

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3427/89
of 30 October 1989

amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 51 and 235 thereof;

Having regard to the proposal from the Commission⁽¹⁾, drawn up after consultation with the Administrative Commission on Social Security for Migrant Workers,

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

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

Whereas, pursuant to Article 99 of Regulation (EEC) No 1408/71⁽⁴⁾, as last amended by Regulation (EEC) No 2332/89⁽⁵⁾, the entire matter of the payment of family benefits to members of the family who do not reside in the competent State must be re-examined in order to reach a uniform solution for all Member States;

Whereas, by its judgment of 15 January 1986 in Case 41/84 (Pinna), the Court of Justice declared null and void Article 73 (2) of Regulation (EEC) No 1408/71 on the ground that the criterion of residence of the members of the family of the migrant worker, which it employs in order to determine the legislation applicable to the family benefits payable to the worker, 'is not of such a nature as to secure the equal treatment laid down by Article 48 of the Treaty and therefore may not be employed within the context of the coordination of national legislation which is laid down in Article 51 of the Treaty with a view to

promoting the free movement of workers within the Community in accordance with Article 48';

Whereas, consequently, it is appropriate to disregard the criterion of residence of the members of the worker's family for the purposes of granting family benefits;

Whereas, on the other hand, the criterion of employment adopted in Articles 73 (1) and 74 (1) of Regulation (EEC) No 1408/71 ensure equal treatment as between all workers subject to the same legislation; whereas the choice of this factor of attachment is necessary for reasons of simplicity, fairness and for reasons allied to the coherence of the system of Regulation (EEC) No 1408/71, which, generally speaking, accords priority to the *lex loci laboris* (law of the place of work) for the purpose of determining the legislation applicable;

Whereas it is therefore appropriate to apply this solution also to workers subject to French legislation; whereas it is necessary to amend, along these lines, Regulations (EEC) No 1408/71 and (EEC) No 574/72⁽¹⁾, as last amended by Regulation (EEC) No 2332/89; whereas the absence of a uniform solution as referred to in Article 99 of Regulation (EEC) No 1408/71, at the time of the extension of the categories of persons covered by Regulations (EEC) No 1408/71 and (EEC) No 574/72 to include self-employed workers and members of their families, prevented the same extension being made in the case of Articles 73 to 76 of Regulation (EEC) No 1408/71; whereas it is now appropriate to extend the provisions to cover self-employed workers and to adapt accordingly the provisions of Regulation (EEC) No 574/72,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is hereby amended as follows:

⁽¹⁾ OJ No L 74, 27. 3. 1972, p. 1.

⁽¹⁾ OJ No C 292, 16. 11. 1988, p. 7.

⁽²⁾ OJ No C 12, 16. 1. 1989, p. 365.

⁽³⁾ OJ No C 23, 30. 1. 1989, p. 49.

⁽⁴⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽⁵⁾ OJ No L 224, 2. 8. 1989, p. 1.

1. Chapter 7 of Title III is replaced by the following :

'CHAPTER 7

FAMILY BENEFITS

Article 72

Aggregation of periods of insurance, employment or self-employment

Where the legislation of a Member State makes acquisition of the right to benefits conditional upon completion of periods of insurance, employment or self-employment, the competent institution of that State shall take into account for this purpose, to the extent necessary, periods of insurance, employment or self-employment completed in any other Member State, as if they were periods completed under the legislation which it administers.

Article 73

Employed or self-employed persons the members of whose families reside in a Member State other than the competent State

An employed or self-employed person subject to the legislation of a Member State shall be entitled, in respect of the members of his family who are residing in another Member State, to the family benefits provided for by the legislation of the former State, as if they were residing in that State, subject to the provisions of Annex VI.

Article 74

Unemployed persons the members of whose families reside in a Member State other than the competent State

An unemployed person who was formerly employed or self-employed and who draws unemployment benefits under the legislation of a Member State shall be entitled, in respect of the members of his family residing in another Member State, to the family benefits provided for by the legislation of the former State, as if they were residing in that State, subject to the provisions of Annex VI.

Article 75

Provisions of benefits

1. Family benefits shall be provided, in the cases referred to in Article 73, by the competent institution of the State to the legislation of which the employed or self-employed person is subject and, in the cases referred to in Article 74, by the competent institution of the State under the legislation of which an unemployed person who was formerly employed or self-employed receives unemployment benefits. They shall be provided in accordance with the provisions administered by such institutions, whether or not the natural or legal person to whom such benefits are payable is residing or staying in the territory of the competent State or in that of another Member State.

2. However, if the family benefits are not used by the person to whom they should be provided for the maintenance of the members of the family, the

competent institution shall discharge its legal obligations by providing the said benefits to the natural or legal person actually maintaining the members of the family, at the request of, and through the agency of, the institution of their place of residence or of the designated institution or body appointed for this purpose by the competent authority of the country of their residence.

3. Two or more Member States may agree, in accordance with the provisions of Article 8, that the competent institution shall provide the family benefits due under the legislation of those States or of one of those States to the natural or legal person actually maintaining the members of the family, either directly or through the agency of the institution of their place of residence.

Article 76

Rules or priority in cases of overlapping entitlement to family benefits under the legislation of the competent State and under the legislation of the Member State of residence of the members of the family

1. Where, during the same period, for the same family member and by reason of carrying on an occupation, family benefits are provided for by the legislation of the Member State in whose territory the members of the family are residing, entitlement to the family benefits due in accordance with the legislation of another Member State, if appropriate under Articles 73 or 74, shall be suspended up to the amount provided for in the legislation of the first Member State.

2. If an application for benefits is not made in the Member States in whose territory the members of the family are residing, the competent institution of the other Member State may apply the provisions of paragraph 1 as if benefits were granted in the first Member State.';

2. Article 90 is deleted ;

3. Article 94 (9) is replaced by the following ;

9. The family allowances received by employed persons employed in France in respect of the members of their families residing in another Member State on the date of 15 November 1989 shall continue to be paid at the rates, within the limits and according to the procedures applicable on that date as long as their amount exceeds that of the benefits that would be due as from the date of 16 November 1989 and as long as the persons concerned are subject to French legislation. Account shall not be taken of interruptions lasting less than one month, nor of periods during which unemployment or sickness is drawn.

The procedure for implementing this paragraph and in particular the sharing of the cost of these allowances shall be determined by mutual agreement between the Member States concerned or by their competent authorities, after the Administrative Commission has delivered an opinion.';

4. Article 99 is deleted ;

5. Annex I is amended as follows :

(a) In Part I, point 'E. FRANCE' is replaced by the following :

'E. France

If a French institution is the competent institution for the grant of family benefits in accordance with Title III, Chapter 7 of the Regulation :

1. "employed person" within the meaning of Article 1 (a)(ii) of the Regulation shall be deemed to mean any person who is compulsorily insured under the social security scheme in accordance with Article L 311-2 of the Social Security Code and who fulfils the minimum conditions regarding work or remuneration provided for in Article L 313-1 of the Social Security Code in order to benefit from cash benefits under sickness insurance, maternity and invalidity cover or the person who benefits from these cash benefits ;

2. "self-employed person" within the meaning of Article 1 (a)(ii) of the Regulation shall be deemed to mean any person who performs a self-employed activity and who is required to take out insurance and to pay old-age benefit contributions to a self-employed persons' scheme.' ;

(b) In Part II point 'E. FRANCE' is replaced by the following :

'E. FRANCE

The term "member of the family" means any person mentioned in Article L 512-3 of the Social Security Code. ;

6. Annex II, Part II is amended as follows :

(a) point 'E. FRANCE' is replaced by the following :

'E. FRANCE

The allowance for young children provided until the age of three months.' ;

(b) point 'I. LUXEMBOURG' is replaced by the following :

'I. LUXEMBOURG

- (a) antenatal allowance ;
- (b) childbirth allowance.' ;

7. Annex VI, point E. FRANCE is amended as follows :

(a) point 4 is replaced by the following :

'4. A person who is subject to French legislation pursuant to Article 14 (1) or Article 14a (1) of the Regulation shall be entitled, in respect of the members of his family accompanying him in the territory of the Member State in which

he is pursuing an occupation, to the following family benefits :

- (a) the allowance for young children provided until the age of three months ;
- (b) the family benefits provided in accordance with Article 73 of the Regulation.' ;

(b) the following point is added :

'7. Notwithstanding Articles 73 and 74 of the Regulation, the housing allowances, the home child-care allowance and the parental child-rearing allowance shall be granted only to persons concerned and to members of their families standing residing in French territory.'

Article 2

Regulation (EEC) No 574/72 is hereby amended as follows :

1. Article 10a is replaced by the following :

'Article 10a

Rules applicable where an employed or self-employed person is subject successively to the legislation of several Member States during the same period or part of a period

Where an employed or self-employed person has been subject successively to the legislation of two Member States during the period separating two dates for the payment of family benefits as provided for by the legislation of one or both of the Member States concerned, the following rules shall apply :

(a) the family benefits which the person concerned may claim by virtue of being subject to the legislation of each one of these States shall correspond to the number of daily benefits due under the relevant legislation. Where such legislation does not provide for daily benefits, the family benefits shall be granted in proportion to the length of time during which the person concerned has been subject to the legislation of each one of the Member States in relation to the period fixed by the legislation concerned ;

(b) where the family benefits have been provided by an institution during a period when they should have been provided by another institution, there shall be an adjustment of accounts between the said institutions ;

(c) for the purposes of subparagraphs (a) and (b), where periods of employment or self-employment completed under the legislation of one Member State are expressed in units different from those which are used for the calculation of family benefits under the legislation of another Member State to which the person concerned has also been subject during the same period, the conversion shall be carried out in accordance with the provisions of Article 15 (3) of the implementing Regulation ;

- (d) notwithstanding the provisions of subparagraph (a), in respect of dealings between the Member States listed in Annex 8 to the implementing Regulation, the institution bearing the costs of the family benefits by reason of the first employment or self-employment during the period concerned shall bear such costs throughout the entire current period.';
2. The heading of Chapter 7 of Title IV is replaced by the following:
- 'FAMILY BENEFITS'**
3. In Article 86:
- (a) the title preceding Article 86 is replaced by the following:
- 'Implementation of Articles 73 and 75 (1) and (2) of the Regulation'**;
- (b) the title under Article 86 is deleted;
- (c) paragraph 4 is replaced by the following:
- '4. The competent authorities of two or more Member States may agree on special procedures for the payment of family benefits, in particular with a view to facilitating the implementation of Article 75 (1) and (2) of the Regulation. Such agreements shall be communicated to the Administrative Commission';
4. Article 87 and the preceding title are deleted;
5. Article 88 and the preceding title are replaced by the following:
- 'Implementation of Article 74 of the Regulation'**
- Article 88*
- The provisions of Article 86 of the implementing Regulation shall apply by analogy to unemployed persons who were formerly employed or self-employed and who are covered by Article 74 of the Regulation.';
6. Article 89 and the preceding title are deleted;
7. Article 98 and the preceding title are deleted;
8. Article 101 (1) is replaced by the following:
- '1. Pursuant to Articles 36, 63 and 70 of the Regulation, the Administrative Commission shall draw up a statement of claims in respect of each calendar year.';
9. Article 102 (2) is replaced by the following:
- '2. The reimbursements provided for in Articles 36, 63 and 70 of the Regulation shall be made for all the competent institutions of a Member State to the creditor institutions of another Member State through the agency of the bodies designated by the competent authorities of the Member States. The bodies through which reimbursements have been made shall advise the Administrative Commission of the amounts reimbursed within the time limits and according to the procedures laid down by the said Commission.';
10. Article 104 (2) is replaced by the following:
- '2. Provisions which are similar to those referred to in paragraph 1 and which, for the purposes of dealings between two or more Member States, will apply following the entry into force of the Regulation shall be entered in Annex 5 to the implementing Regulation. The same shall apply to provisions agreed under Article 97 (2) of the implementing Regulation.';
11. Article 120 is deleted;
12. In Annex 2, 'E. FRANCE':
- (a) paragraph 3 is deleted;
- (b) paragraph 4 becomes paragraph 3;
13. Annex 10 is amended as follows:
- (a) in 'A. BELGIUM', subparagraph 6 (d) is deleted;
- (b) in 'B. DENMARK', subparagraph 6 (a) is replaced by the following:
- '(a) reimbursements pursuant to Articles 36 and 63 of the Regulation: (no change)';
- (c) in 'C. GERMANY', paragraph 8 is replaced by the following:
- '8. For the purposes of applying Articles 36 and 63 of the Regulation and Article 102 (2) of the implementing Regulation (no change)';
- (d) in 'E. FRANCE':
- (i) paragraph 8 is deleted;
- (ii) paragraphs 9 and 10 become paragraphs 8 and 9 respectively;
- (iii) paragraph 8 (new) is replaced by the following:
- '8. For the purposes of applying jointly Articles 36 and 63 of the Regulation and Article 102 (2) of the implementing Regulation: (no change)'
- (e) in 'G. IRELAND', subparagraph 3 (b) is replaced by the following:
- '(b) For the purposes of applying Article 70 of the Regulation and Article 102 (2) of the implementing Regulation: (no change)';
- (f) in 'H. ITALY':
- (i) paragraph 5 is deleted;
- (ii) paragraphs 6, 7 and 8 become paragraphs 5, 6 and 7 respectively;
- (iii) subparagraph 6 (c) (new) is replaced by the following:
- 'c. Reimbursements under Article 70 of the Regulation (no change)';
- (g) in 'I. LUXEMBOURG', subparagraph 8 (d) is deleted;

(h) in 'J. NETHERLANDS', subparagraph 4(c) is deleted.

It shall apply with effect from 15 January 1986.

Article 3

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

However, Article 76 of Regulation (EEC) No 1408/71 as amended by Article 1 (1) of this Regulation shall not apply until 1 May 1990.

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

Done at Brussels, 30 October 1989.

For the Council

The President

J.-P. SOISSON

COMMISSION REGULATION (EEC) No 3428/89
of 15 November 1989

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

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2860/89 ⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 14 November 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 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 15 November 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	23,05	118,15
0712 90 19	23,05	118,15
1001 10 10	27,26	164,10 ⁽¹⁾ ⁽²⁾
1001 10 90	27,26	164,10 ⁽¹⁾ ⁽²⁾
1001 90 91	23,07	114,05
1001 90 99	23,07	114,05
1002 00 00	49,93	114,27 ⁽³⁾
1003 00 10	40,77	111,96
1003 00 90	40,77	111,96
1004 00 10	32,17	110,33
1004 00 90	32,17	110,33
1005 10 90	23,05	118,15 ⁽²⁾ ⁽³⁾
1005 90 00	23,05	118,15 ⁽²⁾ ⁽³⁾
1007 00 90	40,77	124,87 ⁽⁴⁾
1008 10 00	40,77	1,45
1008 20 00	40,77	59,77 ⁽⁴⁾
1008 30 00	40,77	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	40,77	0,00
1101 00 00	46,85	173,26
1102 10 00	84,22	172,58
1103 11 10	56,78	269,67
1103 11 90	49,97	187,26

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3429/89
of 15 November 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 Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 2860/89 ⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89 ⁽⁵⁾ and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 14 November 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 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 274, 23. 9. 1989, p. 41.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 15 November 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
	11	12	1	2
0709 90 60	0	0	0	1,40
0712 90 19	0	0	0	1,40
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	3,52
1001 90 99	0	0	0	3,52
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0,79
1004 00 90	0	0	0	0,79
1005 10 90	0	0	0	1,40
1005 90 00	0	0	0	1,40
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	4,93

B. Malt

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period	4th period
	11	12	1	2	3
1107 10 11	0	0	0	6,27	6,27
1107 10 19	0	0	0	4,68	4,68
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3430/89
of 15 November 1989
fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, sweet freshoranges and apples, of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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 coefficient provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾,
- 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 these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 5 (1) (b) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁷⁾, as last amended by Regulation (EEC) No 3993/88⁽⁸⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 19 (1) (c) of Regulation (EEC) No 3665/87 may be applied;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 354, 22. 12. 1988, p. 22.

Whereas, for Spain and Portugal, the Act of Accession introduced transitional measures by phases and stages respectively; whereas, in particular as regards the arrangements applicable to exports to Spain from the Community as constituted at 31 December 1985, Article 141 provides that, during the first phase, the Community is not in principle to grant export refunds; whereas, pursuant to Article 146, the Kingdom of Spain is to be authorized to maintain, during the first phase, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas Article 275 provides for a special procedure for the grant of refunds on exports to Portugal from the Community as constituted at 31 December 1985; whereas, pursuant to Article 283, the Portuguese Republic is to be authorized to maintain, during the first stage, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas, under those circumstances, refunds for such exports should not be provided for in this Regulation;

Whereas, for Spanish products exported from the second phase of the transitional period i.e. from 1 January 1990, account should be taken when refunds are fixed, in accor-

dance with Article 87 of the Act of Accession, of economically justified prices for each of the products concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. The provisions of Articles 5 (1)(b) and 19 (1)(c) of Regulation (EEC) No 3665/87 shall apply to exports of sweet oranges, lemons, table grapes, walnuts in shell, shelled hazelnuts and apples as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 November 1989 fixing the export refunds on fruit and vegetables

Product code	Destination of refund (1)	Amounts of refunds	
		Community as constituted on 31 December 1985 (2)	Spain (2)
0702 00 10 100		4,50	—
0702 00 10 900	—	—	—
0702 00 90 100		4,50	—
0702 00 90 900	—	—	—
0802 12 90 000		9,67	—
0802 21 00 000		11,30	—
0802 22 00 000		21,80	—
0802 31 00 000		14,00	—
0805 10 11 100	01	11,00	5,88
	06	11,00	5,88
0805 10 11 300	01	11,00	5,88
	06	11,00	5,88
0805 10 11 900	—	—	—
0805 10 15 100	01	11,00	5,88
	06	11,00	5,88
0805 10 15 300	01	11,00	5,88
	06	11,00	5,88
0805 10 15 900	—	—	—
0805 10 19 100	01	11,00	5,88
	06	11,00	5,88
0805 10 19 300	01	11,00	5,88
	06	11,00	5,88
0805 10 19 900	—	—	—
0805 10 21 100	01	11,00	5,88
	06	11,00	5,88
0805 10 21 300	01	11,00	5,88
	06	11,00	5,88
0805 10 21 900	—	—	—
0805 10 25 100	01	11,00	5,88
	06	11,00	5,88
0805 10 25 300	01	11,00	5,88
	06	11,00	5,88
0805 10 25 900	—	—	—
0805 10 29 100	01	11,00	5,88
	06	11,00	5,88
0805 10 29 300	01	11,00	5,88
	06	11,00	5,88
0805 10 29 900	—	—	—
0805 10 31 100	01	11,00	5,88
	06	11,00	5,88
0805 10 31 300	01	11,00	5,88
	06	11,00	5,88
0805 10 31 900	—	—	—
0805 10 35 100	01	11,00	5,88
	06	11,00	5,88
0805 10 35 300	01	11,00	5,88
	06	11,00	5,88
0805 10 35 900	—	—	—

(ECU/100 kg net)

Product code	Destination of refund (1)	Amounts of refunds	
		Community as constituted on 31 December 1985 (2)	Spain (2)
0805 10 39 100	01	11,00	5,88
	06	11,00	5,88
0805 10 39 300	01	11,00	5,88
	06	11,00	5,88
0805 10 39 900	—	—	—
0805 10 41 100	01	11,00	5,88
	06	11,00	5,88
0805 10 41 300	01	11,00	5,88
	06	11,00	5,88
0805 10 41 900	—	—	—
0805 10 45 100	01	11,00	5,88
	06	11,00	5,88
0805 10 45 300	01	11,00	5,88
	06	11,00	5,88
0805 10 45 900	—	—	—
0805 10 49 100	01	11,00	5,88
	06	11,00	5,88
0805 10 49 300	01	11,00	5,88
	06	11,00	5,88
0805 10 49 900	—	—	—
0805 20 50 100	—	—	—
0805 20 50 900	—	—	—
0805 30 10 100	01	15,00	—
	09	10,00	—
0805 30 10 900	—	—	—
0806 10 11 100	07	10,50	10,50
0806 10 11 300	07	10,50	10,50
0806 10 11 900	—	—	—
0806 10 15 100	07	10,50	10,50
0806 10 15 300	07	10,50	10,50
0806 10 15 900	—	—	—
0806 10 19 100	07	10,50	10,50
0806 10 19 300	07	10,50	10,50
0806 10 19 900	—	—	—
0808 10 91 100	—	—	—
0808 10 91 910	02	14,00	—
	03	4,50	—
	04	14,00	—
0808 10 91 990	—	—	—
0808 10 93 100	—	—	—
0808 10 93 910	02	14,00	—
	03	4,50	—
	04	14,00	—
0808 10 93 990	—	—	—
0808 10 99 100	—	—	—
0808 10 99 910	02	14,00	—
	03	4,50	—
	04	14,00	—
0808 10 99 990	—	—	—
0809 30 00 110	05	—	—
0809 30 00 190	—	—	—
0809 30 00 900	05	—	—

Notes

(¹) The destinations are as follows :

- 01 countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Djibouti, the countries of the Arabian peninsula including the territories attached thereto (Saudi Arabia, Bahrain, Qatar, Kuwait, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Yemen Arab Republic and People's Democratic Republic of Yemen), Iran, Iraq and Jordan,
- 03 countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland, Greenland and Malta,
- 04 Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 05 all destinations excluding Switzerland and Austria,
- 06 Austria, Switzerland, Finland, Sweden, Greenland, Norway and Iceland,
- 07 All destinations excepting that part of Community territory located outside the customs territory of the Community.
- 09 other destinations.

(²) The refunds shall not apply to exports to Spain and Portugal from the Community as constituted at 31 December 1985.

(³) Such refunds shall apply to exports from Spain to third countries from 1 January 1990.

COMMISSION REGULATION (EEC) No 3431/89
of 15 November 1989
fixing additional amounts for egg products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69⁽⁵⁾, as last amended by Regulation (CEE) No 4155/87⁽⁶⁾, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No L 130, 31. 5. 1969, p. 4.

⁽⁶⁾ OJ No L 392, 31. 12. 1987, p. 29.

ANNEX

to the Commission Regulation of 15 November 1989 fixing additional amounts for eggs products

(ECU/100 kg)

CN code	Origin of imports (*)	Additional amount
0408 19 11	02	60,00
0408 19 19	02	60,00
0408 91 10	01	100,00

(*) Origin :

- 01 Bulgaria,
- 02 Israel.

COMMISSION REGULATION (EEC) No 3432/89
of 15 November 1989
fixing additional amounts for eggs in shell

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No 4155/87⁽⁹⁾ and (EEC) No 2164/72⁽¹⁰⁾, as amended by

Regulation (EEC) No 3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (a) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

ANNEX

to the Commission Regulation of 15 November 1989 fixing additional amounts for eggs in shell

(ECU/100 kg)

CN code	Origin of imports ⁽¹⁾	Additional amount
0407 00 30	01	40,00

⁽¹⁾ Origin :

01 Soviet Union, Czechoslovakia and the German Democratic Republic (with the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems).

COMMISSION REGULATION (EEC) No 3433/89
of 14 November 1989
concerning the stopping of fishing for mackerel by vessels flying the flag of Ireland

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as last amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 2278/89⁽⁴⁾, provides for mackerel quotas for 1989;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of mackerel in the waters of ICES divisions II (except EC-zone), V b (EC-zone), VI, VII, VIII a, b, d, e, XII and XIV by vessels flying the flag of Ireland or registered in Ireland have reached the quota allocated for 1989; whereas Ireland has prohibited fishing

for this stock as from 5 November 1989; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in the waters of ICES divisions II (except EC-zone), V b (EC-zone), VI, VII, VIII a, b, d, e, XII and XIV by vessels flying the flag of Ireland or registered in Ireland are deemed to have exhausted the quota allocated to Ireland for 1989.

Fishing for mackerel in the waters of ICES divisions II (except EC-zone), V b (EC-zone), VI, VII, VIII a, b, d, e, XII and XIV by vessels flying the flag of Ireland or registered in Ireland is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 5 November 1989.

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

Done at Brussels, 14 November 1989.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 5.

COMMISSION REGULATION (EEC) No 3434/89
of 15 November 1989

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export to the Union of Soviet Socialist Republics, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 2993/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 7 (3) thereof,

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

Whereas certain intervention agencies hold stocks of bone-in intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas in view of the special supply needs of the Russian population, part of that meat should be put up for sale in accordance with Regulation (EEC) No 2539/84;

Whereas quarters from intervention stocks may in certain cases have been handled a number of times; whereas, in order to help with the presentation and marketing of such meat, its repackaging should be authorized, subject to the observance of precise conditions;

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

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

Whereas products held by intervention agencies and intended for export are subject to the provisions of

Commission Regulation (EEC) No 569/88 ⁽⁷⁾, as last amended by Regulation (EEC) No 3328/89 ⁽⁸⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 2993/89 ⁽⁹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately:

- 4 000 tonnes of hindquarters, and
- 4 000 tonnes of forequarters

held by the German intervention agency and bought in before 1 June 1989,

and

- 4 000 tonnes of hindquarters, and
- 4 000 tonnes of forequarters,

held by the Irish intervention agency and bought in before 1 June 1989.

2. This meat must be exported to the Soviet Union.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84.

The provisions of Commission Regulation (EEC) No 985/81 ⁽¹⁰⁾ shall not apply to this sale. However, the competent authorities may allow bone-in forequarters and hindquarters the packaging material of which is torn or soiled, to be placed in new packaging of the same type under their supervision before presentation for consignment at the customs office of departure.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁶⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁸⁾ OJ No L 321, 4. 11. 1989, p. 43.

⁽⁹⁾ OJ No L 287, 5. 10. 1989, p. 5.

⁽¹⁰⁾ OJ No L 99, 10. 4. 1981, p. 38.

4. An offer shall be valid only if it relates to an equal weight of forequarters and hindquarters and shall contain a single price per 100 kilograms for the whole quantity specified in the offer.

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

6. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 20 November 1989.

7. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

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

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be ECU 160 per 100 kilograms.

Article 4

In part I of the Annex to Regulation (EEC) No 569/88, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item and footnote are added:

'52. Commission Regulation (EEC) No 3434/89 of 15 November 1989 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export to the Soviet Union ⁽⁵²⁾.

⁽⁵²⁾ OJ No L 331, 16. 11. 1989, p. 20.'

Article 5

Regulation (EEC) No 2993/89 is hereby repealed.

Article 6

This Regulation shall enter into force on 20 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

- Categoría A: Canales de animales jóvenes sin castrar de menos de dos años,
Categoría C: Canales de animales machos castrados.
- Kategori A: Slagtekroppe af unge ikke kastrede handyr på under to år,
Kategori C: Slagtekroppe af kastrede handyr.
- Kategorie A: Schlachtkörper von jungen männlichen nicht kastrierten Tieren von weniger als 2 Jahren,
Kategorie C: Schlachtkörper von männlichen kastrierten Tieren.
- Κατηγορία Α: Σφάγια νεαρών μη συνουχισμένων αρρένων ζώων κάτω των 2 ετών,
Κατηγορία C: Σφάγια συνουχισμένων αρρένων ζώων.
- Category A: Carcasses of uncastrated young male animals of less than two years of age,
Category C: Carcasses of castrated male animals.
- Catégorie A: Carcasses de jeunes animaux mâles non castrés de moins de 2 ans,
Catégorie C: Carcasses d'animaux mâles castrés.
- Categoria A: Carcasse di giovani animali maschi non castrati di età inferiore a 2 anni,
Categoria C: Carcasse di animali maschi castrati.
- Categorie A: Geslachte niet-gecastreerde jonge mannelijke dieren van minder dan 2 jaar oud,
Categorie C: Geslachte gecastreerde mannelijke dieren.
- Categoria A: Carcaças de jovens animais machos não castrados de menos de dois anos,
Categoria C: Carcaças de animais machos castrados.

Precio mínimo expresado en ecus por 100 kg — Mindestpreise i ECU/100 kg — Mindestpreise,
ausgedrückt in ECU/100 kg — Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά 100 kg — Minimum
prices expressed in ecus per 100 kg — Prix minimaux exprimés en écus par 100 kg — Prezzi minimi
espressi in ECU per 100 kg — Minimumprijzen uitgedrukt in ecu per 100 kg — Preço mínimo expresso
em ecus por 100 kg

BUNDESREPUBLIK DEUTSCHLAND

- *Vorderviertel, auf 8 Rippen geschnitten, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 170,0
- *Hinterviertel, auf 5 Rippen geschnitten, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 170,0
- *Vorderviertel, auf 5 Rippen geschnitten, mit Dünning am Vorderviertel eingeschlossen,
stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 170,0
- *Hinterviertel, auf 8 Rippen geschnitten (Pistola), ohne Dünning, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 170,0

IRELAND

- *Forequarters, straight cut at 10th rib, from:*
Category C, classes U, R and O 170,0
- *Hindquarters, straight cut at third rib, from:*
Category C, classes U, R and O 170,0
- *Forequarters, cut at fifth rib, with thin flank included in the forequarter, from:*
Category C, classes U, R and O 170,0
- *Hindquarters, 'pistola' cut at eighth rib, from:*
Category C, classes U, R and O 170,0

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

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

**BUNDESREPUBLIK
DEUTSCHLAND**

Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Referat 313 — Adickesallee 40
D-6000 Frankfurt am Main 18
Telex 411 156 / 411 727 / 41 38 90
Tel. 0 69 / 15 64 (0) 7 04 / 7 05, Telefax 069-1 564 776, Teletext 6 990 732

IRELAND:

Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

COMMISSION REGULATION (EEC) No 3435/89

of 15 November 1989

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 7 (3) thereof,

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

Whereas certain intervention agencies hold stocks of intervention meat; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 569/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 3434/89 ⁽⁶⁾, and (EEC) No 2182/77 ⁽⁷⁾, as last amended by Regulation (EEC) No 3988/87 ⁽⁸⁾, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EEC) No 2880/89 ⁽⁹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of beef shall be put up for sale for processing within the Community:

— 2 000 tonnes of bone-in beef held by the German intervention agency and bought in before 1 March 1989,

— 725 tonnes of bone-in beef held by the Dutch intervention agency and bought in before 1 April 1989,

— 500 tonnes of bone-in beef held by the French intervention agency and bought in before 1 January 1989,

— 1 000 tonnes of boned beef held by the United Kingdom intervention agency and bought in before 1 April 1989,

— 550 tonnes of boned beef held by the French intervention agency and bought in before 1 January 1989,

— 300 tonnes of boned beef held by the Danish intervention agency and bought in before 1 April 1989,

— 400 tonnes of boned beef held by the Irish intervention agency and bought in before 1 April 1989.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The sales shall be conducted in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 569/88, (EEC) No 2182/77 and this Regulation.

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

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 20 November 1989.

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

Article 2

1. Notwithstanding Article 3' (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase:

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁶⁾ See page 20 of this Official Journal.

⁽⁷⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁸⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁹⁾ OJ No L 277, 27. 9. 1989, p. 14.

(b) must be accompanied by:

- a written undertaking by the applicant to process the meat purchased into products specified in Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,
- a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

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

2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be:

- ECU 100 per 100 kilograms for unboned forequarters,
- ECU 140 per 100 kilograms for boned meat.

Article 4

Regulation (EEC) No 2880/89 is hereby repealed.

Article 5

This Regulation shall enter into force on 20 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkte Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada (*) Mindstepriser i ECU/ton (*) Mindestpreise, ausgedrückt in ECU/Tonne (*) Ελάχιστες τιμές πώλησως εκφραζόμενες σε Ecu ανά τόνο (*) Minimum prices expressed in ecus per tonne (*) Prix minimaux exprimés en écus par tonne (*) Prezzi minimi espressi in ECU per tonnellata (*) Minimumprijzen uitgedrukt in ecu per ton (*) Preço mínimo expresso em ecus por tonelada (*)
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a) Carne sin deshuesar — Ikke udbenet kød — Fleisch mit Knochen — Κρέας μη αποσσεωμένο — Unboned beef — Viande avec os — Carni con osso — Vlees met been — Carne com osso

Bundesrepublik Deutschland	— <i>Vorderviertel</i> , stammend von : Kategorien A/C, Klassen U, R, O	2 000	1 600
Nederland	— <i>Voorvoeten</i> , afkomstig van : Categorie A, klasse R	725	1 600
France	— <i>Quartiers avant</i> , provenant de : catégories A / C, classes U, R, O	500	1 600

b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Αποσσεωμένο κρέας — Boned beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada

France	— <i>Catégorie A / Catégorie C:</i> Caisse B	550	1 800
Ireland	— <i>Category C:</i> Briskets	400	2 100
United Kingdom	— <i>Category C:</i> Clod and sticking Pony Shins and shanks Thin flanks Hindquarter skirt Briskets Striploin flankedge	180 300 30 15 6 400 3	2 500 2 700 2 200 1 600 1 100 2 100 1 100
Danmark	— <i>Kategori A / Kategori C:</i> Øvrigt-kød af forfjerdinger	300	2 500

(*) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

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

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

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

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

(*) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

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

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

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

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

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of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

- DANMARK :** Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
tlf. (01) 15 41 30, telex 15137 DK, telefax 01 926 948
- BUNDESREPUBLIK
DEUTSCHLAND** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Referat 313 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (06 11) 55 04 61 / 55 05 41, Telex 411 156 / 411 727
Tel. 0 69 / 15 64 (0) 7 04 / 7 05, Telefax 069-1 564 651, Teletext 6 990 732
- FRANCE :** OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 45 38 84 00, télex 26 06 43
- IRELAND :** Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- NEDERLAND :** Ministerie van Landbouw en Visserij —
Voedselvoorzieningsin- en verkoopbureau (VIB)
Burg. Kessenplein 3
Postbus 960
6430 AZ Hoensbroek
Tel. 045 / 23 83 83, telefax 045 / 22 27 35, telex 56396
- UNITED KINGDOM :** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302
-

COMMISSION REGULATION (EEC) No 3436/89
of 15 November 1989
fixing the import levy on molasses

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 market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1898/89⁽³⁾, as last amended by Regulation (EEC) No 3358/89⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1898/89 to the information at present available to the Commission

that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 1,39 per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 324, 9. 11. 1989, p. 14.

COMMISSION REGULATION (EEC) No 3437/89
of 15 November 1989
amending Regulation (EEC) No 685/69 on detailed rules of application for
intervention on the market in butter and cream

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 763/89⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Article 23 (5) of Commission Regulation (EEC) No 685/69⁽³⁾, as last amended by Regulation (EEC) No 3600/88⁽⁴⁾, provides that where butter is stored in a Member State other than the Member State of manufacture, conclusion of the storage contract is conditional on the furnishing of proof that the butter fulfils the conditions required for the granting of private storage aid in the Member State of manufacture;

Whereas, pursuant to Article 23 (6) of the abovementioned Regulation, aid applications must reach intervention agencies within at most 30 days of the date of entry into store and storage contracts are to be concluded within at most 30 days of the date of registration of the application;

Whereas, in cases where butter was stored in a Member State other than the Member State of manufacture, the abovementioned proof could not always be furnished within the time limit laid down for the conclusion of the contract for reasons which cannot be ascribed to the storers but which are related to administrative delays;

Whereas, in view of this difficulty, Article 23 (6) of Regulation (EEC) No 685/69 should be amended to provide, for the conclusion of storage contracts, in the cases referred to in paragraph 5 of the same Article, for a maximum time limit of 60 days from the date of entry into storage of the butter;

Whereas the retroactive application of this provision should be permitted, on application by the parties concerned, for the period of entry into private storage from 1 April to 15 September 1989 where the abovementioned proof could not be furnished within the time limit laid down for reasons which cannot be ascribed to the storer;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 23 (6) of Regulation (EEC) No 685/69:

'In the case referred to in paragraph 5, storage contracts shall be concluded within at most 60 days of the date of entry into storage of the butter'.

Article 2

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

However, where the butter was stored in a Member State other than the Member State of manufacture, on application by the party concerned and if the latter provides evidence to the competent agency that the proof referred to in Article 23 (5) of Regulation (EEC) No 685/69 could not be furnished within the time limit of 30 days from the date of registration of the application but was furnished within at most 60 days of the date of entry into storage for reasons beyond his control and exclusively ascribable to administrative delay, storage contracts may be concluded for butter entering storage from 1 April 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 90, 15. 4. 1969, p. 12.

⁽⁴⁾ OJ No L 313, 19. 11. 1988, p. 21.

COMMISSION REGULATION (EEC) No 3438/89
of 15 November 1989
fixing the aid for cotton

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

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2796/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 3333/89 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2796/89 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 43,449 per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 269, 16. 9. 1989, p. 29.

⁽⁵⁾ OJ No L 322, 7. 11. 1989, p. 13.

COMMISSION REGULATION (EEC) No 3439/89

of 15 November 1989

fixing the maximum export refunds on olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2902/89 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3246/89 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3246/89 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 November 1989.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 314, 28. 10. 1989, p. 48.

ANNEX

to the Commission Regulation of 15 November 1989 fixing the maximum export refunds on olive oil for the first partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	63,85
1509 10 90 900	—
1509 90 00 100	74,02
1509 90 00 900	110,09
1510 00 90 100	17,68
1510 00 90 900	53,50

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

COMMISSION REGULATION (EEC) No 3440/89

of 15 November 1989

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1104/88 ⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 3870/88 ⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 2904/89 ⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1989/90 marketing year was fixed by Council Regulation (EEC) No 1246/89 ⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Council Regulation (EEC) No 1247/89 ⁽⁸⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82 ⁽⁹⁾, as last amended by Regulation (EEC) No 1238/87 ⁽¹⁰⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86 ⁽¹¹⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

Whereas, if the aid 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 moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹²⁾, as last amended by Regulation (EEC) No 1636/87 ⁽¹³⁾,
- 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 correcting factor;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 345, 14. 12. 1988, p. 21.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 280, 29. 9. 1989, p. 4.

⁽⁷⁾ OJ No L 129, 11. 5. 1989, p. 7.

⁽⁸⁾ OJ No L 129, 11. 5. 1989, p. 9.

⁽⁹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹⁰⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹¹⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 153, 13. 6. 1987, p. 1.

products from third countries ; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price ;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1938/89 ⁽¹⁾ ; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State ;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has been fixed by Regulation (EEC) No 2656/89 ⁽²⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 187, 1. 7. 1989, p. 68.

⁽²⁾ OJ No L 255, 1. 9. 1989, p. 71.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Peas used :							
— in Spain	6,017	6,175	6,333	6,491	6,649	6,807	6,807
— in Portugal	6,059	6,217	6,375	6,533	6,691	6,849	6,849
— in another Member State	6,374	6,532	6,690	6,848	7,006	7,164	7,164
Field beans used :							
— in Spain	6,374	6,532	6,690	6,848	7,006	7,164	7,164
— in Portugal	6,059	6,217	6,375	6,533	6,691	6,849	6,849
— in another Member State	6,374	6,532	6,690	6,848	7,006	7,164	7,164

Products used in animal feed :

(ECU per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
A. Peas used :							
— in Spain	9,540	9,870	10,027	10,099	10,256	10,414	10,931
— in Portugal	9,263	9,599	9,756	9,825	9,982	10,140	10,674
— in another Member State	9,635	9,963	10,121	10,193	10,351	10,508	11,020
B. Field beans used :							
— in Spain	9,540	9,870	10,027	10,099	10,256	10,414	10,931
— in Portugal	9,263	9,599	9,756	9,825	9,982	10,140	10,674
— in another Member State	9,635	9,963	10,121	10,193	10,351	10,508	11,020
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,667	11,897	11,897	11,782	11,782	11,782	12,472
— in Portugal	11,298	11,536	11,536	11,417	11,417	11,417	12,130
— in another Member State	11,794	12,022	12,022	11,908	11,908	11,908	12,591
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,657	11,887	11,887	11,772	11,772	11,772	12,462
— in Portugal	11,288	11,526	11,526	11,407	11,407	11,407	12,120
— in another Member State	11,784	12,012	12,012	11,898	11,898	11,898	12,581

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Products harvested in :							
— BLEU (Bfrs/Lfrs)	307,78	315,41	323,04	330,67	338,30	345,93	345,93
— Denmark (Dkr)	56,92	58,33	59,74	61,15	62,56	63,98	63,98
— Federal Republic of Germany (DM)	15,05	15,42	15,80	16,17	16,54	16,91	16,91
— Greece (Dr)	776,54	805,06	833,58	862,11	890,63	919,15	919,15
— Spain (Pta)	982,95	1 007,32	1 031,68	1 056,05	1 080,42	1 104,78	1 104,78
— France (FF)	49,07	50,28	51,50	52,72	53,93	55,15	55,15
— Ireland (£ Irl)	5,461	5,596	5,732	5,867	6,002	6,138	6,138
— Italy (Lit)	10 721	10 987	11 253	11 518	11 784	12 050	12 050
— Netherlands (Fl)	16,81	17,23	17,65	18,06	18,48	18,90	18,90
— Portugal (Esc)	1 223,82	1 254,16	1 284,49	1 314,83	1 345,17	1 375,50	1 375,50
— United Kingdom (£)	3,281	3,393	3,504	3,615	3,727	3,838	3,838

Amounts to be deducted in the case of :

- Peas used in Spain (Pta): 55,05,
- Peas, and field beans used in Portugal (Esc): 60,48.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Products harvested in :							
— BLEU (Bfrs/Lfrs)	465,24	481,08	488,71	492,19	499,82	507,40	532,12
— Denmark (Dkr)	86,04	88,97	90,38	91,02	92,44	93,84	98,41
— Federal Republic of Germany (DM)	22,75	23,52	23,90	24,07	24,44	24,81	26,02
— Greece (Dr)	1 423,32	1 485,56	1 514,09	1 525,55	1 554,07	1 582,40	1 683,95
— Spain (Pta)	1 485,84	1 536,42	1 560,79	1 571,89	1 596,26	1 620,47	1 699,43
— France (FF)	74,17	76,69	77,91	78,46	79,68	80,89	84,83
— Ireland (£ Irl)	8,255	8,536	8,671	8,733	8,868	9,003	9,442
— Italy (Lit)	16 206	16 758	17 024	17 145	17 410	17 674	18 536
— Netherlands (Fl)	25,42	26,28	26,70	26,89	27,30	27,72	29,07
— Portugal (Esc)	1 849,94	1 912,92	1 943,25	1 957,08	1 987,41	2 017,56	2 115,86
— United Kingdom (£)	5,769	6,010	6,121	6,167	6,278	6,389	6,780
Amounts to be deducted in the case of use :							
— Spain (Pta)	14,65	14,34	14,50	14,50	14,65	14,50	13,72
— Portugal (Esc)	71,42	69,89	70,08	70,66	70,85	70,66	66,43

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (FB/Flux)	0,00	0,00	0,00	41,96	0,00	0,00	0,00	0,00	0,00	0,00	35,37
— Denmark (Dkr)	0,00	0,00	0,00	7,76	0,00	0,00	0,00	0,00	0,00	0,00	6,54
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,05	0,00	0,00	0,00	0,00	0,00	0,00	1,73
— Greece (Dr)	0,00	0,00	0,00	172,37	0,00	0,00	0,00	0,00	0,00	0,00	145,30
— Spain (Pta)	0,00	0,00	0,00	134,02	0,00	0,00	0,00	0,00	0,00	0,00	112,97
— France (FF)	0,00	0,00	0,00	6,69	0,00	0,00	0,00	0,00	0,00	0,00	5,64
— Ireland (£ Irl)	0,000	0,000	0,000	0,745	0,000	0,000	0,000	0,000	0,000	0,000	0,628
— Italy (Lit)	0	0	0	1462	0	0	0	0	0	0	1232
— Netherlands (Fl)	0,00	0,00	0,00	2,29	0,00	0,00	0,00	0,00	0,00	0,00	1,93
— Portugal (Esc)	0,00	0,00	0,00	166,86	0,00	0,00	0,00	0,00	0,00	0,00	140,66
— United Kingdom (£)	0,000	0,000	0,000	0,663	0,000	0,000	0,000	0,000	0,000	0,000	0,559

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Products harvested in :							
— BLEU (Bfrs/Lfrs)	465,24	481,08	488,71	492,19	499,82	507,40	532,12
— Denmark (Dkr)	86,04	88,97	90,38	91,02	92,44	93,84	98,41
— Federal Republic of Germany (DM)	22,75	23,52	23,90	24,07	24,44	24,81	26,02
— Greece (Dr)	1 423,32	1 485,56	1 514,09	1 525,55	1 554,07	1 582,40	1 683,95
— Spain (Pta)	1 485,84	1 536,42	1 560,79	1 571,89	1 596,26	1 620,47	1 699,43
— France (FF)	74,17	76,69	77,91	78,46	79,68	80,89	84,83
— Ireland (£ Irl)	8,255	8,536	8,671	8,733	8,868	9,003	9,442
— Italy (Lit)	16 206	16 758	17 024	17 145	17 410	17 674	18 536
— Netherlands (Fl)	25,42	26,28	26,70	26,89	27,30	27,72	29,07
— Portugal (Esc)	1 849,94	1 912,92	1 943,25	1 957,08	1 987,41	2 017,56	2 115,86
— United Kingdom (£)	5,769	6,010	6,121	6,167	6,278	6,389	6,780
Amounts to be deducted in the case of use :							
— Spain (Pta)	14,65	14,34	14,50	14,50	14,65	14,50	13,72
— Portugal (Esc)	71,42	69,89	70,08	70,66	70,85	70,66	66,43

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	41,96	0,00	0,00	0,00	0,00	0,00	0,00	35,37
— Denmark (Dkr)	0,00	0,00	0,00	7,76	0,00	0,00	0,00	0,00	0,00	0,00	6,54
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,05	0,00	0,00	0,00	0,00	0,00	0,00	1,73
— Greece (Dr)	0,00	0,00	0,00	172,37	0,00	0,00	0,00	0,00	0,00	0,00	145,30
— Spain (Pta)	0,00	0,00	0,00	134,02	0,00	0,00	0,00	0,00	0,00	0,00	112,97
— France (FF)	0,00	0,00	0,00	6,69	0,00	0,00	0,00	0,00	0,00	0,00	5,64
— Ireland (£ Irl)	0,000	0,000	0,000	0,745	0,000	0,000	0,000	0,000	0,000	0,000	0,628
— Italy (Lit)	0	0	0	1 462	0	0	0	0	0	0	1 232
— Netherlands (Fl)	0,00	0,00	0,00	2,29	0,00	0,00	0,00	0,00	0,00	0,00	1,93
— Portugal (Esc)	0,00	0,00	0,00	166,86	0,00	0,00	0,00	0,00	0,00	0,00	140,66
— United Kingdom (£)	0,000	0,000	0,000	0,663	0,000	0,000	0,000	0,000	0,000	0,000	0,559

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed :

(in national currency per 100 kg)

	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
Products harvested in :							
— BLEU (Bfrs/Lfrs)	569,01	580,02	580,02	574,52	574,52	574,52	607,50
— Denmark (Dkr)	105,23	107,27	107,27	106,25	106,25	106,25	112,35
— Federal Republic of Germany (DM)	27,82	28,36	28,36	28,09	28,09	28,09	29,70
— Greece (Dr)	1 807,22	1 852,45	1 852,45	1 829,84	1 829,84	1 829,84	1 965,30
— Spain (Pta)	1 817,25	1 852,41	1 852,41	1 834,83	1 834,83	1 834,83	1 940,15
— France (FF)	90,71	92,47	92,47	91,59	91,59	91,59	96,85
— Ireland (£ Irl)	10,096	10,291	10,291	10,194	10,194	10,194	10,779
— Italy (Lit)	19 821	20 204	20 204	20 012	20 012	20 012	21 161
— Netherlands (Fl)	31,08	31,69	31,69	31,39	31,39	31,39	33,19
— Portugal (Esc)	2 262,55	2 306,33	2 306,33	2 284,44	2 284,44	2 284,44	2 415,58
— United Kingdom (£)	7,271	7,445	7,445	7,358	7,358	7,358	7,879
Amounts to be deducted in the case of use in :							
— Spain (Pta)	19,59	19,28	19,28	19,43	19,43	19,43	18,35
— Portugal (Esc)	95,23	93,31	93,31	94,27	94,27	94,27	88,51

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	30,52	0,00	0,00	0,00	0,00	0,00	0,00	25,73
— Denmark (Dkr)	0,00	0,00	0,00	5,64	0,00	0,00	0,00	0,00	0,00	0,00	4,76
— Federal Republic of Germany (DM)	0,00	0,00	0,00	1,49	0,00	0,00	0,00	0,00	0,00	0,00	1,26
— Greece (Dr)	0,00	0,00	0,00	125,36	0,00	0,00	0,00	0,00	0,00	0,00	105,67
— Spain (Pta)	0,00	0,00	0,00	97,47	0,00	0,00	0,00	0,00	0,00	0,00	82,16
— France (FF)	0,00	0,00	0,00	4,87	0,00	0,00	0,00	0,00	0,00	0,00	4,10
— Ireland (£ Irl)	0,000	0,000	0,000	0,542	0,000	0,000	0,000	0,000	0,000	0,000	0,456
— Italy (Lit)	0	0	0	1 063	0	0	0	0	0	0	896
— Netherlands (Fl)	0,00	0,00	0,00	1,67	0,00	0,00	0,00	0,00	0,00	0,00	1,41
— Portugal (Esc)	0,00	0,00	0,00	121,35	0,00	0,00	0,00	0,00	0,00	0,00	102,29
— United Kingdom (£)	0,000	0,000	0,000	0,482	0,000	0,000	0,000	0,000	0,000	0,000	0,406

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4582	7,85212	2,05853	182,285	129,953	6,90403	0,768411	1 498,49	2,31943	174,331	0,701582

COMMISSION REGULATION (EEC) No 3441/89
of 15 November 1989
fixing the aid for soya beans

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (7) thereof,

Having regard to Council Regulation 2286/88 of 19 July 1988 providing for the granting of special aid for soya beans produced and processed in Portugal ⁽³⁾,

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 3305/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3305/89 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the aid provided for in Regulation (EEC) No 1491/85 and the amount of the special aid provided for in Article 1 of Regulation (EEC) No 2286/88 in the case of Portugal shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.
⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.
⁽³⁾ OJ No L 201, 27. 7. 1988, p. 2.
⁽⁴⁾ OJ No L 320, 1. 11. 1989, p. 64.

ANNEX

to the Commission Regulation of 15 November 1989 fixing the aid for soya beans

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in current period			
— Spain	0,000	25,603	25,603
— Portugal	17,676	25,603 (*)	25,603
— another Member State	17,676	25,603	25,603
Seed processed in first period			
— Spain	0,000	25,583	25,583
— Portugal	17,656	25,583 (*)	25,583
— another Member State	17,656	25,583	25,583
Seed processed in second period			
— Spain	0,000	25,483	25,483
— Portugal	17,556	25,483 (*)	25,483
— another Member State	17,556	25,483	25,483
Seed processed in third period			
— Spain	0,000	25,343	25,343
— Portugal	17,416	25,343 (*)	25,343
— another Member State	17,416	25,343	25,343
Seed processed in fourth period			
— Spain	0,000	25,224	25,224
— Portugal	17,297	25,224 (*)	25,224
— another Member State	17,297	25,224	25,224
Seed processed in fifth period			
— Spain	0,000	25,964	25,964
— Portugal	18,037	25,964 (*)	25,964
— another Member State	18,037	25,964	25,964

(*) Special aid.

COMMISSION REGULATION (EEC) No 3442/89
of 15 November 1989
fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 3417/89 ⁽⁴⁾;

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 16 November 1989.

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

Done at Brussels, 15 November 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 329, 15. 11. 1989, p. 29.

ANNEX

to the Commission Regulation of 15 November 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	25,40 ⁽¹⁾
1701 11 90	25,40 ⁽¹⁾
1701 12 10	25,40 ⁽¹⁾
1701 12 90	25,40 ⁽¹⁾
1701 91 00	33,48
1701 99 10	33,48
1701 99 90	33,48 ⁽²⁾

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

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

COUNCIL REGULATION (EEC) No 3443/89

of 14 November 1989

amending Regulation (EEC) No 2347/87 imposing a definitive anti-dumping duty on mechanical wrist-watches originating in the Union of Soviet Socialist Republics

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Article 1 (3) of Regulation (EEC) No 2347/87⁽²⁾, as amended by Regulation (EEC) No 486/88⁽³⁾, mistakenly provides that the free-at-Community-frontier price, not cleared through customs, shall be lowered by 1 % for each month by which payment is actually deferred; whereas, in a formula used regularly in other such Regulations imposing anti-dumping duties, the abovementioned price is increased or reduced by 1 % for each month by which the payment period is lengthened or shortened; whereas that Regulation should be amended so that its wording corresponds to that of other such Regulations;

Whereas this amendment is not such that it will affect the five-year period of application of the measure adopted under Regulation (EEC) No 2347/87,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (3) of Regulation (EEC) No 2347/87 is hereby replaced by the following:

'3. The free-at-Community-frontier price, not cleared through customs, shall be deemed net if the terms and conditions of sale provide that payment shall be made within 30 days of the date of dispatch; it shall be increased or decreased by 1 % for each month by which this period is lengthened or shortened.'

Article 2

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

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

Done at Brussels, 14 November 1989.

For the Council

The President

R. FAUROUX

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 213, 4. 8. 1987, p. 5.

⁽³⁾ OJ No L 50, 24. 2. 1988, p. 5.

COUNCIL REGULATION (EEC) No 3444/89

of 14 November 1989

extending the provisional anti-dumping duty on imports of certain compact disc players originating in Japan and South Korea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas:

By Regulation (EEC) No 2140/89⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of certain compact disc players originating in Japan and South Korea;

The examination of the facts has not yet been completed and the Commission has informed the Japanese and South Korean exporters concerned of its intention to propose an extension of the period of validity of the provisional duty for a further period not exceeding two

months. Exporters representing a significant percentage of the trade involved raised no objection,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duty on imports of certain compact disc players originating in Japan and South Korea, imposed by Regulation (EEC) No 2140/89, is hereby extended for a period not exceeding two months.

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

This Regulation shall apply, without prejudice to Article 11 of Regulation (EEC) No 2423/88 and to any other decision taken by the Council, until the entry into force of an act of the Council adopting definitive measures.

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

Done at Brussels, 14 November 1989.

*For the Council**The President*

R. FAUROUX

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.⁽²⁾ OJ No L 205, 18. 7. 1989, p. 5.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 November 1989

authorizing the Federal Republic of Germany and the Hellenic Republic to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the German and Greek texts are authentic)

(89/589/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽¹⁾, as last amended by Directive 88/380/EEC⁽²⁾, and in particular Article 15 (2) and (3) thereof,

Having regard to the applications lodged by Germany and Greece,

Whereas, pursuant to Article 15 (1) of Directive 70/457/EEC, seed or propagating material of varieties of agricultural plant species which have been officially accepted during 1987 in at least one of the Member States and which also meets the conditions laid down in Directive 70/457/EEC is, with effect from 31 December 1989, no longer subject to any marketing restrictions relating to the variety in the Community;

Whereas, however, Article 15 (2) of Directive 70/457/EEC provides that, in the cases set out in Article 15 (3), a Member State may be authorized, upon application, to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the application of Germany concerns varieties of oats of the winter type and varieties of maize with a Food and Agricultural Organization (FAO) maturity class index over 350; whereas it is well known that varieties of winter oats and varieties of maize with an FAO maturity class index over 350 are not at present suitable for cultivation

in Germany (Article 15 (3) (c), second case, of Directive 70/457/EEC); whereas, therefore, the application of Germany in respect of these varieties should be granted in full;

Whereas the application of Greece concerns early varieties of soya bean; whereas it is also well known that early varieties of soya bean are not at present suitable for cultivation in Greece (Article 15 (3) (c), second case, of Directive 70/457/EEC); whereas, therefore, the application of Greece in respect of these varieties should be granted in full;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized to prohibit the marketing in its territory of seed of the following varieties to be listed in the 1990 Common catalogue of varieties of agricultural plant species:

Cereals:

1. *Avena sativa* L. — Oats

Aintree
Cigale
Craig
Sonar

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ OJ No L 187, 16. 7. 1988, p. 31.

2. *Zea mays* L. — Maize

Adon
Aldan
Alvarado
Alvor
Americano
Aneto 810
Armstrong
Atrix
Australia I
Axios
Baila
Barros
Basic
Basko
Bianca
Binar
Brando
Brasiliano
Briga
Cadillac
Clint
Crocus
Crusader
Danika
Decibel
Devil
Doris
Duetto
Elvis
Eor 4306
Flamingo
Floyd
Ginestra
Golf
Halley
Ilex
Intrepid
Ivana
Joe
Kneza 614
Kneza 641
Laurus
Lavaredo
Leira
Marian
Matis
Mercurio
Messicano
Mike
Mistral
Modigliani
Molly
MU 520
Nasa
NC + 4695
NC + 7507
Nepris
Octopus
Orion
Ortis
Otello

Pamir
Pan
Pecos
Picasso
Praxis
Radiant
Resegone
Rinkor
Ronilo
Ronix
Ronomax
Saga
Segre
Sinni
Sarbus
Telos
Tiber
Tilia
Tygra
Ulmus
Varan
Volta
White (Bianco)

Article 2

The Hellenic Republic is hereby authorized to prohibit the marketing in its territory of seed of the following varieties to be listed in the 1990 Common catalogue of varieties of agricultural plant species:

Oil and Fibre plants

Glycine max (L.) Merr. — Soya bean

Labrador
Valdor
Dawson

Article 3

The authorizations given in Articles 1 and 2 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 4

The Federal Republic of Germany and the Hellenic Republic shall notify the Commission and the other Member States of the date from which they make use of the authorizations given in Articles 1 and 2 respectively and the detailed methods to be followed.

Article 5

This Decision is addressed to the Federal Republic of Germany and the Hellenic Republic.

Done at Brussels, 8 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 8 November 1989

authorizing the Kingdom of Spain to permit temporarily the marketing of durum wheat seed not satisfying the requirements of Council Directive 66/402/EEC

(89/590/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽¹⁾, as last amended by Directive 89/2/EEC⁽²⁾, and in particular Article 17 thereof,

Having regard to the request submitted by the Kingdom of Spain,

Whereas in Spain the production of seed of durum wheat satisfying the requirements of Directive 66/402/EEC has been insufficient in 1989 and therefore is not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with seed from other Member States, or from third countries, satisfying all the requirements laid down in the said Directive;

Whereas the Kingdom of Spain should therefore be authorized to permit for a period expiring on 31 March 1990, the marketing of seed of the abovementioned species subject to less stringent requirements;

Whereas, moreover, other Member States, which are able to supply Spain with such seed not satisfying the requirements of the Directive should be authorized to permit the marketing of such seed provided it is intended for Spain;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Spain is authorized to permit, for a period expiring on 31 March 1990 the marketing in its territory of a maximum of 2 700 tonnes of seed of durum

wheat (*Triticum durum* Desf.) of very early, short-stemmed varieties of the categories 'certified seed of the first generation' or 'certified seed of the second generation', which does not satisfy the requirements laid down in Annex II to Directive 66/402/EEC with regard to the minimum germination capacity, provided that the following requirements are satisfied:

- (a) the germination capacity is at least 80 % of pure seed;
- (b) the official label shall bear the following endorsements:
 - 'minimum germination capacity 80 %',
 - 'intended exclusively for Spain'.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a maximum of 2 700 000 of durum wheat seed provided that it is intended exclusively for Spain. The official label shall bear the endorsements referred to in Article 1 (b).

Article 3

Member States shall notify the Commission before 31 May 1990 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 8 November 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽²⁾ OJ No L 5, 7. 1. 1989, p. 31.

COMMISSION DECISION**of 8 November 1989****adjusting the weightings applicable from 1 October 1989 to the remuneration of officials of the European Communities serving in non-member countries****(89/591/EEC, Euratom, ECSC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES

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

Having regard to the Staff Regulations of officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 2187/89 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EEC, Euratom, ECSC) No 2899/89 ⁽³⁾ laid down the weightings to be applied from 1 July 1989 to the remuneration of officials serving in non-member countries payable in the currency of their country of employment;

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

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

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 October 1989 the weightings applicable to the remuneration of officials serving in non-member countries payable in the currency of their country of employment are adjusted as shown in the Annex.

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

Done at Brussels, 8 November 1989.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 209, 21. 7. 1989, p. 1.

⁽³⁾ OJ No L 279, 28. 9. 1989, p. 30.

⁽⁴⁾ OJ No L 203, 15. 7. 1989, p. 55 and OJ No L 324, 9. 11. 1989, p. 31.

ANNEX

Country of employment	Weighting
Brazil	52,15
Indonesia	80,00
Lebanon	22,84
Somalia	36,74
Swaziland	46,28
Turkey	58,54
Uruguay	58,16
Yugoslavia	30,71
Zaire	80,87
Zambia	70,45