6

The olive oil shall be sold by INGA not later than the fifth working day after the date of notification of the decision referred to in Article 6.

INGA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 7

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Esc 3 340 per 100 kilograms.

Article 8

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Esc 430 per 100 kilograms.

Article 9

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, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2103/89

of 13 July 1989

on the sale of olive oil residues held by the Portuguese intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1225/89⁽²⁾, and in particular Article 12 thereof,Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender except when particular conditions necessitate recourse to other procedures;

Whereas, following sales by invitation to tender for olive oil organized by the Portuguese intervention agency, the latter still holds in stock a quantity of vat bottom residues; whereas these residues contain a considerable percentage of oil; whereas correct management of the olive oil bought in by the intervention agency requires that these residues should therefore be put up for sale;

Whereas, for commercial reasons based chiefly on the fact that there is no well-defined market or price system for the product in question, it is not advisable to use the sale by tender procedure previously applied for the olive oil; whereas the Portuguese intervention agency should therefore sell the product for the best price it can obtain;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Portuguese intervention agency, Instituto Nacional de Intervenção e Garantia Agrícola, hereinafter referred to as 'INGA', shall sell for the best price it can obtain, 76 tonnes of vat bottom residues which it is holding as a result of the olive oil it bought in up to the 1987/88 marketing year.

2. The notice of sale shall be displayed by INGA at its head office at Rua Padre António Vieira nº 1, Lisbon, at least 10 days before the date set for the sale.

3. Sale of the product referred to in paragraph 1 shall be effected before 15 September 1989. Delivery of the product sold must take place before 30 September 1989.

INGA shall inform the Commission as soon as possible of the outcome of the sale.

*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, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

COMMISSION REGULATION (EEC) No 2104/89
of 13 July 1989
fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1353/89⁽⁴⁾, as last amended by Regulation (EEC) No 1936/89⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1353/89 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of 24,005 ECU per 100 kilograms,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginmed cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 37,557 ECU per 100 kilograms.

2. However, the amounts of the aid will be confirmed or replaced with effect from 14 July 1989 to take account for the 1989/90 marketing year, as the case may be, of the consequences of the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 14 July 1989.

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

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 135, 19. 5. 1989, p. 13.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 65.

COMMISSION REGULATION (EEC) No 2105/89

of 13 July 1989

amending Regulation (EEC) No 3779/88 on the reimbursement of the co-responsibility levy in the cereals sector provided for in Regulations (EEC) No 2040/86 and (EEC) No 1432/88 in respect of first-stage processing undertaken on a producer's account

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1834/89⁽²⁾, and in particular Articles 4 (5) and 4b thereof,

Whereas Commission Regulation (EEC) No 3779/88⁽³⁾, as amended by Regulation (EEC) No 979/89⁽⁴⁾, provides for the reimbursement to producers of co-responsibility levies on certain processing operations following the judgment of the Court of Justice in Case 300/86 before 30 June 1989;

Whereas certain difficulties of an administrative nature, notably following the extension of the time limit for the lodging of such applications, make it difficult to meet that time limit; whereas, in order to overcome those

difficulties, this time limit should be extended by one month;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3779/88, 'before 30 June 1989' is hereby replaced by 'before 31 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, 13 July 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 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 332, 3. 12. 1988, p. 17.

⁽⁴⁾ OJ No L 103, 15. 4. 1989, p. 28.

COMMISSION REGULATION (EEC) No 2106/89

of 13 July 1989

amending for the fifth time Regulation (EEC) No 3461/85 on the organization of campaigns to promote the consumption of grape juice

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 1236/89 ⁽²⁾, and in particular Article 46 (5) thereof,

Whereas Commission Regulation (EEC) No 3461/85 ⁽³⁾, as last amended by Regulation (EEC) No 1337/87 ⁽⁴⁾, lays down rules governing the organization of campaigns to promote the consumption of grape juice;

Whereas since the Member States designated, after consulting the professional organizations, the bodies that are to mount campaigns, monitor their activities and make the relevant payments, the competent body of the Member State should sign the contract and provision should be made to that effect;

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

Regulation (EEC) No 3461/85 is hereby amended as follows:

1. In Article 2:

— the opening phrase of the first subparagraph of paragraph 2 is replaced by:

'2. Each of the Member States concerned, after designating the body competent to conclude the contract';

— paragraph 3 is replaced by the following:

'3. The Commission shall examine the programmes and, if they meet the criteria set out in Article 3 and should engender appropriate development of the consumption of grape juice, shall after informing the Management Committee for Wine, authorize the competent body to conclude a contract with the body that prepared the programmes. The competent bodies shall use

for this purpose standard contracts which the Commission shall make available to them.'

— the following paragraph is added:

'4. The competent body shall forward to the Commission without delay a copy of the contract and of the formal specifications.'

2. In Article 2a:

— in the second subparagraph of paragraph 1, the opening phrase is replaced by:

'For this purpose, the Member State concerned shall, after designating the body competent to conclude the contract, present to the Commission a proposal which shall include at least';

— paragraph 2 is replaced by the following:

'2. The Commission shall consider the proposals and, if they meet the conditions laid down in paragraph 1, shall, after informing the Management Committee for Wine, authorize the competent body to conclude a contract with the body that prepared the proposals. The competent bodies shall use for this purpose standard contracts which the Commission shall make available to them.'

— the following paragraph 2a is inserted:

'2a. The competent body shall forward to the Commission without delay a copy of the contract and of the formal specifications.'

3. In Article 3 (2), the second subparagraph is replaced by the following:

'However, if while the contract is being carried out, exceptional circumstances for which the contractor cannot be held responsible make it impossible to keep to the time limit laid down, the competent body may extend the time limit at the reasoned request of the contractor, provided such request is made before expiry of the contract.'

4. In Article 4 (1) the first indent is replaced by the following:

'— shall be drawn up by the competent body in at least three copies and signed by both parties';

5. In Article 5:

— the opening phrase of the first subparagraph of paragraph 1 is replaced by:

'1. The Member States' competent bodies shall pay bodies which have signed contracts either';

— the opening phrase of the second subparagraph of paragraph 1 is replaced by:

'However, the competent bodies may, while the contract is being carried out';

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 332, 10. 12. 1985, p. 22.

⁽⁴⁾ OJ No L 126, 15. 5. 1987, p. 8.

— paragraph 3 (b) is replaced by :

'(b) the report referred to in Article 6 has been forwarded and the Member State has verified the information contained therein.'

forwarded by the bodies responsible for the execution of the programme to the competent body; the Member State shall forward the reports, with its comments, to the Commission within one month of receipt thereof.'

6. Article 6 is replaced by the following :

Article 6

Within four months from the final date fixed in the contract for the execution of the measures, detailed reports on their execution and on the expected results, particularly with regard to sales of grape juice, shall be

Article 2

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

It shall apply to promotion campaigns which are carried out with effect from the 1988/89 wine year.

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

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2107/89

of 13 July 1989

amending Regulation (EEC) No 1901/89 derogating from Regulation (EEC) No 920/89 laying down quality standards for carrots, citrus fruit and dessert apples and pears as regards the sizing of apples for the 1989/90 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 2 (3) thereof,Whereas Regulation (EEC) No 1901/89⁽³⁾ derogated as regards sizing, for the 1989/90 marketing year, from the quality standards fixed for table apples by Commission Regulation (EEC) No 920/89⁽⁴⁾; whereas in order to allow for a smoother transition between the previous standards and those derogated for the 1989/90 marketing year, because of existing contracts, the entry into force of Regulation (EEC) No 1901/89 should be postponed;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 1901/89, '1 July 1989' is replaced by '31 July 1989'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 13 July 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, 27. 4. 1989, p. 12.⁽³⁾ OJ No L 184, 30. 6. 1989, p. 19.⁽⁴⁾ OJ No L 97, 11. 4. 1989, p. 19.

COMMISSION REGULATION (EEC) No 2108/89

of 13 July 1989

derogating from Regulation (EEC) No 2377/80 on special detailed rules for the application of the system of import and export licences in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 15 (2) thereof,Whereas, by Commission Regulation (EEC) No 1030/89⁽³⁾, import licences for high-quality fresh, chilled or frozen beef and veal originating in or coming from the United States of America and Canada were issued in respect of the second quarter of 1989; whereas, owing to developments in contacts with one of those supplier countries with a view to finding a solution enabling the suspension of imports of meat from that country to be lifted, the term of validity of those import licences should be extended;

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

Done at Brussels, 13 July 1989.

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

HAS ADOPTED THIS REGULATION:

*Article 1*By way of derogation from Article 4 (b) of Commission Regulation (EEC) No 2377/80⁽⁴⁾, the term of validity of import licences issued under Regulation (EEC) No 1030/89 is hereby extended to 11 August 1989.*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.*For the Commission*

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.⁽³⁾ OJ No L 110, 21. 4. 1989, p. 19.⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

COMMISSION REGULATION (EEC) No 2109/89
of 13 July 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 19 June 1989, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 19

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 19 June 1989, the level of the premium is fixed at 79,834 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 19 June 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 19 June 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 13 July 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	37,522	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	79,834	0
0204 21 00	79,834	0
0204 50 11		0
0204 22 10	55,884	
0204 22 30	87,817	
0204 22 50	103,784	
0204 22 90	103,784	
0204 23 00	145,298	
0204 30 00	59,876	
0204 41 00	59,876	
0204 42 10	41,913	
0204 42 30	65,864	
0204 42 50	77,839	
0204 42 90	77,839	
0204 43 00	108,974	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	103,784	
0210 90 19	145,298	
1602 90 71 :		
— unboned (bone-in)	103,784	
— boned or boneless	145,298	

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

COMMISSION REGULATION (EEC) No 2110/89
of 13 July 1989
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 763/89 ⁽²⁾, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 876/68 of the Council of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of the Commission of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93 of the combined nomenclature, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

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

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

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down

additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within codes 0401, 0402, 0403, 0404, 0405 and 2309 of the combined nomenclature.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 14 July 1989.

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

Done at Brussels, 13 July 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 13 July 1989 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		4,55
0401 10 90 000		4,55
0401 20 11 100		4,55
0401 20 11 500		7,63
0401 20 19 100		4,55
0401 20 19 500		7,63
0401 20 91 100		10,51
0401 20 91 500		12,44
0401 20 99 100		10,51
0401 20 99 500		12,44
0401 30 11 100		16,29
0401 30 11 400		25,72
0401 30 11 700		39,20
0401 30 19 100		16,29
0401 30 19 400		25,72
0401 30 19 700		39,20
0401 30 31 100		46,90
0401 30 31 400		73,85
0401 30 31 700		81,55
0401 30 39 100		46,90
0401 30 39 400		73,85
0401 30 39 700		81,55
0401 30 91 100		93,10
0401 30 91 400		137,37
0401 30 91 700		160,47
0401 30 99 100		93,10
0401 30 99 400		137,37
0401 30 99 700		160,47
0402 10 11 000		50,00
0402 10 19 000		50,00
0402 10 91 000		0,5000
0402 10 99 000		0,5000
0402 21 11 200		50,00
0402 21 11 300		82,38
0402 21 11 500		87,56
0402 21 11 900		95,00
0402 21 17 000		50,00
0402 21 19 300		82,38
0402 21 19 500		87,56
0402 21 19 900		95,00
0402 21 91 100		95,79
0402 21 91 200		96,54
0402 21 91 300		97,91
0402 21 91 400		105,86
0402 21 91 500		108,57
0402 21 91 600		118,92
0402 21 91 700		125,16
0402 21 91 900		132,07
0402 21 99 100		95,79

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		96,54
0402 21 99 300		97,91
0402 21 99 400		105,86
0402 21 99 500		108,57
0402 21 99 600		118,92
0402 21 99 700		125,16
0402 21 99 900		132,07
0402 29 15 200		0,5000
0402 29 15 300		0,8238
0402 29 15 500		0,8756
0402 29 15 900		0,9500
0402 29 19 200		0,5000
0402 29 19 300		0,8238
0402 29 19 500		0,8756
0402 29 19 900		0,9500
0402 29 91 100		0,9579
0402 29 91 500		1,0586
0402 29 99 100		0,9579
0402 29 99 500		1,0586
0402 91 11 110		4,55
0402 91 11 120		10,51
0402 91 11 310		17,83
0402 91 11 350		22,30
0402 91 11 370		27,65
0402 91 19 110		4,55
0402 91 19 120		10,51
0402 91 19 310		17,83
0402 91 19 350		22,30
0402 91 19 370		27,65
0402 91 31 100		21,87
0402 91 31 300		32,67
0402 91 39 100		21,87
0402 91 39 300		32,67
0402 91 51 000		25,72
0402 91 59 000		25,72
0402 91 91 000		93,10
0402 91 99 000		93,10
0402 99 11 110		0,0455
0402 99 11 130		0,1051
0402 99 11 150		0,1796
0402 99 11 310		20,57
0402 99 11 330		25,13
0402 99 11 350		34,08
0402 99 19 110		0,0455
0402 99 19 130		0,1051
0402 99 19 150		0,1796
0402 99 19 310		20,57
0402 99 19 330		25,13
0402 99 19 350		34,08
0402 99 31 110		0,2380
0402 99 31 150		35,55
0402 99 31 300		0,4690
0402 99 31 500		0,8155
0402 99 39 110		0,2380
0402 99 39 150		35,55
0402 99 39 300		0,4690

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8155
0402 99 91 000		0,9310
0402 99 99 000		0,9310
0403 10 11 100		4,55
0403 10 11 300		7,63
0403 10 13 000		10,51
0403 10 19 000		16,29
0403 10 31 100		0,0455
0403 10 31 300		0,0763
0403 10 33 000		0,1051
0403 10 39 000		0,1629
0403 90 11 000		50,00
0403 90 13 000		50,00
0403 90 19 000		95,79
0403 90 31 000		0,5000
0403 90 33 000		0,5000
0403 90 39 000		0,9579
0403 90 51 100		4,55
0403 90 51 300		7,63
0403 90 53 000		10,51
0403 90 59 110		16,29
0403 90 59 140		25,72
0403 90 59 170		39,20
0403 90 59 310		46,90
0403 90 59 340		73,85
0403 90 59 370		81,55
0403 90 59 510		93,01
0403 90 59 540		137,37
0403 90 59 570		160,47
0403 90 61 100		0,0455
0403 90 61 300		0,0763
0403 90 63 000		0,1051
0403 90 69 000		0,1629
0404 90 11 100		50,00
0404 90 11 910		4,55
0404 90 11 950		17,83
0404 90 13 120		50,00
0404 90 13 130		82,38
0404 90 13 140		87,56
0404 90 13 150		95,00
0404 90 13 911		4,55
0404 90 13 913		10,51
0404 90 13 915		16,29
0404 90 13 917		25,72
0404 90 13 919		39,20
0404 90 13 931		17,83
0404 90 13 933		22,30
0404 90 13 935		27,65
0404 90 13 937		32,67
0404 90 13 939		34,19
0404 90 19 110		95,79
0404 90 19 115		96,54
0404 90 19 120		97,91
0404 90 19 130		105,86
0404 90 19 135		108,57

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		118,92
0404 90 19 160		125,16
0404 90 19 180		132,07
0404 90 19 900		—
0404 90 31 100		50,00
0404 90 31 910		4,55
0404 90 31 950		17,83
0404 90 33 120		50,00
0404 90 33 130		82,38
0404 90 33 140		87,56
0404 90 33 150		95,00
0404 90 33 911		4,55
0404 90 33 913		10,51
0404 90 33 915		16,29
0404 90 33 917		25,72
0404 90 33 919		39,20
0404 90 33 931		17,83
0404 90 33 933		22,30
0404 90 33 935		27,65
0404 90 33 937		32,67
0404 90 33 939		34,19
0404 90 39 110		95,79
0404 90 39 115		96,54
0404 90 39 120		97,91
0404 90 39 130		105,86
0404 90 39 150		108,57
0404 90 39 900		—
0404 90 51 100		0,5000
0404 90 51 910		0,0455
0404 90 51 950		20,57
0404 90 53 110		0,5000
0404 90 53 130		0,8238
0404 90 53 150		0,8756
0404 90 53 170		0,9500
0404 90 53 911		0,0455
0404 90 53 913		0,1051
0404 90 53 915		0,1629
0404 90 53 917		0,2572
0404 90 53 919		0,3920
0404 90 53 931		20,57
0404 90 53 933		25,13
0404 90 53 935		34,08
0404 90 53 937		35,55
0404 90 53 939		—
0404 90 59 130		0,9579
0404 90 59 150		1,0586
0404 90 59 930		0,5652
0404 90 59 950		0,8155
0404 90 59 990		0,9310
0404 90 91 100		0,5000
0404 90 91 910		0,0455
0404 90 91 950		20,57
0404 90 93 110		0,5000
0404 90 93 130		0,8238
0404 90 93 150		0,8756

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		0,9500
0404 90 93 911		0,0455
0404 90 93 913		0,1051
0404 90 93 915		0,1629
0404 90 93 917		0,2572
0404 90 93 919		0,3920
0404 90 93 931		20,57
0404 90 93 933		25,13
0404 90 93 935		34,08
0404 90 93 937		35,55
0404 90 93 939		—
0404 90 99 130		0,9579
0404 90 99 150		1,0586
0404 90 99 930		0,5652
0404 90 99 950		0,8155
0404 90 99 990		0,9310
0405 00 10 100		—
0405 00 10 200		117,20
0405 00 10 300		147,44
0405 00 10 500		151,22
0405 00 10 700		155,00
0405 00 90 100		155,00
0405 00 90 900		196,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

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

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
0406 30 39 930	...	103,95
	028	—
	032	—
	036	—
	038	—
	400	93,03
0406 30 39 950	404	—
	...	103,95
	028	—
	032	—
	036	—
	038	—
0406 30 39 950	400	113,54
	404	—
	...	126,87
	028	—
	032	—
	036	—
0406 30 90 000	038	—
	400	113,54
	404	—
	...	126,87
	028	—
	032	—
0406 40 00 100	036	—
	038	—
	400	120,00
	404	—
	...	126,51
	028	—
0406 40 00 900	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
0406 90 15 100	...	159,34
	028	—
	032	—
	036	—
	038	—
	400	113,00
0406 90 15 900	404	—
	...	159,34
	028	—
	032	—
	036	—
	038	—

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

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
...	151,68	
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
...	135,35	
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
...	135,35	
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
...	89,96	

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
...	110,79	

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	732	123,35
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
...	135,35	
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
	0406 90 89 959	028
032		—
036		—
038		—
400		130,00
404		—
...		130,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		15,00
2309 10 15 300		20,00
2309 10 15 400		25,00
2309 10 15 500		30,00
2309 10 15 700		35,00

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		15,00
2309 10 19 300		20,00
2309 10 19 400		25,00
2309 10 19 500		30,00
2309 10 19 600		35,00
2309 10 19 700		37,50
2309 10 19 800		40,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		15,00
2309 10 70 200		20,00
2309 10 70 300		25,00
2309 10 70 500		30,00
2309 10 70 600		35,00
2309 10 70 700		40,00
2309 10 70 800		44,00
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		15,00
2309 90 35 300		20,00
2309 90 35 400		25,00
2309 90 35 500		30,00
2309 90 35 700		35,00
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		15,00
2309 90 39 300		20,00
2309 90 39 400		25,00
2309 90 39 500		30,00
2309 90 39 600		35,00
2309 90 39 700		37,50
2309 90 39 800		40,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		15,00
2309 90 70 200		20,00
2309 90 70 300		25,00
2309 90 70 500		30,00
2309 90 70 600		35,00
2309 90 70 700		40,00
2309 90 70 800		44,00
2309 90 70 900		—

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

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

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

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

COMMISSION REGULATION (EEC) No 2111/89

of 13 July 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 1882/89⁽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 1219/89⁽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 1882/89⁽⁷⁾, as last amended by Regulation (EEC) No 2080/89⁽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 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 182, 29. 6. 1989, p. 10.

⁽⁸⁾ OJ No L 196, 12. 7. 1989, p. 40.

⁽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 12 July 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 1882/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 14 July 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, 13 July 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 13 July 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
1102 20 10	69,65	251,43	245,39
1102 20 90	39,07	142,08	139,06
1103 13 11	69,65	251,43	245,39
1103 13 19	69,65	251,43	245,39
1103 13 90	39,07	142,08	139,06
1103 29 40	69,65	251,43	245,39
1104 19 50	69,65	251,43	245,39
1104 23 10	59,56	221,15	218,13
1104 23 30	59,56	221,15	218,13
1104 23 90	39,07	142,08	139,06
1104 30 90	32,55	108,29	102,25
1106 20 91	77,45	240,04	215,86 ^(*)
1106 20 99	77,45	240,04	215,86 ^(*)
1108 12 00	77,45	240,04	219,49
1108 13 00	77,45	240,04	219,49
1108 14 00	77,45	240,04	109,74
1108 19 90	77,45	240,04	109,74 ^(*)
1702 30 51	170,93	383,01	286,29
1702 30 59	123,39	285,98	219,49
1702 30 91	170,93	383,01	286,29
1702 30 99	123,39	285,98	219,49
1702 40 90	123,39	285,98	219,49
1702 90 50	123,39	285,98	219,49
1702 90 75	174,47	396,65	299,93
1702 90 79	120,56	275,07	208,58
2106 90 55	123,39	285,98	219,49
2303 10 11	252,02	454,00	272,66

^(*) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrow-root falling within CN codes 0714 90 11 and 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

COMMISSION REGULATION (EEC) No 2112/89

of 13 July 1989

fixing the export refunds 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 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 1834/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC of the Commission ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 July 1989.

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

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 13 July 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	01	10,00
1001 90 91 000	01	0
1001 90 99 000	04	20,00
	05	20,00
	02	10,00
1002 00 00 000	03	20,00
	05	20,00
	02	10,00
1003 00 10 000	01	0
1003 00 90 000	04	35,00
	02	0
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	40,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	02	49,00
	06	65,00
1101 00 00 120	02	49,00
	06	65,00
1101 00 00 130	01	43,00
1101 00 00 150	01	40,00
1101 00 00 170	01	37,00
1101 00 00 180	01	34,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	49,00
1102 10 00 200	01	49,00
1102 10 00 300	01	49,00
1102 10 00 500	01	49,00
1102 10 00 900	—	—
1103 11 10 100	01	100,00
1103 11 10 200	01	90,00
1103 11 10 500	01	50,00
1103 11 10 900	01	20,00
1103 11 90 100	01	49,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II b),
- 06 Egypt and Yemen.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 June 1989

amending Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates

(89/427/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the European Communities' 1973 ⁽⁴⁾, 1977 ⁽⁵⁾, 1983 ⁽⁶⁾ and 1987 ⁽⁷⁾ action programmes on the environment put the accent on harmonization of the action taken to protect the environment and on the need to reduce the concentrations of the principal pollutants in the air to levels considered acceptable for protecting sensitive ecosystems;

Whereas Council Directive 80/779/EEC ⁽⁸⁾, as last amended by the 1985 Act of Accession, offers a choice between two methods of sampling and analysis and two sets of associated limit values;

Whereas Article 10 (4) of the abovementioned Directive requires the submission between July 1987 and July 1988, of proposals on this parallel application of two different sets of measurement methods and limit values;

Whereas these proposals must take account of the results of the parallel measurements referred to in Article 10 (3) and of the need to avoid discriminatory provisions;

Whereas the results of the parallel measurements have shown that the limit values set out in Annex I and Annex IV to this Directive do not correspond as regards their stringency;

Whereas some Member States apply the limit values in Annex I and others those in Annex IV;

Whereas this has led to the use of different methods of sampling which are difficult to compare;

Whereas it is essential to harmonize the measurement methods and whereas, therefore, reference methods or technical specifications for the analysis and sampling of sulphur dioxide and suspended particulates in the air must be defined and finalized;

Whereas the Member States have taken measures to observe the limit values in the exempted zones as soon as possible and by 1 April 1993 at the latest;

Whereas these measures are based on one or other of the two measurement methods and associated values laid down by Directive 80/779/EEC;

Whereas the dual approach for measuring suspended particulates in the air causes discrimination between Member States;

Whereas a two-stage review is needed to draft proposals to avoid this dual approach without calling into question completion of the measures already taken by the Member States to observe the limit values;

⁽¹⁾ OJ No C 254, 30. 9. 1988, p. 6.

⁽²⁾ OJ No C 96, 17. 4. 1989, p. 189.

⁽³⁾ OJ No C 56, 6. 3. 1989, p. 6.

⁽⁴⁾ OJ No C 112, 20. 12. 1973, p. 1.

⁽⁵⁾ OJ No C 139, 13. 6. 1977, p. 1.

⁽⁶⁾ OJ No C 46, 17. 2. 1983, p. 1.

⁽⁷⁾ OJ No C 328, 7. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 229, 30. 8. 1980, p. 30.

Whereas these amendments must be taken into account in the obligations imposed by Article 3 of the said Directive on Member States applying Annex IV thereof,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/779/EEC is hereby amended as follows:

1. Article 10 (1), (3) and (4) is replaced by the following:

'1. For the purposes of applying this Directive, Member States shall use either the reference methods of sampling and analysis referred to in Annex III for sulphur dioxide and for suspended particulates measured by the black smoke method or in Annex IV for suspended particulates measured by the gravimetric method, or any other method of sampling and analysis in respect of which they demonstrate to the Commission at regular intervals:

- either that it ensures satisfactory correlation of results with those obtained using the reference method,
- or that measurements taken in parallel with the reference method at a series of representative stations chosen in accordance with the requirements laid down in Article 6 show that there is a reasonably stable relationship between the results obtained using that method and those obtained using the reference method.'

'3. By way of derogation from Article 3, Member States which decide to avail themselves of the provisions of paragraph 2 shall:

- inform the Commission, before 1 January 1991, of any zones where they consider that there is a likelihood that the concentrations of sulphur dioxide and suspended particulates in the air might exceed the limit values set out in Annex IV after 1 January 1991,
- forward to the Commission, as from 1 April 1991, plans for the progressive improvement of air quality in those zones. These plans, drawn up on the basis of relevant information on the nature, origin and development of the pollution, shall describe in particular the measures taken or to be taken and the procedures implemented or to be implemented by the Member States concerned. These measures and procedures must bring the concentrations of sulphur dioxide and suspended particulates in the air in these zones to values

below or equal to the limit values set out in Annex IV as soon as possible and by 1 April 1993 at the latest.

4. To overcome the disadvantages of the dual approach currently laid down in Annexes I and IV, which are not completely equivalent, by 31 December 1992 the Commission shall submit to the Council a proposal for a general review of this Directive. The proposal shall take account of the experience acquired from the studies referred to in paragraph 5 and of the results of subsequent measurements taken using technical specifications or reference methods for determining suspended particulates and sulphur dioxide. These technical specifications or reference methods must be finalized by the Commission, in agreement with the Member States, by 31 December 1990.

This proposal shall cover any other aspects in need of review in the light of scientific knowledge and of the experience acquired over the period of application of this Directive. It shall take account of, *inter alia*, aspects connected with the design of the networks for measuring air pollution and with the installation of measuring equipment as well as the quality and comparability of the measurements taken.

2. Annex IV shall be amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 18 months of its notification⁽¹⁾. They shall forthwith inform the Commission thereof.

2. Member States shall see to it that they communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 21 June 1989.

For the Council
The President
C. ARANZADI

⁽¹⁾ This Directive was notified to Member States on 11 July 1989.

ANNEX

Annex IV to Directive 80/779/EEC :

1. Table A shall be hereby replaced by the following :

TABLE A

Limit values for sulphur dioxide expressed in $\mu\text{g}/\text{m}^3$, and associated values for suspended particulates (measured by the gravimetric method) expressed in $\mu\text{g}/\text{m}^3$

Reference period	Limit values for sulphur dioxide	Associated value for suspended particulates
Year	80 (median of daily mean values taken throughout the year)	> 150 (median of daily mean values taken throughout the year)
	120 (median of daily mean values taken throughout the year)	≤ 150 (median of daily mean values taken throughout the year)
Winter 1. 10. - 31. 3.	130 (median of daily mean values taken throughout the winter)	> 200 (median of daily mean values taken throughout the winter)
	180 (median of daily mean values taken throughout the winter)	≤ 200 (median of daily mean values taken throughout the winter)
Year (made up of units of measuring periods of 24 hours)	250 (*) (98th percentile of all daily mean values taken throughout the year)	> 350 (98th percentile of all daily mean values taken throughout the year)
	350 (*) (98th percentile of all daily mean values taken throughout the year)	≤ 350 (98th percentile of all daily mean values taken throughout the year)

(*) Member States must take all appropriate steps to ensure that this value is not exceeded for more than three consecutive days. Moreover, Member States must endeavour to prevent and to reduce any such instances in which this value has been exceeded.

2. The whole of the text of the first indent of paragraph (i) is hereby replaced by the following :

— *Method of sampling:*

The reference method in Annex III A.'

COUNCIL DIRECTIVE

of 21 June 1989

on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry

(89/428/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry ⁽⁴⁾, as last amended by Directive 83/29/EEC ⁽⁵⁾, and in particular Article 9 thereof, requires the Member States to draw up programmes for the progressive reduction and eventual elimination of pollution caused by waste from industrial establishments in existence on 20 February 1978;

Whereas these programmes set general targets for the reduction of pollution caused by liquid, solid and gaseous wastes to be achieved by 1 July 1987; whereas these programmes were to be submitted to the Commission so that it could present suitable proposals to the Council for their harmonization with regard to the reduction and eventual elimination of this pollution and the improvement of the conditions of competition in the titanium dioxide industry;

Whereas, in order to protect the aquatic environment, dumping of waste and discharges of certain wastes, in particular of solid and strong acid wastes, should be prohibited and discharges of other wastes, in particular of weak acid and neutralized wastes, should be progressively reduced;

Whereas existing industrial establishments should employ the appropriate systems for treating the wastes in order to meet the requisite targets by the set dates;

Whereas installation of those systems can give rise to major technico-economic difficulties; whereas Member States should therefore be able to defer application of the

various provisions, on condition that a programme of effective reduction of pollution is drawn up and submitted to the Commission; whereas where Member States experience particular difficulties with regard to programmes for the elimination of discharges, the Commission should be able to extend the relevant time limits;

Whereas, in respect of discharges of certain wastes, Member States should be able to make use of quality objectives in such a way that the results are equivalent in all respects to those obtained through limit values; whereas such equivalence should be demonstrated in a programme to be presented to the Commission;

Whereas, without prejudice to the obligations placed on Member States by Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates ⁽⁶⁾, as last amended by Directive 89/427/EEC ⁽⁷⁾, and Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants ⁽⁸⁾, it is expedient to protect the quality of the air by fixing appropriate emission standards in respect of gaseous discharges from the titanium dioxide industry;

Whereas, in order to verify the effective application of the measures, Member States should undertake monitoring in relation to the actual production of each establishment;

Whereas all waste from the titanium dioxide industry should be avoided or re-used where technically and economically feasible and whereas such waste should be re-used or disposed of without endangering human health or the environment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down, as required by Article 9 (3) of Directive 78/176/EEC, procedures for harmonizing the programmes for the reduction and eventual elimination of pollution from existing industrial establishments and is intended to improve the conditions of competition in the titanium dioxide industry.

⁽¹⁾ OJ No C 138, 26. 5. 1983, p. 5,

and OJ No C 167, 27. 6. 1984, p. 9.

⁽²⁾ OJ No C 127, 14. 5. 1984, p. 29, and OJ No C 158, 26. 6. 1989.

⁽³⁾ OJ No C 358, 31. 12. 1983, p. 40.

⁽⁴⁾ OJ No L 54, 25. 2. 1978, p. 19.

⁽⁵⁾ OJ No L 32, 3. 2. 1983, p. 28.

⁽⁶⁾ OJ No L 229, 30. 8. 1980, p. 30.

⁽⁷⁾ See page 53 of this Official Journal.

⁽⁸⁾ OJ No L 188, 16. 7. 1984, p. 20.

Article 2

1. For the purpose of this Directive :

(a) where the sulphate process is used :

— 'solid waste' shall mean :

- insoluble ore residues not broken down by sulphuric acid during the manufacturing process,
- copperas, i.e. crystalline ferrous sulphate ($\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$),

— 'strong acid waste' shall mean :

the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution. If these mother liquors are associated with weak acid wastes which overall contain more than 0,5 % free sulphuric acid and various heavy metals⁽¹⁾, the liquors and waste taken together shall be considered strong acid waste,

— 'treatment waste' shall mean :

filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralization) of strong acid waste and containing various heavy metals, but not including neutralized and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5,5,

— 'weak acid waste' shall mean :

wash waters, cooling waters, condensates and other sludges and liquid wastes, other than those included in the above definitions, containing 0,5 % or less free sulphuric acid,

— 'neutralized waste' shall mean :

any liquid which has a pH value over 5,5, contains only traces of heavy metals, and is obtained directly by filtration or decantation from strong or weak acid waste after its treatment to reduce its acidity and its heavy metals' content,

— 'dust' shall mean :

all kinds of dust from production plants and in particular ore and pigment dust ;

— 'SO₂' shall mean :

gaseous sulphur dioxide trioxide released in the various stages of the manufacturing and internal waste treatment processes, including acid droplets ;

(b) where the chloride process is used :

— 'solid waste' shall mean :

- insoluble ore residues not broken down by the chlorine during the manufacturing process,

— metal chlorides and metal hydroxides (filtration substances) arising in solid form from the manufacture of titanium tetrachloride,

— coke residues arising from the manufacture of titanium tetrachloride,

— 'strong acid waste' shall mean :

waste containing more than 0,5 % free hydrochloric acid and various heavy metals⁽¹⁾,

— 'treatment waste' shall mean :

filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralization) of strong acid waste and containing various heavy metals, but not including neutralized and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value over 5,5,

— 'weak acid waste' shall mean :

wash waters, cooling waters, condensated and other sludges and liquid wastes, other than those included in the above definitions, containing 0,5 % or less free hydrochloric acid,

— 'neutralized waste' shall mean :

any liquid which a pH value over 5,5, contains only traces of heavy metals, and is obtained directly by filtration or decantation from strong or weak acid waste after its treatment to reduce its acidity and its heavy metals content ;

— 'dust' shall mean :

all kinds of dust from production plants and in particular ore, pigment and coke dust,

— 'chlorine' shall mean :

gaseous chlorine released in the various stages of the manufacturing process ;

(c) where the sulphate process or the chlorine process is used :

— 'dumping' shall mean :

any deliberate disposal into inland surface waters, internal coastal waters, territorial waters or the high seas of substances and materials by or from ships or aircraft⁽²⁾, of any type whatsoever, and from fixed and floating platforms.

2. The terms defined in Directive 78/176/EEC shall have the same meaning in this Directive.

⁽¹⁾ Strong acid waste which has been diluted until it contains 0,5 % or less free sulphuric acid shall also be covered by this definition.

⁽²⁾ 'Ships and aircraft' shall mean sea-going vessels and airborne craft of any type whatsoever. This expression shall include air-cushion craft, floating craft, whether self-propelled or not and fixed or floating platforms.

Article 3

The dumping of any solid waste, strong acid waste, treatment waste, weak acid waste, or neutralized waste, as referred to in Article 2 shall be prohibited with effect from 31 December 1989.

Article 4

Member States shall take the necessary measures to ensure that discharges of waste into inland surface waters, internal coastal waters, territorial waters and the high sea are prohibited:

(a) as regards solid waste, strong acid waste and treatment waste from existing industrial establishments using the sulphate process:

— by 31 December 1989 in all the abovementioned waters;

(b) as regards solid waste and strong acid waste from existing industrial establishments using the chloride process;

— by 31 December 1989 in all the abovementioned waters.

Article 5

1. Member States may defer the date of application referred to in Articles 3 and 4 until 31 December 1992 at the latest, if serious techno-economic difficulties so require and provided that a programme of effective reduction of dumping and discharge of wastes referred to in Articles 3 and 4 resulting in their final prohibition by 1992 at the latest is submitted to the Commission by 31 December 1989. Three months at the latest following adoption of this Directive, the Commission shall be informed⁽¹⁾ of such cases, which shall be the subject of consultation with the Commission. The Commission shall inform the other Member States.

2. In the case of Member States which avail themselves of the option provided for in paragraph 1 but which are unable to fulfil the requirements laid down in Article 4 by 31 December 1992 the Commission may grant an extension of six months. The Commission may also grant an extension of six months for the submission of programmes referred to in paragraph 1, at the request of any Member State which experiences difficulties in connection with its own authorization procedures.

⁽¹⁾ Such information shall be provided under Article 14 of Directive 78/176/EEC or separately should circumstances so require.

Article 6

Member States shall take the necessary measures to ensure that discharges of waste are reduced in accordance with the following provisions:

(a) from existing industrial establishments using the sulphate process:

— weak acid waste and neutralized waste shall be reduced by 31 December 1992 in all waters to a value of not more than 800 kg of total sulphate per tonne of titanium dioxide produced (i.e. corresponding to the SO₄ ions contained in the free sulphuric acid and in the metallic sulphates);

(b) from existing industrial establishments using the chloride process:

— weak acid waste, treatment waste, and neutralized waste shall be reduced by 31 December 1989 in all waters to the following values of total chloride per tonne of titanium dioxide produced (i.e. corresponding to the Cl ions contained in the free hydrochloric acid and in the metallic chlorides):

130 kg using natural rutile,
228 kg using synthetic rutile,
450 kg using slag.

In the case of an establishment using more than one type of ore, the values shall apply in proportion to the quantity of these ores used.

Article 7

1. Except where inland surface waters are concerned, Member States may defer the date of application referred to in point (a) of Article 6 until 31 December 1994 at the latest if serious technico-economic difficulties so require and provided that a programme of effective reduction of discharges of such waste is submitted to the Commission by 31 December 1989. Such a programme shall enable the following limit values per tonne of titanium dioxide produced to be reached by the dates shown:

— weak acid waste and neutralized waste : 1 200 kg — 31 December 1992,

— weak acid waste and neutralized waste : 800 kg — 31 December 1994.

Three months at the latest following adoption of this Directive the Commission shall be informed⁽¹⁾ of such cases, which shall be the subject of consultation with the Commission. The Commission shall inform the other Member States.

2. Member States may defer the date of application referred to in point (b) of Article 6 until 31 December 1992 at the latest if major technico-economic difficulties so require and provided that a programme of effective reduction of discharge of such waste enabling the limit value set in point (b) of Article 6 to be reached by 1992 at

the latest is submitted to the Commission by 31 December 1989. Three months at the latest following adoption of this Directive the Commission shall be informed⁽¹⁾ of such cases, which shall be the subject of consultation with the Commission. The Commission shall inform the other Member States.

Article 8

1. As regards the requirements of Article 6, Member States may choose to make use of quality objectives applied in such a way that the effects in terms of protecting the environment and avoiding distortions of competition are equivalent to that of the limit values.

2. If a Member State chooses to make use of quality objectives, it shall present to the Commission a programme⁽¹⁾, demonstrating that the measures achieve an effect which, in terms of protecting the environment and avoiding distortion of competition, is equivalent to that of the limit values by the dates when these limit values are applied in accordance with Article 6.

This programme shall be submitted to the Commission at least six months before the Member State proposes to apply the quality objectives.

This programme shall be assessed by the Commission in accordance with the procedures laid down in Article 10 of Directive 78/176/EEC.

The Commission shall inform the other Member States.

Article 9

1. Member States shall take the necessary measures to ensure that discharges into the atmosphere are reduced in accordance with the following provisions:

- (a) in the case of existing industrial establishments using the sulphate process:
- (i) as regards dust, discharges shall be reduced by 31 December 1990 to a value of not more than 50 mg/nm³⁽²⁾ from major sources and not more than 150 mg/nm³⁽²⁾ from any other source⁽³⁾;
 - (ii) as regards SO_x, discharges arising from digestion and calcination steps in the manufacture of titanium dioxide shall be reduced by 1 January 1995 to a value of not more than 10 kg of SO₂ equivalent per tonne of titanium dioxide produced;

⁽¹⁾ Such information shall be provided under Article 14 of Directive 78/176/EEC or separately should circumstances so require.

⁽²⁾ Cubic metre at a temperature of 273 K and pressure of 101,3 kPa.

⁽³⁾ Member States shall inform the Commission of those minor sources not included in their measurement.

(iii) Member States shall require means to be installed for preventing the emission of acid droplets;

(iv) plants for the concentration of waste acid shall not discharge more than 500 mg/nm³ SO_x calculated as SO₂ equivalent⁽⁴⁾;

(v) plants for the roasting of salts generated by the treatment of waste shall be equipped with the best available technology not entailing excessive costs in order to reduce SO_x emissions;

(b) in the case of existing industrial establishments using the chloride process:

(i) as regards dust, discharges shall be reduced by 31 December 1989 to a value of not more than 50 mg/nm³⁽²⁾ from major sources and not more than 150 mg/nm³⁽²⁾ from any other source⁽³⁾;

(ii) as regards chlorine, discharges shall be reduced by 31 December 1989 to a daily average concentration of not more than 5 mg/nm³⁽²⁾ and not more than 40 mg/nm³ at any time.

2. This Directive shall not prejudice Directive 80/779/EEC.

3. The procedure for monitoring the reference measurements for discharges of SO_x into the atmosphere is set out in the Annex.

Article 10

Member States shall monitor the values and reductions specified in Articles 6, 8 and 9 in relation to the actual production of each establishment.

Article 11

Member States shall take the measures necessary to ensure that all waste from the titanium dioxide industry, and in particular waste subject to prohibition on discharge or dumping into water or on discharge into the atmosphere is:

- avoided or re-used where technically and economically feasible,
- re-used or disposed of without endangering human health or harming the environment.

The same shall apply to waste arising from the re-use or treatment of the abovementioned waste.

⁽⁴⁾ For new concentration processes the Commission can agree to a different value if the Member States can demonstrate the non-availability of techniques to achieve this standard.

⁽²⁾ It is considered that these values correspond to a maximum of 6 grams per tonne of titanium dioxide produced.

Article 12

1. Member States shall take the measures necessary to comply with this Directive not later than 31 December 1989. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

Article 13

This Directive is addressed to the Member States.

Done at Luxembourg, 21 June 1989.

For the Council

The President

C. ARANZADI

*ANNEX***Procedure for monitoring the reference measurements for gaseous SO_x emissions**

For the purposes of calculating the quantities of SO₂ and SO₃ and acid droplets expressed as SO₂ equivalent, discharged by specific installations, account must be taken of the volume of gas discharged over the duration of the specific operations in question and of the average SO₂/SO₃ content measured over the same period. The SO₂/SO₃ flow rate and content must be determined under the same temperature and humidity conditions.
