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## Legislation

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## I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 2393/89**

of 28 July 1989

**opening and providing for the administration of a Community tariff quota for herring, fresh or chilled, originating in Sweden**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas an agreement between the European Economic Community and the Kingdom of Sweden was concluded on 22 July 1972; whereas, following the accession of Spain and Portugal, an Agreement in the form of an Exchange of Letters was concluded between the European Economic Community and the Kingdom of Sweden on the agricultural and fisheries sector; whereas this Agreement was adopted by Decision 86/558/EEC<sup>(1)</sup>;

Whereas this Agreement provides for the opening, over a period to be determined by common accord, of a 20 000 tonnes duty-free Community tariff quota for herring, fresh or chilled, whole, headless or in pieces, originating in Sweden; whereas, therefore, the tariff quota in question should be opened for the period 15 September 1989 to 14 February 1990;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of

levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of this quota may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 15 September 1989 to 14 February 1990 the Common Customs Tariff duty on the following products shall be suspended at the level and within the limit of the Community tariff quota as shown herewith:

Order No	CN code	Description	Amount of quota (in tonnes)	Rate of duty (%)
09.0616	0302 40 90 0304 10 93 ex 0304 10 98	Herring and meat of herring, fresh or chilled, originating in Sweden	20 000	0 (a)

(a) However, when those products are imported into Portugal the duty applicable shall be 7,5 % in 1989 and 5,6 % in 1990 within the limit of the quantities for which this Member State is eligible.

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 89.

2. Imports of the products in question shall not benefit from the tariff quotas referred to in paragraph 1 unless the free-at-frontier prices, which are determined by the Member States according to Article 21 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products <sup>(1)</sup>, as last amended by Regulation (EEC) No 3468/88 <sup>(2)</sup>, are at least equal to the reference prices if such prices have been fixed or are to be fixed by the Community for the product under consideration or the levy of the products concerned. For the calculation of the reference price, the following coefficients shall be applicable:

- whole herring: 1,
- flaps of herring: 2,32,
- pieces of herring: 1,96.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Sweden, shall be applicable.

#### *Article 2*

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

#### *Article 3*

If an importer presents, in a Member State, a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the

customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements from the quota amount.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member State concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests, Member States shall be informed by the Commission thereof.

#### *Article 4*

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quota for such time as the residual balance of the quota volume so permits.

#### *Article 5*

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

#### *Article 6*

This Regulation shall enter into force on 15 September 1989.

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

Done at Brussels, 28 July 1989.

*For the Council*

*The President*

M. CHARASSE

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 305, 10. 11. 1988, p. 1.

## COUNCIL REGULATION (EEC) No 2394/89

of 28 July 1989

opening, allocating and providing for the administration of a Community tariff quota for certain wines having a registered designation of origin and originating in Tunisia (1989 to 1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia<sup>(1)</sup> stipulates that certain wines having a registered designation of origin falling within CN codes ex 2204 21 25, ex 2204 21 29, ex 2204 21 35 and ex 2204 21 39 and originating in Tunisia, as specified in the Agreement in the form of an Exchange of Letters and produced from the 1977 and subsequent harvests, shall be imported into the Community free of customs duties within the limits of an annual Community tariff quota of 50 000 hectolitres;

Whereas by virtue of the provisions of a common declaration of the Contracting Parties forming an integral part of the said Protocol the accounting of the quantities of the products in question must begin on 1 January each year; whereas to keep this arrangement it is fitting to open the quota in question for the period 1 November 1989 to 31 December 1990 with the consequence that the quota, by applying the *pro rata* clause, must be fixed at 58 333 hectolitres;

Whereas these wines must be put up in containers holding two litres or less; whereas they must be accompanied either by a certificate of designation of origin in accordance with the model given in Annex D to the abovementioned Agreement or, by way of derogation, by a document VI 1 or an extract VI 2 annotated in compliance with Article 9 of Regulation (EEC) No 3590/85<sup>(2)</sup>;

Whereas the wines in question are subject to compliance with the free-at-frontier reference price; whereas in order for these wines to benefit from the tariff quota, Article 54 of Regulation (EEC) No 822/87<sup>(3)</sup> must be complied with;

Whereas Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other<sup>(4)</sup> provides that the Kingdom of Spain and the Portuguese Republic shall apply, from the date on which the Regulation enters into force, a duty reducing the gap between the rate of the basic duty and that of the preferential duty; whereas the Portuguese Republic is to defer application of the preferential arrangements for the products in question until the start of the second stage; whereas this present Regulation therefore applies to the Community with the exception of Portugal;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing, on the tariff quota, of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the tariff quota is used and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the drawings made by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 November 1989 to 31 December 1990 on import into the Community with the exception of Portugal, the customs duty for the following products shall be suspended at a level and within the limits of a Community tariff quota as follows:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1206	ex 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	— Wines entitled to one of the following designations of origin : Coteaux de Teboura, Coteaux d'Utique, Sidi-Salem, Kelibia, Thibar, Mornag, grand cru Mornag of an actual alcoholic strength of 15 % vol or less and in containers holding two litres or less, originating in Tunisia	58 333	free

<sup>(1)</sup> OJ No L 297, 21. 10. 1987, p. 36.

<sup>(2)</sup> OJ No L 343, 20. 12. 1985, p. 20.

<sup>(3)</sup> OJ No L 84, 7. 3. 1987, p. 1.

<sup>(4)</sup> OJ No L 250, 1. 9. 1987, p. 1.

Within the limits of this tariff quota, the Kingdom of Spain shall apply customs duties calculated in accordance with the relevant provisions of Regulation (EEC) No 2573/87.

2. Wines produced from the 1977 or subsequent harvest shall be eligible for the tariff quota referred to in paragraph 1.

3. The wines in question are subject to compliance with the free-at-frontier reference price.

The wines in question shall be eligible under this tariff quota on condition that the provisions of Article 54 of Regulation (EEC) No 822/87 are complied with.

4. Each of these wines when imported shall be accompanied either by a certificate of designation of origin, issued by the relevant Tunisian authority, in accordance with the model annexed to this Regulation and certifying in box 16 that the wines have been produced from the 1977 or subsequent harvests, or by a document VI 1 or an extract VI 2 annotated in compliance with Article 9 of Regulation (EEC) No 3590/85.

#### *Article 2*

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

#### *Article 3*

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into

free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

#### *Article 4*

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such times as the balance of the tariff quota so permits.

3. Member States shall charge imports of the said product against their drawings as and when such product is entered with the customs authorities under cover of declarations of entry into free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

#### *Article 5*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

#### *Article 6*

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 28 July 1989.

*For the Council*  
*The President*  
M. CHARASSE

## ANNEX

1. المصدر — Exporter — Exportateur :	2. الرقم — Number — Numéro :	00000	
4. المرسل إليه — Consignee — Destinataire :	3. (Name of authority guaranteeing the designation of origin)		
6. وسيلة النقل — Means of transport — Moyen de transport :	5. شهادة التسمية الاصلية CERTIFICATE OF DESIGNATION OF ORIGIN CERTIFICAT D'APPELLATION D'ORIGINE		
8. مكان الامراع — Place of unloading — Lieu de déchargement :	7. (Designation of origin)		
9. عدد ونوع الطرود ، الانواع والارقام — Marks and numbers, number and kind of packages — Marques et numéros, nombre et nature des colis :	10. الوزن الخام Gross weight Poids brut	11. لترات Litres Litres	
12. لترات بالحروف — Litres (in words) — Litres (en lettres) :			
13. أشيرة الهيئة المرسله — Certificate of the issuing authority — Visa de l'organisme émetteur :			
14. أشيرة الجمرك — Customs' stamp — Visa de la douane :	(See the translation under No 15 — Voir traduction au n° 15)		

15. We hereby certify that the wine described in this certificate is wine produced within the wine district of ..... and is considered by Tunisian legislation as entitled to the designation of origin .....  
The alcohol added to this wine is alcohol of vinous origin.

Nous certifions que le vin décrit dans ce certificat a été produit dans la zone de ..... et est reconnu, suivant la loi tunisienne, comme ayant droit à la dénomination d'origine « ..... ».  
L'alcool ajouté à ce vin est de l'alcool d'origine vinique.

16. (\*)

يحتفظ بهذه الخانة لمعلومات اخرى من الدولة المصدره

(\*) Space reserved for additional details given in the exporting country.

(\*) Case réservée pour d'autres indications du pays exportateur.



**COUNCIL REGULATION (EEC) No 2395/89**

of 28 July 1989

**opening and providing for the administration of Community tariff quotas for Chinese cabbages and 'iceberg' lettuce originating in Morocco and Cyprus (1989)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the relevant articles of the Protocols to the Agreements between the European Community, on the one hand, and Morocco<sup>(1)</sup> and Cyprus<sup>(2)</sup> on the other, provide for the opening of Community tariff quotas for imports into the Community of the following products originating in each of those countries:

- 100 tonnes of Chinese cabbages, falling within CN code ex 0704 90 90,
- 100 tonnes of 'iceberg' lettuce falling within CN codes ex 0705 11 10 and ex 0705 11 90,

for the period 1 November to 31 December 1989;

Whereas, pursuant to Article 18 of the Protocol in question, these quantities are subject to an annual increase of 5 % from the entry into force of the Protocol, and the quotas in 1989 will accordingly be 110 tonnes;

Whereas, within the limits of Community tariff quotas opened for Morocco, the customs duties are to be abolished progressively over the same periods and in accordance with the same timetables as laid down in Articles 75 and 268 of the Act of Accession of Spain and Portugal; whereas for the period 1 November to 31 December 1989 the quota duties are to be equal to 63,6 % and 60 %, respectively, of the basic duties; whereas, within the limits of the Community tariff quotas opened for Cyprus, the customs duties are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the Protocol relative thereto;

Whereas, however, Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements to be applied by Spain and Portugal to trade with Morocco and Syria<sup>(3)</sup> and the Protocol to the Association Agreement between the European Economic Community and the

Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community<sup>(4)</sup> provide that those two Member States are to postpone implementation of the preferential arrangements for the products in question until 31 December 1989 and 31 December 1990, respectively; whereas, consequently, the above tariff quotas apply only to the Community as constituted at 31 December 1985;

Whereas these Community tariff quotas should therefore be opened for the period 1 November to 31 December 1989;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of drawings made by that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 November to 31 December 1989, the customs duties applicable to imports into the Community as constituted at 31 December 1985 of the following products originating in Morocco and Cyprus shall be suspended at the levels indicated and within the limits of the Community tariff quotas as follow:

<sup>(1)</sup> OJ No L 224, 13. 8. 1988, p. 18.

<sup>(2)</sup> OJ No L 393, 31. 12. 1987, p. 2.

<sup>(3)</sup> OJ No L 287, 20. 10. 1988, p. 1.

<sup>(4)</sup> OJ No L 393, 31. 12. 1987, p. 37.

Order No	CN code	Description	Origin	Volume of tariff quota (in tonnes)	Rate of duty (%)
09.1109	ex 0704 90 90	Chinese cabbages	Morocco	100	9,5
09.1425			Cyprus	110	12,3
09.1111	ex 0705 11 10 ex 0705 11 90	Crisp head cabbage lettuce ( <i>Lactuca sativa</i> L. var. <i>capitata</i> (Iceberg))	Morocco	100	from 1 to 30 November: 9 % MIN ECU 1,5 per 100 kg/net from 1 to 31 December: 7,8 % MIN ECU 0,9 per 100 kg/net
09.1427	Cyprus		110	from 1 to 30 November: 12,3 % MIN ECU 2,0 per 100 kg/net from 1 to 31 December: 10,6 % MIN ECU 1,3 per 100 kg/net	

#### Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

#### Article 3

If an importer presents in a Member State a declaration of entry into free circulation, including a request for preferential benefit for a product covered by this Regulation and if this declaration is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests. Member

States shall be informed by the Commission of the drawings made.

#### Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against the Community quotas.
2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volumes so permits.
3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered with the customs authorities for free circulation.
4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

#### Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

#### Article 6

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 28 July 1989.

For the Council  
The President  
M. CHARASSE

**COUNCIL REGULATION (EEC) No 2396/89**

of 28 July 1989

opening and providing for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Israel, Jordan or Morocco (1989 to 1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the additional Protocols to the Agreements between the European Economic Community and the Kingdom of Morocco <sup>(1)</sup>, the Hashemite Kingdom of Jordan <sup>(2)</sup> and the State of Israel <sup>(3)</sup> and the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an association between the European Economic Community and the Republic of Cyprus and adapting certain provisions thereof <sup>(4)</sup> provide in their respective Articles that fresh cut flowers and flower buds, falling within the CN codes indicated in Article 1 and originating in the abovementioned countries, may be imported into the Community at reduced rates of customs duty within the limits of annual Community tariff quotas of 300, 50, 17 000 and 50 tonnes respectively; whereas, however, Article 18 of the Protocol with Cyprus provides that the volume of the tariff quota for that country must be increased by 5 % per year from the entry into force of the Protocol, and it will therefore be set at 57,5 tonnes for the 1989 to 1990 period;

Whereas, within the limits of these tariff quotas, customs duties are to be phased out:

- under the tariff quotas for Morocco, Jordan and Israel, according to the same timetables and under the same conditions as laid down in Articles 75 and 243 of the Act of Accession of Spain and Portugal,
- under the tariff quota for Cyprus, according to the timetable and under the conditions laid down in Articles 5 and 16 of the abovementioned Protocol concerning Cyprus;

Whereas within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic are to apply customs duties calculated in accordance with:

- Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements to be applied by Spain and Portugal to trade with Morocco and Syria <sup>(5)</sup> and Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade

between the Kingdom of Spain and the Portuguese Republic and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey <sup>(6)</sup> and Council Regulation (EEC) No 4162/87 of 21 December 1987 laying down arrangements for Spain's and Portugal's trade with Israel and amending Regulations (EEC) No 449/86 and (EEC) No 2573/87 <sup>(7)</sup> in respect of the tariff quotas opened for Morocco, Jordan and Israel,

and

- the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community <sup>(8)</sup>, in respect of the tariff quota opened for Cyprus;

Whereas roses with large or small flowers and carnations of the unifloral or multifloral types are covered by the quotas only subject to the conditions laid down by Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel and Jordan <sup>(9)</sup>, as amended by Regulation (EEC) No 3551/88 <sup>(10)</sup>; whereas these tariff concessions apply only to imports in respect of which certain price conditions are observed;

Whereas all Community importers should be ensured that equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the product in question into all Member States until the quotas are exhausted; whereas the quotas should not in this instance be allocated among the Member States, which should, however, be able to draw against the quotas such quantities as they may need, under the conditions and according to the procedure set out in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of drawings made by that economic union may be carried out by any one of its members,

<sup>(1)</sup> OJ No L 224, 13. 8. 1988, p. 18.

<sup>(2)</sup> OJ No L 297, 21. 10. 1987, p. 19.

<sup>(3)</sup> OJ No L 327, 30. 11. 1988, p. 36.

<sup>(4)</sup> OJ No L 393, 31. 12. 1987, p. 2.

<sup>(5)</sup> OJ No L 287, 20. 10. 1988, p. 1.

<sup>(6)</sup> OJ No L 250, 1. 9. 1987, p. 1.

<sup>(7)</sup> OJ No L 396, 31. 12. 1987, p. 1.

<sup>(8)</sup> OJ No L 393, 31. 12. 1987, p. 37.

<sup>(9)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(10)</sup> OJ No L 311, 17. 11. 1988, p. 1.

HAS ADOPTED THIS REGULATION :

*Article 1*

1. From 1 November 1989 to 31 October 1990, the customs duties applicable to imports into the Community of the products listed below originating in Morocco, Jordan, Israel or Cyprus shall be suspended at the levels and within the limits of the Community tariff quotas shown below :

Order No	CN code	Description	Origin	Amount of quota (in tonnes)	Quota duty (%)	
09.1114	0603 10 51	Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	Morocco	300	From 1 November to 31 December 1989 : 8,5	
	0603 10 53			Jordan		50
	0603 10 55		Israel	17 000		From 1 January to 31 May 1990 : 6,3
	0603 10 61					
09.1152	0603 10 65	— From 1 November to 31 May	Israel	17 000	From 1 June to 31 October 1990 : 9	
	0603 10 69	— From 1 June to 31 October				
	0603 10 11					
	0603 10 13					
09.1306	0603 10 15		Cyprus	57,5	From 1 November to 31 December 1989 : 13,9	
	0603 10 21					
	0603 10 25					
	0603 10 29					
09.1420					From 1 January to 31 May 1990 : 12,4	
					From 1 June to 31 October 1990 : 17,5	

Within the limits of these tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the provisions of Regulations (EEC) No 3189/88, (EEC) No 2573/87 and (EEC) No 4162/87 as regards the quotas for Morocco, Jordan and Israel, and with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal as regards the quota for Cyprus.

2. In the case of large-flowered and small-flowered roses and unifloral and multifloral carnations, application of the quota referred to in Article 1 (1) may be interrupted if it is found at Community level that the price conditions laid down by Regulation (EEC) No 4088/87 are not being observed.

In that event, the Commission shall adopt regulations re-establishing the duties applicable to the products in question under the Common Customs Tariff and, where appropriate, re-introducing this Regulation on the dates and in respect of the products and periods indicated in the Regulations in question.

However, products on which customs duties have been re-established and imported into the Community during the period in which such re-establishment remains in

force shall be excluded from the quantities drawn from the tariff quota concerned.

*Article 2*

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

*Article 3*

Where an importer presents a product covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be

allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

*Article 4*

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

*Article 5*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 6*

This Regulation shall enter into force on 1 November 1989.

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

Done at Brussels, 28 July 1989.

*For the Council*

*The President*

M. CHARASSE

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## COMMISSION REGULATION (EEC) No 2397/89

of 3 August 1989

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

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1834/89<sup>(2)</sup>, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1915/89<sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 2 August 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 4 August 1989.

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

Done at Brussels, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 180, 27. 6. 1989, p. 1.

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

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

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 1.

## ANNEX

to the Commission Regulation of 3 August 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	146,06
0712 90 19	34,31	146,06
1001 10 10	15,88	155,01 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	15,88	155,01 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	15,20	112,04
1001 90 99	15,20	112,04
1002 00 00	42,96	121,57 <sup>(4)</sup>
1003 00 10	33,63	110,02
1003 00 90	33,63	110,02
1004 00 10	25,03	96,24
1004 00 90	25,03	96,24
1005 10 90	34,31	146,06 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	34,31	146,06 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	52,35	148,50 <sup>(4)</sup>
1008 10 00	33,63	6,27
1008 20 00	33,63	33,10 <sup>(4)</sup>
1008 30 00	33,63	0,00 <sup>(2)</sup>
1008 90 10	<sup>(7)</sup>	<sup>(7)</sup>
1008 90 90	33,63	0,00
1101 00 00	34,43	170,01
1102 10 00	73,29	183,35
1103 11 10	38,99	254,64
1103 11 90	37,03	183,46

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

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

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

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

<sup>(5)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(6)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

## COMMISSION REGULATION (EEC) No 2398/89

of 3 August 1989

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

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

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1834/89 <sup>(2)</sup>, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,  
Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89 <sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 2 August 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 4 August 1989.

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

Done at Brussels, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 180, 27. 6. 1989, p. 1.

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

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

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 4.



## ANNEX

to the Commission Regulation of 3 August 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
	8	9	10	11
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0,80	0,80	0,80
1001 10 90	0	0,80	0,80	0,80
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	2,83
1003 00 90	0	0	0	2,83
1004 00 10	0	4,04	4,04	4,04
1004 00 90	0	4,04	4,04	4,04
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	35,87
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
	8	9	10	11	12
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	5,04	5,04
1107 10 99	0	0	0	3,76	3,76
1107 20 00	0	0	0	4,39	4,39

## COMMISSION REGULATION (EEC) No 2399/89

of 3 August 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1225/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 4014/88 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EEC) No 4015/88 <sup>(6)</sup>, 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 <sup>(7)</sup>, as last amended by Regulation (EEC) No 413/86 <sup>(8)</sup>, 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 <sup>(9)</sup>, as last amended by Regulation (EEC) No 4016/88 <sup>(10)</sup>, 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 <sup>(11)</sup>;Whereas by Regulation (EEC) No 3131/78 <sup>(12)</sup>, 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 <sup>(13)</sup> 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 31 July and 1 August 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 4 August 1989.

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 15.<sup>(3)</sup> OJ No L 169, 28. 6. 1976, p. 24.<sup>(4)</sup> OJ No L 358, 27. 12. 1988, p. 1.<sup>(5)</sup> OJ No L 169, 28. 6. 1976, p. 43.<sup>(6)</sup> OJ No L 358, 27. 12. 1988, p. 2.<sup>(7)</sup> OJ No L 169, 28. 6. 1976, p. 9.<sup>(8)</sup> OJ No L 48, 26. 2. 1986, p. 1.<sup>(9)</sup> OJ No L 142, 9. 6. 1977, p. 10.<sup>(10)</sup> OJ No L 358, 27. 12. 1988, p. 3.<sup>(11)</sup> OJ No L 181, 21. 7. 1977, p. 4.<sup>(12)</sup> OJ No L 370, 30. 12. 1978, p. 60.<sup>(13)</sup> OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 3 August 1989.

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

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## ANNEX I

## Minimum import levies on olive oil

(ECU/100 kg)

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

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

<sup>(3)</sup> 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 2400/89  
of 3 August 1989**

**adjusting the agricultural conversion rates for the pigmeat sector in Italy and 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 <sup>(1)</sup>, 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 <sup>(2)</sup>, as last amended by Regulation (EEC) No 1889/87 <sup>(3)</sup>, 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 Italian Lira and Greek drachma during the reference period 26 July to 1 August 1989 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85 <sup>(4)</sup>, as last amended by Commission Regulation (EEC) No 2284/89 <sup>(5)</sup>, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85 <sup>(6)</sup>, as last amended by Regulation (EEC) No 3521/88 <sup>(7)</sup>, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Italy and Greece, effective from 7 August 1989 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 VIII to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following :

Products	Agricultural conversion rates			
	ECU 1 = Lit ...	Applicable until	ECU 1 = Lit ...	Applicable from
'Pigmeat	1 712,26	6 August 1989	1 705,01	7 August 1989'

*Article 2*

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

Products	Agricultural conversion rates			
	ECU 1 = Dra ...	Applicable until	ECU 1 = Dra ...	Applicable from
'Pigmeat	196,916	6 August 1989	196,954	7 August 1989'

*Article 3*

This Regulation shall enter into force on 7 August 1989.

<sup>(1)</sup> OJ No L 312, 18. 11. 1988, p. 16.

<sup>(2)</sup> OJ No L 164, 24. 6. 1985, p. 6.

<sup>(3)</sup> OJ No L 182, 3. 7. 1987, p. 1.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(5)</sup> OJ No L 218, 28. 7. 1989, p. 17.

<sup>(6)</sup> OJ No L 310, 21. 11. 1985, p. 4.

<sup>(7)</sup> OJ No L 307, 12. 11. 1988, p. 28.

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

Done at Brussels, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2401/89

of 3 August 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1115/88<sup>(2)</sup>,

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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1075/89<sup>(4)</sup>, 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 10 July 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<sup>(5)</sup> 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 10 July 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 10 July 1989, the level of the premium is fixed at 15,623 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

*Article 2*

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 10 July 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 10 July 1989.

<sup>(1)</sup> OJ No L 183, 16. 7. 1980, p. 1.

<sup>(2)</sup> OJ No L 110, 29. 4. 1988, p. 36.

<sup>(3)</sup> OJ No L 154, 9. 6. 1984, p. 27.

<sup>(4)</sup> OJ No L 114, 27. 4. 1989, p. 13.

<sup>(5)</sup> 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, 3 August, 1989.

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

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## ANNEX

to the Commission Regulation of 3 August 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 <sup>(1)</sup>
	Live weight	Live weight
0104 10 90	7,343	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	15,623	0
0204 21 00	15,623	0
0204 50 11		0
0204 22 10	10,936	
0204 22 30	17,185	
0204 22 50	20,310	
0204 22 90	20,310	
0204 23 00	28,434	
0204 30 00	11,717	
0204 41 00	11,717	
0204 42 10	8,202	
0204 42 30	12,889	
0204 42 50	15,232	
0204 42 90	15,232	
0204 43 00	21,325	
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	20,310	
0210 90 19	28,434	
1602 90 71 :		
— unboned (bone-in)	20,310	
— boned or boneless	28,434	

<sup>(1)</sup> 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 2402/89

of 31 July 1989

imposing a provisional anti-dumping duty on imports of barium chloride originating in the People's Republic of China or the German Democratic Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1986 on protection against or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 11 thereof,

After consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

## A. PROCEDURE

- (1) In November 1988 the Commission received a complaint from the European Council of Chemical Manufacturers' Federations (ECCMF), on behalf of European producers representing almost all Community production of barium chloride. The complaint concerned imports of that product originating in the People's Republic of China and the German Democratic Republic.
- (2) An earlier complaint concerning the same product was received in 1982 and resulted in the imposition of definitive anti-dumping measures (see Council Regulation (EEC) No 2370/83<sup>(2)</sup>).
- (3) Although this case does formally constitute a new complaint, the situation is essentially comparable to that covered by Article 15 of Regulation (EEC) No 2423/88. The measures imposed in 1983 remained in force until 21 August 1988, i.e. dumping almost eight months of the period of investigation, which ran from 1 January to 30 November 1988.
- (4) The complaint received in 1988 contained evidence sufficient to justify the initiation of an investigation. The evidence concerned the persistence of dumping and the resulting injury, despite the measures imposed under Regulation (EEC) No 2370/83 mentioned above, and the existence of a real threat of injury once the measures expire. In a notice published in the *Official Journal of the*

*European Communities*<sup>(3)</sup> the Commission accordingly announced the initiation of an anti-dumping proceeding concerning barium chloride in crystallized and/or anhydrous form, CN code 2827 38 00 (Nimexe 28.30-20).

- (5) The Commission gave official notice of the initiation of the proceeding to the exporters and importers known to be concerned and to the complainant, and gave the parties directly concerned an opportunity to make known their views in writing.
- (6) All the exporters and a large number of the known importers made their views known in writing.
- (7) No comments were received either from consumers or processors, or from associations representing their interests.
- (8) The Commission sought and verified all the information it deemed necessary for the purposes of a preliminary determination of dumping and injury resulting therefrom. It carried out inspections at the premises of all the Community producers behind the complaint.
- (9) While the company with sole marketing rights to the production of the main European producer was involved in gathering the material contained in the complaint, it subsequently refused to cooperate in the Commission's investigation. The Commission therefore worked from the information at its disposal to calculate the missing elements, such as Community producers' selling prices and weighted average costs.
- (10) Since the countries referred to in the complaint are not market economy countries, the Commission used the price at which a like product is sold in a third country to determine the normal value, in accordance with Article 3 (5) of Regulation (EEC) No 2423/88. The chosen country was the United States, which was also chosen in the first investigation in 1983. The choice is also in line with the complainants' suggestion.

## B. NORMAL VALUE

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

<sup>(2)</sup> OJ No L 228, 20. 8. 1983, p. 28.

<sup>(3)</sup> OJ No C 308, 3. 12. 1988, p. 7.

- (11) The arguments which favoured this choice five years ago are still largely valid. The manufacturing process for barium chloride, especially in its crystallized form, which represents the majority of the imports in question, is relatively simple. The labour content is confined to surveillance and handling tasks and is not decisive in fixing costs. A difference in the level of development between two producer countries therefore has little or no influence on the manufacture of the product.
- (12) China contested the choice of the United States. However, its rejection was presented after the expiry of the time limit granted to the parties to make their views known. Moreover, China's arguments, based on the difference between its own development and that of the United States, are contradicted by the observations set out at 11 above. In any event, there is no direct link between the level of development and the production cost or price of a product in a particular country, especially when wages are not a decisive factor. A country which operates a systematic export policy can vary these elements depending on the export objective.
- (13) For the purposes of applying provisional measures, the Commission decided to use the prices obtaining on the domestic American market, published in the *Chemical Marketing Reporter*, the main American magazine dealing with the marketing of chemical products. Those in the business consider these prices to be a true reflection of the actual state of the market.

#### C. EXPORT PRICE

- (14) For the purposes of applying provisional measures, export prices for the German Democratic Republic were determined on the basis of prices actually paid or payable for the products sold for export to the Community.

Since the Chinese exporter failed to reply on this point, export prices for the People's Republic of China were determined, for the purposes of applying provisional measures, on the basis of information published by Eurostat.

#### D. COMPARISON

- (15) In comparing normal value with export prices, the Commission took account, when this seemed appropriate, of differences affecting price comparability, in particular differences in payment terms, delivery and distribution costs.
- (16) All comparisons were made at the ex-works works stage.
- (17) The margin for crystallized barium chloride originating in the People's Republic of China was determined by comparing the monthly normal

value corresponding to export prices as established by Eurostat per month and per Member State. There were no imports into the Community of anhydrous barium chloride originating in China during the period of investigation. The margin for both crystallized and anhydrous barium chloride originating in the German Democratic Republic was determined by comparing export prices with the normal value corresponding to the date of the export invoice.

#### E. DUMPING MARGINS

- (18) The preliminary examination of the facts showed that both the People's Republic of China and the German Democratic Republic were dumping exports, the dumping margin being equal to the difference between the normal value established and the export price to the Community.
- (19) The margin varied according to the exporting country and was calculated cif Community frontier. The weighted average for the period of investigation was:
- 46,11 % for crystallized barium chloride originating in the People's Republic of China,
  - 18,49 % for crystallized barium chloride originating in the German Democratic Republic,
  - 16,98 % for anhydrous barium chloride originating in the German Democratic Republic.

#### F. CURRENT SITUATION REGARDING INJURY

##### 1. Imports of the product, market shares

- (20) As regards injury caused by the dumped imports, the Commission's evidence shows that imports into the Community of barium chloride originating in the German Democratic Republic rose from 45 to 705 tonnes between 1983 and 1986, falling back to 451 tonnes in 1987 and 226 tonnes in 1988 (11 months). This represents an increase in that country's market share from 0,4 % to 2 % in five years, peaking at 5,1 % in 1986. It should be noted that figures are not available for imports from the German Democratic Republic into the Federal Republic of Germany, and that market shares are therefore underestimated.
- (21) Imports originating in the People's Republic of China fell from 3 561 tonnes in 1983 to 579 tonnes in 1985, climbing back to 1 311 tonnes in 1986 and 1 365 tonnes in 1987. Imports in the first 11 months of 1988 totalled 888 tonnes. The corresponding market share fell from 31,2 % to 4,1 % (1985), recovering to 9,5 % (1986) and 8 % (1988).

- (22) The market share taken by aggregate imports from the two countries in 1988 (11 months) was 10 %. The corresponding figure in 1983 was 31,6 %. It fell to around 7,3 % in 1985 and has been climbing since then.
- (23) These figures show that the anti-dumping duty slowed down but did not eliminate the persistent upward trend of these countries' positions on the Community market. The duty had a significant impact until 1985 but has become less effective since then.

## 2. Undercutting

- (24) In 1983 weighted average prices for imports originating in the People's Republic of China were 52 % lower than the prices charged by Community producers during the reference period in that year. The percentage of undercutting fell to 11 % in 1985, climbing again to 42 % in 1987 and 20 % in 1988 (11 months). In certain Member States it rose as high as 40 % during the latter period.
- (25) In 1983 weighted average prices for imports of crystallized barium chloride originating in the German Democratic Republic undercut those charged by Community producers by 31 %. The percentage of undercutting was 6 % in 1985, 4 % in 1986 and 6 % again in 1988 (11 months). Price undercutting on the anhydrous form was 5 % in 1988, with a gap of as much as 13 % in some months.
- (26) It was also established that the selling prices of the products imported into the Community were below the level needed to cover the costs of Community producers.

## 3. Consumption, production, sales, production capacity utilization in the Community

- (27) Contrary to the claims of one of the exporters referred to in the complaint, Community consumption of these products has not fallen over the last five years. In fact, it has risen significantly in certain years, moving from 11 399 tonnes in 1983 to 14 168 tonnes in 1985 and 14 709 tonnes in 1987, i.e. a growth of almost 30 %. Not until 1988 was there a certain slowing down, with consumption falling to the 1983 level: 11 115 tonnes for 11 months.
- (28) During the same period, Community production available for sale also rose significantly, from 9 123 tonnes in 1983 to 14 658 tonnes in 1985, 15 029

tonnes in 1987 and 13 025 tonnes in 1988 (11 months).

- (29) While the Community industry's sales have benefited from this upturn, (particularly sales of the crystallized product, which grew from 4 020 tonnes in 1983 to 9 049 tonnes in 1985), they fell again after 1985/86 and the figure for 1988 is below the equivalent figure for 1984: 6 289 tonnes against 6 961 tonnes. It is lower even than the 1983 figures for sales of the anhydrous product: 4 585 tonnes against 5 139 tonnes.
- (30) The Community industry has made an effort to adapt its production capacity to an economy experiencing a downward swing in comparison with the 1970s; the main producer closed down a production chain in 1984, reducing Community capacity from 38 850 tonnes a year to 23 850 tonnes a year.

## 4. Stocks

- (31) The stock situation has been causing concern since 1987. It has even reached a level comparable to that of 1983 for the crystallized product, which represents around 22 % of annual production.

## 5. Employment, profitability

- (32) In October 1984, in order to keep its production unit active, the main Community producer signed an exclusive contract for commission work with a firm which at the time was a major importer of the product. In spite of this, the producer in question has shed around a sixth of its workforce since 1983. More seriously, after improved profitability in 1985, a year which saw sizeable profits in the production of both anhydrous and crystallized barium chloride, the same producer has since suffered continued and increasing losses of up to 50 %.
- (33) The Community industry as a whole has shed about 20 % of its workforce during the period in question.

## 6. Cumulative effect

- (34) In assessing injury, the Commission thought it advisable to examine the cumulative impact of imports from the People's Republic of China and the German Democratic Republic. It based its examination on the similarity of the physical characteristics of the products of the products in question with those originating in the Community and on the way they compete with Community products on the Community market. As has already been shown, while Community consumption has been sustained, products originating in the two countries concerned are tending to replace products originating in the Community.

### 7. Cause and effect

- (35) The decline in profits, sales and Community market shares has coincided with the increased penetration of products from the countries concerned.
- (36) the trend of Community consumption does not explain the increased market share of China and the German Democratic Republic, as the figures for 1985 and 1986 show. The two countries doubled their share of the market during those two years, while Community consumption actually fell slightly.
- (37) The increased presence of the People's Republic of China on the Community market coincides with the imposition by the United States of an anti-dumping duty on imports from China of the products in question.
- (38) The Commission was unable to find any other factors explaining the fall in profitability. On the contrary, as was mentioned at 30 above, a considerable effort to improve management was made in the form of a reduction in production capacity.

### 8. Conclusion

- (39) All in all, the information given above shows that the duty introduced in 1983 seems to have been effective until 1985/86. Since then, imports from the countries in question have again been injurious to the Community industry, though to a lesser extent.

### G. POSSIBLE EFFECTS OF THE LAPSING OF THE ANTI-DUMPING MEASURES: THREAT OF INJURY

- (40) In view of the fact that the situation is comparable to that covered by Article 15 of Regulation (EEC) No 2423/88, the Commission took account of the following in its examination of the possible effects of the lapsing of the measures:
- (41) the production capacity of at least one of the countries in question — the People's Republic of China — is, according to the data it supplied, around 36 000 tonnes a year, which is far higher than the Community's production capacity. According to the same sources, China exports about 10 000 tonnes a year. If the Community, which has the largest or second largest chemical industry in the world, consumes only some 15 000 tonnes of barium chloride a year, it is unlikely that China, the fifth largest chemicals manufacturer in the

world, absorbs 26 000 tonnes a year on its domestic market. It therefore has excess capacity of at least 10 000 tonnes which it might be tempted to dispose of abroad.

- (42) There is comparatively little, if any, outlet for Chinese exports on the American market, where demand for barium chloride is traditionally high, since the United States authorities imposed anti-dumping measures in 1984. On the other hand, the Community market is now unprotected.
- (43) In the rest of Europe — another market where consumption of these products is high — the Chinese policy of sustained penetration of non-Community markets not subject to anti-dumping measures, such as Norway or Sweden, bears witness to its wish for a firmer footing on the continent.
- (44) In these circumstances there is a genuine risk that the disappearance of the anti-dumping duty will lead to a worsening of the existing injury.

### H. COMMUNITY INTEREST

#### 1. Threatend loss of the Community industry

- (45) The main community producer is 'tied' to its distributing company. Until the signing of the contract with the producer, the distributing company was one of the main importers of the product in question. Thus the absence of anti-dumping measures might tempt it to shift the balance of its interests in favour of dumped imports. This would pose a threat to orders given to the main European producer under the commission work contract. That producer represents 50 % of Community production.
- (46) The position of the Community's smallest producer, a small, family-type business, is similarly precarious. Its stocks of crystallized barium chloride reached alarming levels in 1988 and its product range is small — only four or five lines. One of these, relatively profitable but with a limited market, is a product derived from barium chloride. The firm's activities depend to a large extent on this product.
- (47) Taking these two producers together, almost 80 % of Community production would be under threat in the near future. The total or near-total loss of the Community industry would mean complete dependence on foreign sources of barium chloride.
- (48) Such a situation would also have long-term disadvantages for Community consumers, since the Community and non-Community European market is already split up to some extent, by

product, between the German Democratic Republic and the People's Republic of China. The German Democratic Republic exports mainly anhydrous barium chloride, while China exports mainly the crystallized product. In these circumstances both countries would be highly tempted to profit from what is practically a monopoly situation.

## 2. Threat to employment

- (49) While the number of jobs threatened does not look stressed high, it should be stressed that the factory of the main producer is located in a region which has already been hard hit by economic recession. Moreover, barium chloride represents 20 % of the turnover of the production unit, which employs some 130 people in all. In the long term all these jobs are at risk, not just those of the 60 or so workers producing the products referred to in the complaint.

## 3. Maintaining competition at Community level

- (50) The survival of three Community firms of different sizes and resources ensures continued competition on the market. Moreover, the fact that the main producer's selling price is fixed by another economic operator marketing the products ensures to some extent that there is no tendency towards a monopoly on the part of that producer, despite its predominant market share.

## 4. Consumer interest

- (51) There was no opposition from consumer associations, individual consumers, groups or other interests to the imposition of new duties on the products in question. Moreover, since these are intermediate products used in small quantities in the production of other manufactured products, it may be assumed that the duty would have little impact on the purchaser of the final product.

## 5. Conclusion

- (52) In conclusion, the Commission considers that an anti-dumping duty should be readily reimposed on the products concerned entering the common market.

### I. PROVISIONAL ANTI-DUMPING DUTIES

- (53) Considering the level of injury caused and the dumping margins established, the Commission does not feel that the provisional duties to be imposed need to be equivalent to the dumping margins;

lower duties would be sufficient to remove the injury ascribed to the products concerned.

- (54) The Commission has taken account of both the price of the imports concerned and the minimum price which would enable Community producers to cover production costs during the investigation period, plus a reasonable profit margin, allowing also for the importer's profit margin and customs duties. Accordingly, the provisional anti-dumping duties are set at 25,43 % of the net free-at-Community-frontier price before duty for crystallized barium chloride originating in the People's Republic of China and 3,52 % for crystallized barium chloride originating in the German Democratic Republic, and 13,25 % of the net free-at-Community-frontier price before duty for anhydrous barium chloride originating in the German Democratic Republic.
- (55) The Commission is not aware of any exports of anhydrous barium chloride from the People's Republic of China during the investigation period. Under the Community rules, provisional anti-dumping duties are not imposed when a preliminary examination shows that there is insufficient evidence of injury to Community industry caused by imports from the country concerned.
- (56) A time limit should be set for the parties concerned to make known their views in writing and to request a hearing by the Commission,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of barium chloride originating in the People's Republic of China and the German Democratic Republic, falling within CN code 2827 38 00.
2. The duty shall be equal to:
  - 25,43 % of the net free-at-Community-frontier price before duty for crystallized barium chloride originating in the People's Republic of China,
  - 3,52 % of the net free-at-Community-frontier price before duty for crystallized barium chloride originating in the German Democratic Republic,
  - 13,25 % of the net free-at-Community-frontier price before duty for anhydrous barium chloride originating in the German Democratic Republic.
3. The provisions in force with regard to customs duties shall apply.
4. The release for free circulation in the Community of the product referred to in paragraph 1 originating in the

People's Republic of China or the German Democratic Republic shall be subject to the provision of a security equivalent to the amount of the provisional duty.

*Article 2*

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

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

Done at Brussels, 31 July 1989.

*Article 3*

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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**COMMISSION REGULATION (EEC) No 2403/89**  
**of 31 July 1989**  
**concerning the classification of certain goods in the combined nomenclature**

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, as last amended by Regulation (EEC) No 1672/89 <sup>(2)</sup>, and in particular Article 9 thereof,

Whereas, in order to ensure uniform application of the combined nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation ;

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

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

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on the 21st day 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, 31 July 1989.

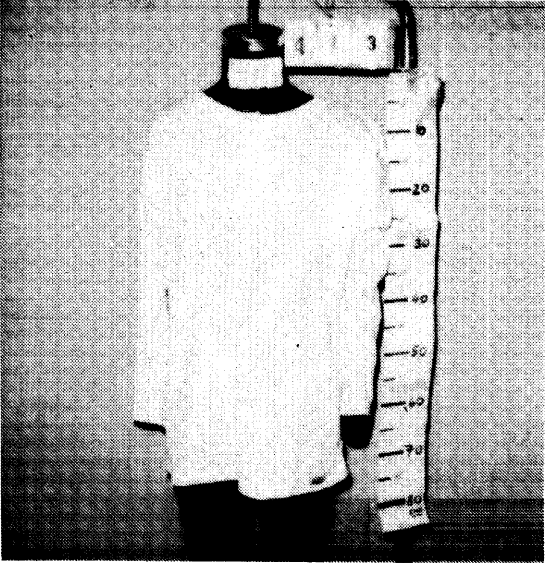

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(2)</sup> OJ No L 169, 19. 6. 1989, p. 1.



## ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>1. Lightweight, loose-fitting, knitted garment (100 % cotton), intended to cover the upper part of the body, reaching down to the hips, collarless, with a ribbed band at the rounded neckline, partially opening at the front with a button fastening right over left, with long hemmed sleeves.</p> <p>The base of the garment is hemmed and has two triangular inserts of ribbed knitted fabric at the sides (see photograph No 413) (*)</p> 	6106 10 00	<p>The classification is determined by the provisions of General Rules 1 and 6 for the interpretation, of the combined nomenclature, by Note 4 to Chapter 61 as well as by the texts of CN codes 6106 and 6106 10 00.</p> <p>See also the Explanatory Notes to CN code 6106 applicable to knitted shirts and shirt blouses.</p> <p>The classification of this garment as an article falling within CN code 6110 is excluded because the two inserts at the base do not have a tightening effect.</p>
<p>2. Lightweight, sleeveless, knitted garment (100 % cotton) intended to cover the upper part of the body, reaching down to the waist, collarless, having a low-cut rounded neckline without an opening.</p> <p>The base of the garment is hemmed and has two semi-circular inserts of ribbed, knitted fabric. The neckline and armholes have sewn-on bands of knitted fabric (see photograph No 422) (*)</p> 	6109 10 00	<p>The classification is determined by the provisions of General Rules 1 and 6 for the interpretation, of the combined nomenclature, by Additional Note 1 to Chapter 61 as well as by the texts of CN codes 6109 and 6109 10 00.</p> <p>The classification of this garment as an article falling within CN code 6110 is excluded because the two inserts at the base do not have a tightening effect.</p>

(\*) The photographs are of a purely illustrative nature.

**COMMISSION REGULATION (EEC) No 2404/89**  
**of 31 July 1989**  
**concerning the classification of certain goods in the combined nomenclature**

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>, as last amended by Regulation (EEC) No 1672/89 <sup>(2)</sup>, and in particular Article 9 thereof,

Whereas, in order to ensure uniform application of the combined nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on the 21st day 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.

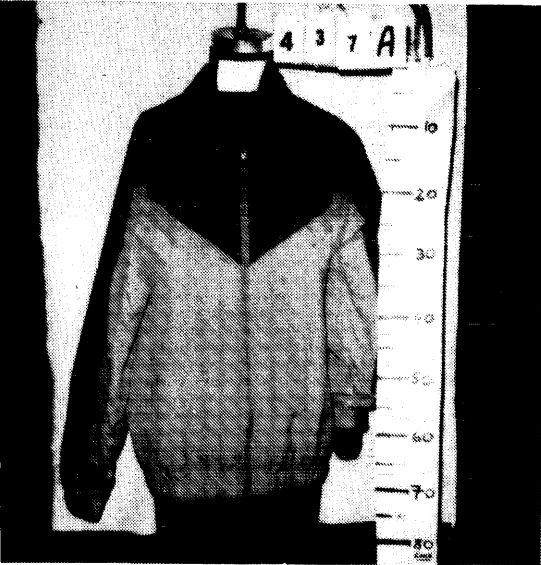

Done at Brussels, 31 July 1989.

*For the Commission*  
Christiane SCRIVENER  
*Member of the Commission*

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(2)</sup> OJ No L 169, 19. 6. 1989, p. 1.

## ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>Set of two garments put up for retail sale comprised of:</p> <p>(a) a lightweight, loose-fitting, woven windjacket (100 % synthetic fibres) of three different fabrics of different colours and construction, having a knitted lining, a collar, a complete opening at the front, the edges of which do not overlap, with a zip fastening, as well as long sleeves. The sleeve-ends and the base of the garment are elasticated; it has two pockets at the front (see photograph No 437 A) (*)</p> 	6202 93 00	<p>The classifications are determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, by Note 13 to Section XI, by Note 8 to Chapter 62 as well as by the texts of CN codes 6202, 6202 93 00, 6204, and 6204 63 19.</p> <p>Classification as an ensemble is excluded because the two garments do not conform to the provisions of Note 3 (b) to Chapter 62. (The two garments are made of fabrics which are not of the same colour and construction.)</p> <p>Classification as a tracksuit is excluded because of the presence of a lining (see the harmonized system Explanatory Notes to CN code 6211).</p>
<p>(b) a lightweight, single-coloured, woven pair of trousers (100 % synthetic fibres), of the same colour as one of the three fabrics of which the windjacket consists, having a knitted lining and without an opening at the waist, reaching down from the waist to the ankles, tightening at the waist by means of elastication and a drawstring; the bottoms of the trouser legs have zip fastenings and elasticated bands (see photograph No 437 B) (*)</p> 	6204 63 19	

(\*) The photographs are a purely illustrative.

## COMMISSION REGULATION (EEC) No 2405/89

of 1 August 1989

## laying down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1125/89 <sup>(2)</sup>, and in particular Articles 14 (3) and 15 (4) thereof,

Having regard to Council Regulation (EEC) No 3909/87 of 22 December 1987 amending Regulation (EEC) No 426/86 on the common organization of the market in products processed from fruit and vegetables <sup>(3)</sup>, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 743/87 <sup>(4)</sup> lays down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables; whereas the provisions of that Regulation have been amended several times; whereas, therefore, in the interests of clarity and administrative efficiency it is desirable to revise the provisions applicable in order to take account of a new definition of the products caused by the entry into force of the new combined nomenclature and to make certain amendments which experience has shown to be desirable;

Whereas the special detailed rules for the application of the system of import licences and advance fixing certificates in question either supplement or derogate from Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(5)</sup>, as amended by Regulation (EEC) No 1903/89 <sup>(6)</sup>;

Whereas, in order to facilitate the adoption of appropriate measures in the event of disturbance or threatened disturbance of the market, provision should be made for introducing a fixed period between the application for and the issue of the import licence;

Whereas the term of validity of import licences, with or without advance fixing of the levy in respect of the

various added sugars, should be determined in the light of the practices of international trade; whereas the amount of the security to be lodged for import licences and advance fixing certificates should be fixed at levels which will enable the system to function properly;

Whereas, in order to ensure better knowledge of the trade pattern for certain products, the country of origin must be indicated and the importer should be compelled to import from the country thus indicated; whereas, however, in view of the characteristics of trade in the products concerned, provision should be made to allow a change of the country origin;

Whereas in licence applications applicants must indicate the combined nomenclature subheading; whereas, in the case of certain products falling within headings 2008 and 2009 of the combined nomenclature, it is not always possible, owing to considerable variations in natural sugar content or to fluctuations in exchange rates, to know the exact subheadings at the time of application for licences; whereas special provision should be made for those products;

Whereas in advance fixing certificates the product is described with reference to the relevant subheading of the combined nomenclature; whereas the criterion for classifying a product in a specific subheading is in many cases the sugar content; whereas, as a consequence, variations in the sugar content of a specific product may lead exporters to submit several applications on account of the product's successive classifications; whereas that situation could be avoided if the issue of a single certificate for such a product with a varying sugar content were to be authorized;

Whereas the fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 provides that no licence is required for the purposes of operations relating to quantities for which the amount of the security for the corresponding licence would be ECU 5 or less; whereas Article 14 (3) of Regulation (EEC) No 3719/88 provides that no security is required in respect of an import or export licence or advance fixing certificate where the amount of security involved is ECU 5 or less or, under certain circumstances, ECU 25 or less; whereas the application of these provisions to products processed from fruit and vegetables results, because of the range of security rates, in a wide variation in the quantity of products covered; whereas it is necessary, with a view especially to administrative simplicity, to specify the quantity of products which may be imported thus without a licence; whereas the quantity below which an import licence or advance fixing

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

<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 29.

<sup>(3)</sup> OJ No L 370, 30. 12. 1987, p. 20.

<sup>(4)</sup> OJ No L 75, 17. 3. 1987, p. 6.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 184, 30. 6. 1989, p. 22.

certificate is to be issued without a security being lodged should also be specified; whereas the second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 should not apply;

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

HAS ADOPTED THIS REGULATION:

#### *Article 1*

This Regulation lays down special detailed rules for the application of the system of import licences and advance fixing certificates as provided for in Articles 14 and 15 of Regulation (EEC) No 426/86.

#### TITLE I

#### **Import licences without advance fixing**

#### *Article 2*

1. Import licences without advance fixing of the levy shall be valid for a period of three months from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3719/88.

2. For products in respect of which import trends need to be monitored closely in order to evaluate the possibility of disturbance or threatened disturbance of the market, the Commission may decide that import licences, with or without advance fixing of the levy shall be issued on the fifth working day following that on which applications are lodged.

#### *Article 3*

1. The amount of the security for import licences without advance fixing of the levy shall be, for each product, as shown in the table set out in Annex I.

2. Notwithstanding the first subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88, no security shall be required in respect of an import licence concerning a quantity not exceeding 1 000 kilograms. The second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 shall not apply.

3. Notwithstanding the fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88, no licence shall be required for operations relating to a quantity not exceeding 500 kilograms where the amount of the security is less than ECU 1 per 100 kilograms.

#### *Article 4*

Where certain of the products falling within one subheading of the combined nomenclature are subject to the system of import licences, licence applications and

the import licences themselves shall contain in section 15 the description of products subject to the system and in section 16 the combined nomenclature code preceded by 'ex'.

Licences shall be valid for the products so described.

#### *Article 5*

1. For the products set out in the table continued in Annex II, licence applications and the import licences themselves shall indicate the country of origin in section 8.

Licences shall make it obligatory to import from the country indicated thereon.

2. Holders of licences may apply, once only, to have the country of origin altered subject to the following rules:

(a) applications for alteration of the country of origin:

- must be submitted to the body which issued the original licence,
- must be accompanied by the original licence and by any extract issued,
- shall be subject to the provisions of Articles 13, 14 (1) and 15 of Regulation (EEC) No 3719/88;

(b) the body which issued the licence shall retain the original licence and any extract and shall issue a replacement licence and, where appropriate, one or more replacement extracts.

However, if during the time taken to issue the replacement licence the issue of licences for the new country of origin is suspended, the replacement licence application concerned shall be rejected and the original licence and, where appropriate, the extract or extracts shall be returned to the holder;

(c) replacement licences and, where appropriate, the replacement extract or extracts shall:

- be issued for a quantity of products which, when the tolerance is added corresponds to the maximum available quantity shown on the document which they replace,
- contain in section 20 the number, and if wished the date, of the document which they replace,
- contain in section 8 the name of the new country of origin,
- contain in the other sections the same entries as the document which they replace, and in particular the same date of expiry.

#### *Article 6*

1. In the case of:

- mixtures of dried fruit falling within CN code ex 0813 50,
- tomato juice falling within CN code 2009 50,
- peaches, apricots and pears falling within CN code ex 2008, and
- cherry juice falling within CN code ex 2009 80

applicants may indicate in section 16 of their applications for import licences the CN codes, and in particular the following ones:

0813 50 91 and 0813 50 99, or 2008 40 51 and 2008 40 59, or 2008 40 71 and 2008 40 79, or 2008 50 61 and 2008 50 69, or 2008 50 71 and 2008 50 79, or 2008 70 61 and 2008 70 69, or 2008 70 71 and 2008 70 79, or 2009 50 10 and 2009 50 90, or ex 2009 80 31 and ex 2009 80 39, or ex 2009 80 80, ex 2009 80 91 and ex 2009 80 93.

The codes indicated in the application shall be entered on the import licence.

2. Where applicants avail themselves of the provisions of paragraph 1 and the amounts of the securities are different in respect of the subheadings concerned, the amount of the sole security to be lodged shall be the highest amount.

3. Where, as a result of the application of paragraph 1, a product not subject to an import levy is imported under cover of a licence including advance fixing of the levy, the obligation to import with advance fixing of the levy shall be considered to have been met.

## TITLE II

### Advance fixing certificates

#### Article 7

1. The products for which an advance fixing certificate may be applied for are set out in Annex III.
2. The amount of the security for advance fixing certificates shall be, for each product, as shown in Annex III.
3. Article 3 (2) shall apply by analogy to advance fixing certificates.

#### Article 8

Where applications for advance fixing are restricted to certain of the products falling within a subheading of the combined nomenclature, the applications for certificates and the certificates themselves shall contain in section 15 the description of the products qualifying for advance fixing and in section 16 the combined nomenclature code preceded by 'ex'.

Certificates shall be valid only for the products so described.

#### Article 9

Where citrus fruit juices falling within CN code ex 2009 other than grapefruit juice are imported into a Member State where they are subject to quantitative restrictions, the validity of the advance fixing certificate in the Member State shall be conditional on the production of a national document showing that importation has been authorized.

#### Article 10

Advance fixing certificates shall be valid for five months from their date of issue as defined in Article 21 (1) of Regulation (EEC) No 3719/88.

#### Article 11

In the case of certificates for products falling within CN code 2009, a tolerance of 0,03 shall be permitted in relation to the tariff specification as to the density of the product.

Section 24 of the certificate in the case of imports and section 22 in the case of advance fixing of the refund shall contain one of the following entries:

- Tolerancia en densidad de 0,03
- Tolerance for densitet på 0,03
- Toleranzdichte 0,03
- Ανοχή πυκνότητας 0,03
- Density tolerance of 0,03
- Tolérance de densité de 0,03
- Tolleranza di densità di 0,03
- Dichtheidstolerantie 0,03
- Tolerância de densidade de 0,03

#### Article 12

1. In the case of advance fixing of the export refund:

(a) applications for certificates and the certificates themselves shall indicate in section 20 the basic product in respect of which the refund is fixed in advance.

For this purpose 'basic product' shall mean:

- sugar, including white sugar, raw sugar and beet and cane syrup,
- glucose in the form of white crystalline powder, whether or not agglomerated,
- other glucose and glucose syrup, or
- isoglucose;

(b) the products to be exported may, in applications for certificates and in the certificates themselves, be described by reference to the CN code within which they fall.

Certificates shall be valid for all products attracting an export refund and falling within that heading.

2. Where paragraph 1 (b) is applied, the amount of the security shall, notwithstanding Article 7 (2), be ECU 1,80 per 100 kilograms net.

## TITLE III

### Communications

#### Article 13

1. Member States shall communicate to the Commission no later than the ninth of each month the following particulars in respect of products for which import licences or advance fixing certificates were issued in the preceding month:

(a) import licences, with or without advance fixing of the levy:

- quantities,  
and
- in respect of the products referred to in Article 5, country of origin

broken down according to the combined nomenclature and according to the description contained in Annex I.

For the products listed in Article 6, the particulars shall be communicated for the first of the CN codes indicated in section 16;

(b) advance fixing certificates for import, other than those referred to in (a):

quantities broken down according to the combined nomenclature;

(c) advance fixing certificates for export:

quantities broken down according to the combined nomenclature.

2. If no import licences or advance fixing certificates have been issued during a calendar month, the Member States concerned shall inform the Commission accordingly not later than the ninth of the following month.

3. During periods when the provisions of Article 2 (2) are applied, and notwithstanding paragraph 1, Member States shall communicate to the Commission the particulars referred to in paragraph 1 (a) in respect of applications for import licences as follows:

- each Wednesday, as regards applications made on Monday and Tuesday of that week,
- each Friday, as regards applications made on Wednesday and Thursday of that week,
- each Monday, as regards applications made on Friday of the previous week.

#### TITLE IV

##### Final provisions

###### *Article 14*

1. Regulation (EEC) No 743/87 is hereby repealed.
2. References to Regulation (EEC) No 743/87 shall be construed as references to this Regulation.

###### *Article 15*

This Regulation shall enter into force on the eighth 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, 1 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX I

## List of products referred to in Article 3 (1)

CN code	Description	Amount in ECU/100 kg net
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen	
	– Leguminous vegetables, shelled or unshelled:	
0710 21 00	– – Peas ( <i>Pisum sativum</i> )	0,60
0710 80	– Other vegetables	
ex 0710 80 70	– – Tomatoes	
	– – – Peeled tomatoes	0,60
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	
0711 90	– Other vegetables, mixtures of vegetables	
	– – Vegetables:	
0711 90 50	– – – Mushrooms:	
	– – – – Cultivated mushrooms	2,00
	– – – – Other	2,00
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared	
0712 90	– Other vegetables; mixtures of vegetables:	
ex 0712 90 30	– – Tomatoes	
	– – – Tomato flakes	1,80
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:	
0804 20	– Figs:	
0804 20 90	– – Dried	1,60
0806	Grapes, fresh or dried:	
0806 20	– Dried:	
	– – In immediate containers of a net capacity not exceeding 2 kg:	
0806 20 11	– – – Currants	2,00
0806 20 19	– – – Other	2,00
	– – Other:	
0806 20 91	– – – Currants	2,00
0806 20 99	– – – Other	2,00
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:	
0811 10	– Strawberries:	
	– – Containing added sugar or other sweetening matter:	
0811 10 11	– – – With a sugar content exceeding 13 % by weight:	
	– – – – Whole	0,60
	– – – – Other	0,60
0811 10 19	– – – Other:	
	– – – – Whole	0,60
	– – – – Other	0,60



CN code	Description	Amount in ECU/100 kg net
0811 10 90	-- Other :	
	-- -- Whole	2,00
	-- -- Other	2,00
0811 20	-- Raspberries, blackberries, mulberries, loganberries, black-, white- or red-currants and gooseberries :	
	-- -- Containing added sugar or other sweetening matter :	
ex 0811 20 11	-- -- -- With a sugar content exceeding 13 % by weight :	
	-- -- -- Raspberries :	
	-- -- -- -- Whole	0,60
	-- -- -- -- Other	0,60
ex 0811 20 19	-- -- -- Other :	
	-- -- -- -- Raspberries :	
	-- -- -- -- -- Whole	0,60
	-- -- -- -- -- Other	0,60
	-- -- Other :	
0811 20 31	-- -- Raspberries :	
	-- -- -- Whole	2,00
	-- -- -- Other	2,00
0811 90	-- Other :	
	-- -- Containing added sugar or other sweetening matter :	
ex 0811 90 10	-- -- -- With a sugar content exceeding 13 % by weight :	
	-- -- -- -- Sour cherries ( <i>Prunus cerasus</i> )	2,00
	-- -- -- -- Other cherries	2,00
ex 0811 90 30	-- -- -- -- Other :	
	-- -- -- -- -- Sour cherries ( <i>Prunus cerasus</i> )	2,00
	-- -- -- -- -- Other cherries	2,00
	-- -- Other :	
ex 0811 90 90	-- -- -- Other :	
	-- -- -- -- Souer cherries ( <i>Prunus cerasus</i> )	2,00
	-- -- -- -- Other cherries	2,00
0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions, but unsuitable in that state for immediate consumption :	
0812 10 00	-- Cherries :	
	-- -- Sour cherries ( <i>Prunus cerasus</i> )	2,00
	-- -- Other	2,00
0812 20 00	-- Strawberries	2,00
0812 90	-- Other :	
0812 90 60	-- -- Raspberries	2,00
0813	Fruit, dried, other than that falling within codes 0801 to 0806 ; mixtures of nuts or dried fruits of this Chapter :	
0813 20 00	-- Prunes	1,20
0813 50	-- Mixtures of nuts or dried fruits of this Chapter :	
	-- -- Other mixtures :	
0813 50 91	-- -- -- Not containing prunes or figs	1,20
0813 50 99	-- -- -- Other	1,20

CN code	Description	Amount in ECU/100 kg net
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid :	
2001 90	– Other :	
2001 90 50	– – Mushrooms :	
	– – – Cultivated	2,00
	– – – Other	2,00
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid :	
2002 10 00	– Tomatoes, whole or in pieces :	
	– – Peeled	0,60
	– – Other	0,60
2002 90	– Other :	
2002 90 10	– – With a dry matter content of less than 12 % by weight	0,60
2002 90 30	– – With a dry matter content of not less than 12 % but not more than 30 % by weight	1,80
2002 90 90	– – With a dry matter content of more than 30 % by weight	1,80
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid :	
2003 10	– Mushrooms :	
2003 10 10	– – Cultivated	2,40
2003 10 90	– – Other	2,40
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen :	
2004 90	– Other vegetables and mixtures of vegetables :	
2004 90 50	– – Peas ( <i>Pisum sativum</i> ) and immature beans of the species <i>Phaseolus</i> spp., in pod	0,60
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen :	
2005 40 00	– Peas ( <i>Pisum sativum</i> )	0,60
	– Peas ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.):	
ex 2005 59 00	– – Other :	
	– – – French beans ( <i>Phaseolus</i> spp.)	0,60
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter :	
2007 10	– Homogenized preparations :	
ex 2007 10 10	– – With a sugar content exceeding 13 % by weight :	
	– – – Of strawberries	0,60
	– – – Of raspberries	0,60
ex 2007 10 90	– – Other :	
	– – – Of strawberries	0,60
	– – – Of raspberries	0,60
2007 99	– – Other :	
	– – – With a sugar content exceeding 30 % by weight :	
	– – – – Other :	
2007 99 33	– – – – – Of strawberries	0,60
2007 99 35	– – – – – Of raspberries	0,60
	– – – With a sugar content exceeding 13 % but not exceeding 30 % :	
ex 2007 99 59	– – – – Other :	
	– – – – – Of strawberries and/or of raspberries	0,60
ex 2007 99 90	– – – Other :	
	– – – – Of strawberries and/or raspberries	0,60

CN code	Description	Amount in ECU/100 kg net
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
2008 40	- Pears:	
	- - Not containing added spirit:	
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg:	
2008 40 51	- - - - with a sugar content exceeding 13 % by weight	0,60
2008 40 59	- - - - Other	0,60
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg:	
2008 40 71	- - - - With a sugar content exceeding 15 % by weight	0,60
2008 40 79	- - - - Other	0,60
	- - - Not containing added sugar, in immediate packings of a net content:	
2008 40 91	- - - - Of 4,5 kg or more	0,60
2008 40 99	- - - - Of less than 4,5 kg	0,60
2008 50	- Apricots:	
	- - Containing added spirit:	
	- - - in immediate packings of a net content exceeding 1 kg:	
2008 50 61	- - - - With a sugar content exceeding 13 % by weight	0,60
2008 50 69	- - - - Other	0,60
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg:	
2008 50 71	- - - - With a sugar content exceeding 15 % by weight	0,60
2008 50 79	- - - - Other	0,60
	- - - Not containing added sugar, in immediate packings of a net content:	
2008 50 91	- - - - Of 4,5 kg or more	0,60
2008 50 99	- - - - Of less than 4,5 kg	0,60
2008 60	- Cherries:	
	- - Not containing added spirit:	
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg:	
2008 60 51	- - - - Sour cherries ( <i>Prunus cerasus</i> )	2,00
2008 60 59	- - - - Other	2,00
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg:	
2008 60 61	- - - - Sour cherries ( <i>Prunus cerasus</i> )	2,00
2008 60 69	- - - - Other	2,00
	- - - Not containing added sugar, in immediate packings of a net content:	
	- - - - Of 4,5 kg or more:	
2008 60 71	- - - - - Sour cherries ( <i>Prunus cerasus</i> )	2,00
2008 60 79	- - - - - Other	2,00
	- - - - - Of less than 4,5 kg:	
2008 60 91	- - - - - Sour cherries ( <i>Prunus cerasus</i> )	2,00
2008 60 99	- - - - - Other	2,00

CN code	Description	Amount in ECU/100 kg net
2008 70	- Peaches :	
	- - Not containing added spirit :	
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg :	
2008 70 61	- - - - With a sugar content exceeding 13 % by weight	0,60
2008 70 69	- - - - Other	0,60
	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg :	
2008 70 71	- - - - With a sugar content exceeding 15 % by weight	0,60
2008 70 79	- - - - Other	0,60
2008 80	- Strawberries :	
	- - Not containing added spirit :	
2008 80 50	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg	0,60
2008 80 70	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg	0,60
	- - - Not containing added sugar, in immediate packings of a net content :	
2008 80 91	- - - - Of 4,5 kg or more	0,60
2008 80 99	- - - - Of less than 4,5 kg	0,60
	- Other, including mixtures other than those falling within code 2008 19 :	
2008 99	- - Other :	
	- - - Not containing added spirit :	
	- - - - Containing added sugar, in immediate packings of a net content exceeding 1 kg :	
ex 2008 99 49	- - - - - Other :	
	- - - - - Raspberries	0,60
	- - - - - Containing added sugar, in immediate packings of a net content exceeding 1 kg :	
ex 2008 99 59	- - - - - Other :	
	- - - - - Raspberries	0,60
	- - - - - Not containing added sugar :	
ex 2008 99 99	- - - - - Other :	
	- - - - - Raspberries	0,60
2009	Fruit juices (including grapes must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter :	
2009 50	- Tomato juice	0,60
2009 80	- Juice of any single fruit or vegetable :	
	- - Of a density exceeding 1,33 g/cm <sup>3</sup> at 20 °C :	
	- - - Other :	
ex 2009 80 31	- - - - Of a value not exceeding ECU 30 per 100 kg net weight :	
	- - - - - Of cherries	0,60

CN code	Description	Amount in ECU/100 kg net
ex 2009 80 39	- - - - Other : - - - - - Of cherries - - Of a density not exceeding 1,33 g/cm <sup>3</sup> at 20 °C : - - - - Other :	0,60
ex 2009 80 80	- - - - Of a value exceeding ECU 30 per 100 kg net weight, containing added sugar : - - - - - Of cherries - - - - - Other :	0,60
ex 2009 80 91	- - - - - With an added sugar content exceeding 30 % by weight : - - - - - - Of Cherries	0,60
ex 2009 80 93	- - - - - With an added sugar content not exceeding 30 % by weight : - - - - - - Of cherries	0,60
ex 2009 80 99	- - - - - Not containing added sugar : - - - - - - Other : - - - - - - - Of cherries	0,60

## ANNEX II

## List of products referred to in Article 5

CN code	Description
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :
0711 90	- Other vegetables ; mixtures of vegetables :
	- - Vegetables :
0711 90 50	- - - Mushrooms
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried :
0804 20	- Figs :
0804 20 90	- - Dried
0806	Grapes, fresh or dried :
0806 20	- Dried :
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter :
0811 10	- Strawberries :
	- - Containing added sugar or other sweetening matter :
0811 10 11	- - - With a sugar content exceeding 13 % by weight
0811 10 19	- - - Other
0811 10 90	- - Other
0811 20	- Raspberries, blackberries, mulberries, loganberries, black-, white-, or red-currants and gooseberries :
	- - Containing added sugar or other sweetening matter :
ex 0811 20 11	- - - With a sugar content exceeding 13 % by weight :
	- - - - Raspberries
ex 0811 20 19	- - - Other :
	- - - - Raspberries
	- - Other :
0811 20 31	- - - Raspberries
0811 90	- Other :
	- - Containing added sugar or other sweetening matter :
ex 0811 90 10	- - - with a sugar content exceeding 13 % by weight :
	- - - - Cherries
ex 0811 90 30	- - - Other :
	- - - - Cherries
ex 0811 90 90	- - - Other :
	- - - - Cherries
0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption :
0812 10 00	- Cherries
0812 20 00	- Strawberries
0812 90	- Other :
0812 90 60	- - Raspberries
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid :
2001 90	- Other :
2001 90 50	- - Mushrooms

CN code	Description
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid :
2003 10	– Mushrooms :
2003 10 10	– – Cultivated
2003 10 90	– – Other
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen :
2004 90	– Other vegetables and mixtures of vegetables :
2004 90 50	– – Peas ( <i>Pisum sativum</i> ) and immature beans of the species <i>Phaseolus</i> spp, in pod
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen :
2005 40 00	– Peas ( <i>Pisum sativum</i> )
	– Beans ( <i>Vigna</i> spp, <i>Phaseolus</i> spp) :
ex 2005 59 00	– – Other :
	– – – French beans ( <i>Phaseolus</i> spp)
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter :
2007 10	– Homogenized preparations :
ex 2007 10 10	– – With a sugar content exceeding 13 % by weight :
	– – – Of strawberries
	– – – Of raspberries
ex 2007 10 90	– – Other :
	– – – Of strawberries
	– – – Of raspberries
2007 99	– – Other :
	– – – With a sugar content exceeding 30 % by weight :
	– – – – Other :
2007 99 33	– – – – – Of strawberries
2007 99 35	– – – – – Of raspberries
	– – – With a sugar content exceeding 13 % but not exceeding 30 % by weight :
ex 2007 99 59	– – – – Other :
	– – – – – Of strawberries
	– – – – – Of raspberries
ex 2007 99 90	– – – Other :
	– – – – Of strawberries
	– – – – Of raspberries
2008	Fruit, nuts and other edible parts of plants otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included :
2008 60	– Cherries :
	– – Not containing added spirit :
	– – – Containing added sugar, in immediate packings of a net content exceeding 1 kg :
2008 60 51	– – – – Sour cherries ( <i>Prunus cerasus</i> )
2008 60 59	– – – – Other
	– – – Containing added sugar, in immediate packings of a net content not exceeding 1 kg :
2008 60 61	– – – – Sour cherries ( <i>Prunus cerasus</i> )
2008 60 69	– – – – Other
	– – – Not containing added sugar, in immediate packings of a net content :
	– – – – Of 4,5 kg or more :
2008 60 71	– – – – – Sour cherries ( <i>Prunus cerasus</i> )

CN code	Description
2008 60 79	----- Other
	----- Of less than 4,5 kg :
2008 60 91	----- Sour cherries ( <i>Prunus cerasus</i> )
2008 60 99	----- Other
2008 80	- Strawberries :
	- - Not containing added spirit :
2008 80 50	- - - Containing added sugar, in immediate packings of a net content exceeding 1 kg
2008 80 70	- - - Containing added sugar, in immediate packings of a net content not exceeding 1 kg
	- - - Not containing added sugar, in immediate packings of a net content :
2008 80 91	- - - - Of 4,5 kg or more
2008 80 99	- - - - Of less than 4,5 kg
	- Other, including mixtures other than those falling within code 2008 19 :
2008 99	- - Other :
	- - - Not containing added spirit :
	- - - - Containing added sugar, in immediate packings of a net content exceeding 1 kg :
ex 2008 99 49	- - - - - Other :
	- - - - - Raspberries
	- - - - - Containing added sugar, in immediate packings of a net content not exceeding 1 kg :
ex 2008 99 59	- - - - - Other :
	- - - - - Raspberries :
	- - - - - Not containing added sugar :
ex 2008 99 99	- - - - - Other :
	- - - - - Raspberries
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter :
2009 80	- Juice of any other single fruit or vegetable :
	- - Of a density exceeding 1,33 g/cm <sup>3</sup> at 20 °C :
	- - - Other :
ex 2009 80 31	- - - - Of a value not exceeding ECU 30 per 100 kg net weight :
	- - - - - Of cherries
ex 2009 80 39	- - - - - Other :
	- - - - - Of cherries
	- - Of a density not exceeding 1,33 g/cm <sup>3</sup> at 20 °C :
	- - - Other :
ex 2009 80 80	- - - - Of a value not exceeding ECU 30 per 100 kg net weight, containing added sugar :
	- - - - - Of cherries
	- - - - - Other :
ex 2009 80 91	- - - - - With an added sugar content exceeding 30 % by weight :
	- - - - - - Of cherries
ex 2009 80 93	- - - - - With an added sugar content not exceeding 30 % by weight :
	- - - - - - Of cherries
	- - - - - Not containing added sugar :
ex 2009 80 99	- - - - - Other :
	- - - - - - Of cherries



## ANNEX III

## List of products referred to in Article 7

CN code	Description	Amount in ECU/100 kg net
ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter, excluding codes 0811 10 90, 0811 20 31, 0811 20 39, 0811 20 51, 0811 20 59, 0811 20 90, 0811 90 50, 0811 90 70 and 0811 90 90 :	0,70
0811 10	- Strawberries :	
	- - Containing added sugar or other sweetening matter :	
0811 10 11	- - - With a sugar content exceeding 13 % by weight :	1,30
0811 20	- Raspberries, blackberries, mulberries, loganberries, black-, white-, or red-currants and gooseberries :	
	- - Containing added sugar or other sweetening matter :	
ex 0811 20 11	- - - With a sugar content exceeding 13 % by weight :	
	- - - - Raspberries	1,30
0811 90	- Other :	
	- - Containing added sugar or other sweetening matter :	
ex 0811 90 10	- - - With a sugar content exceeding 13 % by weight :	
	- - - - Cherries	2,00
ex 1302 20	Pectic substances, pectinates and pectates :	
	- Pectic substances and pectinates	0,18
ex 2001	Vegetables, fruit, nuts, and other edible parts of plants, prepared or preserved by vinegar or acetic acid, whether or not containing salt, spices or mustard, containing added sugar, excluding :	
	- Fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos of code 2001 90 20,	
	- Sweet corn ( <i>Zea mays var. saccharata</i> ) falling within code 2001 90 30,	
	- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch falling within code 2001 90 40 and	
	- Vine, leaves, hop shoots, palm hearts, other edible parts of plants, and olives falling within code 2001 90 90	0,18
ex 2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid, containing added sugar	0,18
ex 2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid, containing added sugar	0,18
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, containing added sugar, not including sweet corn ( <i>Zea mays var. saccharata</i> ) falling within code 2004 90 10, olives and capers falling within code 2004 90 99 and potatoes falling within codes 2004 10 91, 2004 10 10 and 2004 10 99	0,18
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, containing added sugar, not including olives falling within code 2005 70 00, sweet corn ( <i>Zea mays var. saccharata</i> ) falling within code 2005 80 00 and fruit of the genus <i>Capsicum</i> , other than sweet peppers or pimentos falling within code 2005 90 10, capers falling within code 2005 90 30 and potatoes falling within codes 2005 20 10 and 2005 20 90	0,18
2006 00	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	1,80

CN code	Description	Amount in ECU/100 kg net
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter :	
2007 10	– Homogenized preparations :	
2007 10 10	– – With a sugar content exceeding 13 % by weight :	
	– – – Of strawberries	0,90
	– – – Of raspberries	0,90
	– – – Other	0,30
2007 10 90	– – Other	0,30
	– Other :	
2007 91	– – Citrus fruits :	
2007 91 10	– – – With a sugar content exceeding 30 % by weight	1,80
2007 91 30	– – – With a sugar content exceeding 13 % but not exceeding 30 % by weight	0,30
2007 91 90	– – – Other	0,30
2007 99	– – Other :	
	– – – With a sugar content exceeding 30 % by weight :	
2007 99 10	– – – – Plum purée and plum paste, in immediate packings of a net content exceeding 100 kg, for industrial processing	1,80
2007 99 20	– – – – Chestnut purée and paste	1,80
	– – – – Other :	
2007 99 31	– – – – – Of cherries	1,80
2007 99 33	– – – – – Of strawberries	2,40
2007 99 35	– – – – – Of raspberries	2,40
2007 99 39	– – – – – Other	1,80
	– – – – With a sugar content exceeding 13 % but not exceeding 30 % by weight :	
2007 99 51	– – – – – Chestnut purée and paste	0,30
2007 99 59	– – – – – Other :	
	– – – – – – Of strawberries	0,90
	– – – – – – Of raspberries	0,90
	– – – – – – Other	0,30
2007 99 90	– – – – Other	0,30
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, not including :	
	– Peanut butter falling within code 2008 11 10,	
	– Palm hearts falling within code 2008 91 00,	
	– Maize falling within code 2008 99 85,	
	– Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch falling within code 2008 99 91 and	
	– Vine leaves, hop shoots and other similar edible parts of plants falling within code 2008 99 99	0,30
ex 2009	Fruit juices (not including grape juice and grape must falling within code 2009 60) and vegetable juices, unfermented and not containing added spirit, containing added sugar or other sweetening matter :	
	– With an added sugar content exceeding 30 % by weight	1,80
	– Other	0,30

## COMMISSION REGULATION (EEC) No 2406/89

of 3 August 1989

authorizing certain intervention agencies to put up for sale by tender 330 000 tonnes of durum wheat for export in the form of meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1834/89 <sup>(2)</sup>, and in particular Article 7 <sup>(5)</sup> thereof,

The intervention agencies of the Member States listed below are hereby authorized to issue an invitation to tender for the sale on the Community market of 330 000 tonnes of durum wheat in accordance with Article 4 of Regulation (EEC) No 1836/82, as follows:

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals <sup>(3)</sup>, as amended by Regulation (EEC) No 195/89 <sup>(4)</sup>, provides that the sale of cereals held by intervention agencies must be by invitation to tender;

	<i>(Tonnes)</i>
Italy	300 000
Spain	30 000

Whereas Commission Regulation (EEC) No 1836/82 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2418/87 <sup>(6)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

*Article 2*

Whereas durum wheat supply in Italy and Spain does not permit normal supply to meet meal export requirements; whereas, to remedy this situation, a quantity of durum wheat held by the Italian and Spanish intervention agencies should be put up for sale again on the Italian and Spanish internal markets;

1. The invitation to tender shall be open from 4 August to 30 September 1989.

2. The durum wheat awarded must be processed into meal for human consumption and exported to third countries.

Whereas a conversion rate should be set to determine the quantity of meal to be exported on the basis of the durum wheat used;

Tenders shall be valid only if they:

— are accompanied by an application for an export licence for durum wheat meal of the category defined by the product code 1103 11 10 100 of the refund nomenclature together with an application for advance fixing of the refund for the category in question;

Whereas, to ensure that the operation is carried out smoothly, it should be stipulated that securities may be released only after completion of customs export formalities to avoid any disturbance of the market;

— are accompanied by an application for advance fixing of the monetary compensatory amount for durum wheat meal of one of the Member States listed in Article 1;

Whereas the Member States are to take all additional measures compatible with the provisions in force to ensure that the scheme operates smoothly and that the Commission is kept informed;

— are accompanied by evidence that the tenderer has lodged a security of ECU 50 per tonne,

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

— are accompanied by a written undertaking from the tenderer to lodge, at the latest on payment of the goods, a security covering any difference between the price provided for in Article 5 <sup>(3)</sup> of Regulation (EEC) No 1836/82 and that indicated in the tender.

*Article 3*

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

<sup>(2)</sup> OJ No L 180, 27. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 139, 24. 5. 1986, p. 36.

<sup>(4)</sup> OJ No L 25, 28. 1. 1989, p. 22.

<sup>(5)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(6)</sup> OJ No L 223, 11. 8. 1987, p. 5.

By way of derogation from Article 5 <sup>(3)</sup> of Regulation (EEC) No 1836/82, the minimum price to be complied with shall be fixed in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75.

*Article 4*

1. By way of derogation from Article 21(1) of Commission Regulation (EEC) No 3719/88<sup>(1)</sup>, export licences issued shall, for the determination of their term of validity, be deemed to have been issued on the date of submission of the tender.

2. Export licences issued under this invitation to tender shall be valid from the date of issue within the meaning of paragraph 1 until the end of the third month thereafter.

3. Export licences issued under this invitation to tender must bear the following entry in section 22:

'Invitation to tender issued by Regulation (EEC) No 2406/89 — Tender from ...'

*Article 5*

For the determination of the quantity of meal to be exported, the quantity of durum wheat awarded shall be divided by a coefficient of 1,60.

*Article 6*

1. The securities referred to in the third indent of the second subparagraph of Article 2 (2) shall be released:

— for the quantities for which the tender has not been accepted, or

— in all other cases, in accordance with Title V of Commission Regulation (EEC) No 2220/85<sup>(2)</sup>.

2. The securities referred to in the fourth indent of the second subparagraph of Article 2 (2) shall be released for the corresponding quantities of meal for which evidence of export has been furnished.

3. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be payment of the selling price and export within the time limit laid down for the durum wheat meal under the export licence referred to in Article 4.

Evidence to be furnished shall be that applicable for the security for the export licence issued following award of the contract.

*Article 7*

The intervention agencies concerned shall take all necessary steps to ensure compliance with the provisions of this Regulation. They shall provide each other with all necessary information and shall inform the Commission weekly, within the Management committee for Cereals, of progress in the invitation to tender.

*Article 8*

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, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(2)</sup> OJ No L 205, 3. 8. 1985, p. 5.

**COMMISSION REGULATION (EEC) No 2407/89**  
**of 3 August 1989**

**fixing the minimum selling price for the purposes of the standing invitation to tender opened by Regulation (EEC) No 2406/89**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1834/89 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 2406/89 of 3 August 1989 authorizing certain intervention agencies to put up for sale by tender 330 000 tonnes of durum wheat for export in the form of meal <sup>(3)</sup>, and in particular Article 3 thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals <sup>(4)</sup>, as amended by Regulation (EEC) No 195/89 <sup>(5)</sup>, stipulated that when cereals held by intervention agencies are sold they shall be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 <sup>(6)</sup>, as last amended by Regulation (EEC) No 2418/87 <sup>(7)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas Commission Regulation (EEC) No 2406/89 authorizes certain intervention agencies to put up for sale

by tender 330 000 tonnes of durum wheat for export in the form of meal; whereas that Regulation provides for a minimum selling price to be fixed by way of a derogation from Article 5 (3) of Commission Regulation (EEC) No 1836/82,

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling price for the purposes of the standing invitation to tender issued under Regulation (EEC) No 2406/89 shall be ECU 238,06 per tonne for Italy and ECU 202,88 per tonne for Spain.

*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, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 180, 27. 6. 1989, p. 1.

<sup>(3)</sup> See page 49 of this Official Journal.

<sup>(4)</sup> OJ No L 139, 24. 5. 1986, p. 36.

<sup>(5)</sup> OJ No L 25, 28. 1. 1989, p. 22.

<sup>(6)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(7)</sup> OJ No L 223, 11. 8. 1987, p. 5.

**COMMISSION REGULATION (EEC) No 2408/89**  
**of 3 August 1989**  
**amending Regulation (EEC) No 2213/89 introducing a countervailing charge on**  
**fresh lemons originating in Spain (except the Canary Islands)**

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

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

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

Whereas Commission Regulation (EEC) No 2213/89 <sup>(3)</sup>, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

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

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal <sup>(4)</sup>, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for an 8 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the fourth year after accession,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 2213/89 'ECU 2,68' is hereby replaced by 'ECU 4,49'.

*Article 2*

This Regulation shall enter into force on 4 August 1989.

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

Done at Brussels, 3 August 1989.

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

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 12.

<sup>(3)</sup> OJ No L 209, 21. 7. 1989, p. 51.

<sup>(4)</sup> OJ No L 302, 15. 11. 1985, p. 9.

**COMMISSION REGULATION (EEC) No 2409/89**  
**of 3 August 1989**  
**fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2384/89 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the infor-

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 4 August 1989.

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

Done at Brussels, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 187, 1. 7. 1989, p. 13.

<sup>(4)</sup> OJ No L 225, 3. 8. 1989, p. 40.

**ANNEX**

to the Commission Regulation of 3 August 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,36 <sup>(1)</sup>
1701 11 90	26,36 <sup>(1)</sup>
1701 12 10	26,36 <sup>(1)</sup>
1701 12 90	26,36 <sup>(1)</sup>
1701 91 00	24,40
1701 99 10	24,40
1701 99 90	24,40 <sup>(2)</sup>

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

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



## COMMISSION REGULATION (EEC) No 2410/89

of 3 August 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1834/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, 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 <sup>(4)</sup>, as amended by Regulation (EEC) No 1607/71 <sup>(5)</sup>;

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 <sup>(6)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(7)</sup>,
- 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,

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

<sup>(2)</sup> OJ No L 180, 27. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

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

<sup>(5)</sup> OJ No L 168, 27. 7. 1971, p. 16.

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

<sup>(7)</sup> 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 4 August 1989.

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

Done at Brussels, 3 August 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 3 August 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	100,00
1001 10 90 000	01	10,00
1001 90 91 000	06	39,95
	02	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	45,00
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	01	56,00
1101 00 00 120	01	56,00
1101 00 00 130	01	50,00
1101 00 00 150	01	47,00
1101 00 00 170	01	44,00
1101 00 00 180	01	41,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	56,00
1102 10 00 200	01	56,00
1102 10 00 300	01	56,00
1102 10 00 500	01	56,00
1102 10 00 900	—	—
1103 11 10 100	01	164,00
1103 11 10 200	01	155,00
1103 11 10 500	01	138,00
1103 11 10 900	01	130,00
1103 11 90 100	01	56,00
1103 11 90 900	—	—

(<sup>1</sup>) 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 Turkey.

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*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).

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**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 2203/89 of 20 July 1989 amending Regulation (EEC) No 756/70 on granting aid for skimmed milk processed into casein and caseinates**

*(Official Journal of the European Communities No L 209 of 21 July 1989)*

Page 33, Article 1, in the new Article 2 (2) (e):

*for:* 'one kilogram of casein ...',

*read:* 'one kilogram of caseinate ...'.

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