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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 556/89

of 30 November 1988

on the application of Article 85 (3) of the Treaty to certain categories of know-how licensing agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular to Article 1 thereof,

Having published a draft of this Regulation⁽²⁾,

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

Whereas :

- (1) Regulation No 19/65/EEC empowers the Commission to apply Article 85 (3) of the Treaty by Regulation to certain categories of bilateral agreements and concerted practices falling within the scope of Article 85 (1) which include restrictions imposed in relation to the acquisition or use of industrial property rights, in particular patents, utility models, designs or trade marks, or to the rights arising out of contracts for assignment of, or the right to use, a method of manufacture or knowledge relating to the use or application of industrial processes.

The increasing economic importance of non-patented technical information (e.g. descriptions of manufacturing processes, recipes, formulae, designs or drawings), commonly termed 'know-how', the large number of agreements currently being concluded by undertakings including public research facilities solely for the exploitation of such information (so-called 'pure' know-how licensing agreements) and the fact that the transfer of

know-how is, in practice, frequently irreversible make it necessary to provide greater legal certainty with regard to the status of such agreements under the competition rules, thus encouraging the dissemination of technical knowledge in the Community. In the light of experience acquired so far, it is possible to define a category of such know-how licensing agreements covering all or part of the common market which are capable of falling within the scope of Article 85 (1) but which can normally be regarded as satisfying the conditions laid down in Article 85 (3), where the licensed know-how is secret, substantial and identified in any appropriate form ('the know-how'). These definitional requirements are only intended to ensure that the communication of the know-how provides a valid justification for the application of the present Regulation and in particular for the exemption of obligations which are restrictive of competition.

A list of definitions for the purposes of this Regulation is set out in Article 1.

- (2) As well as pure know-how agreements, mixed know-how and patent licensing agreements play an increasingly important role in the transfer of technology. It is therefore appropriate to include within the scope of this Regulation mixed agreements which are not exempted by Commission Regulation (EEC) No 2349/84 (Article 1, 2 or 4)⁽³⁾ and in particular the following :

— mixed agreements in which the licensed patents are not necessary for the achievement of the objects of the licensed technology containing both patented and non-patented elements; this may be the case where such patents do not afford effective protection

⁽¹⁾ OJ No 36, 6. 3. 1965, p. 533/65.

⁽²⁾ OJ No C 214, 12. 8. 1987, p. 2.

⁽³⁾ OJ No L 219, 16. 8. 1984, p. 15.

against the exploitation of the technology by third parties;

- mixed agreements which, regardless of whether or not the licensed patents are necessary, for the achievement of the objects of the licensed technology, contain obligations which restrict the exploitation of the relevant technology by the licensor or the licensee in Member States without patent protection, in so far and as long as such obligations are based in whole or in part on the exploitation of the licensed know-how and fulfil the other conditions set out in this Regulation.

It is also appropriate to extend the scope of this Regulation to pure or mixed agreements containing ancillary provisions relating to trade marks and other intellectual property rights where there are no obligations restrictive of competition other than those also attached to the know-how and exempted under the present Regulation.

However, such agreements, too, can only be regarded as fulfilling the conditions of Article 85 (3) for the purposes of this Regulation where the licensed technical knowledge is secret, substantial and identified.

- (3) The provisions of the present Regulation are not applicable to agreements covered by Regulation (EEC) No 2349/84 on patent licensing agreements.
- (4) Where such pure or mixed know-how licensing agreements contain not only obligations relating to territories within the common market but also obligations relating to non-member countries, the presence of the latter does not prevent the present Regulation from applying to the obligations relating to territories within the common market.

However, where know-how licensing agreements for non-member countries or for territories which extend beyond the frontiers of the Community have effects within the common market which may fall within the scope of Article 85 (1), such agreements should be covered by the Regulation to the same extent as would agreements for territories within the common market.

- (5) It is not appropriate to include within the scope of the Regulation agreements solely for the purpose of sale, except where the licensor undertakes for a preliminary period before the licensee himself commences production using the licensed technology to supply the contract products for sale

by the licensee. Also excluded from the scope of the Regulation are agreements relating to marketing know-how communicated in the context of franchising arrangements⁽¹⁾ or to know-how agreements entered into in connection with arrangements such as joint ventures or patent pools and other arrangements in which the licensing of the know-how occurs in exchange for other licences not related to improvements to or new applications of that know-how, as such agreements pose different problems which cannot at present be dealt with in one Regulation (Article 5).

- (6) Exclusive licensing agreements, i.e. agreements in which the licensor undertakes not to exploit the licensed technology in the licensed territory himself or to grant further licences there, may not be in themselves incompatible with Article 85 (1) where they are concerned with the introduction and protection of a new technology in the licensed territory, by reason of the scale of the research which has been undertaken and of the increase in the level of competition, in particular interbrand competition, and in the competitiveness of the undertakings concerned resulting from the dissemination of innovation within the Community.

In so far as agreements of this kind fall in other circumstances within the scope of Article 85 (1), it is appropriate to include them in Article 1, in order that they may also benefit from the exemption.

- (7) Both these and the other obligations listed in Article 1 encourage the transfer of technology and thus generally contribute to improving the production of goods and to promoting technical progress, by increasing the number of production facilities and the quality of goods produced in the common market and expanding the possibilities of further development of the licensed technology. This is true, in particular, of an obligation on the licensee to use the licensed product only in the manufacture of its own products, since it gives the licensor an incentive to disseminate the technology in various applications while reserving the separate sale of the licensed product to himself or other licensees. It is also true of obligations on the licensor and on the licensee to refrain not only from active but also from passive competition, in the licensed territory, in the case of the licensor, and in the territories reserved for the licensor or

⁽¹⁾ Commission Regulation (EEC) No 4087/88 of 30 November 1988 on the application of Article 85 (3) of the Treaty to categories of franchising agreements (OJ No L 359, 28. 12. 1988, p. 46).

other licensees in the case of the licensee. The users of technologically new or improved products requiring major investment are often not final consumers but intermediate industries which are well informed about prices and alternative sources of supply of the products within the Community. Hence, protection against active competition only would not afford the parties and other licensees the security they needed, especially during the initial period of exploitation of the licensed technology when they would be investing in tooling up and developing a market for the product and in effect increasing demand.

In view of the difficulty of determining the point at which know-how can be said to be no longer secret, and the frequent licensing of a continuous stream of know-how, especially where technology in the industry is rapidly evolving, it is appropriate to limit to a fixed number of years the periods of territorial protection, of the licensor and the licensee from one another, and as between licensees, which are automatically covered by the exemption. Since, as distinguished from patent licences, know-how licences are frequently negotiated after the goods or services incorporating the licensed technology have proved successful on the market, it is appropriate to take for each licensed territory the date of signature of the first licence agreement entered into for that territory by the licensor in respect of the same technology as the starting point for the permitted periods of territorial protection of the licensor and licensee from one another. As to the protection of a licensee from manufacture, use, active or passive sales by other licensees the starting point should be the date of signature of the first licence agreement entered into by the licensor within the EEC. The exemption of the territorial protection shall apply for the whole duration of such allowed periods as long as the know-how remains secret and substantial, irrespective of when the Member States in question joined the Community and provided that each of the licensees, the restricted as well as the protected one, manufactures the licensed product himself or has it manufactured.

Exemption under Article 85 (3) of longer periods of territorial protection, in particular to protect expensive and risky investment or where the parties were not already competitors before the grant of the licence, can only be granted by individual decision. On the other hand, parties are free to extend the term of their agreement to exploit any

subsequent improvements and to provide for the payment of additional royalties. However, in such cases, further periods of territorial protection, starting from the date of licensing of the improvements in the EEC, may be allowed only by individual decision, in particular where the improvements to or new applications of the licensed technology are substantial and secret and not of significantly less importance than the technology initially granted or require new expensive and risky investment.

(8) However, it is appropriate in cases where the same technology is protected in some Member States by necessary patents within the meaning of recital 9 of Regulation (EEC) No 2349/84 to provide with respect to those Member States an exemption under this Regulation for the territorial protection of the licensor and licensee from one another and as between licensees against manufacture, use and active sales in each other's territory for the full life of the patents existing in such Member States.

(9) The obligations listed in Article 1 also generally fulfil the other conditions for the application of Article 85 (3). Consumers will as a rule be allowed a fair share of the benefit resulting from the improvement in the supply of goods on the market. Nor do the obligations impose restrictions which are not indispensable to the attainment of the abovementioned objectives. Finally, competition at the distribution stage is safeguarded by the possibility of parallel imports, which may not be hindered by the parties in any circumstances. The exclusivity obligations covered by the Regulation thus do not normally entail the possibility of eliminating competition in respect of a substantial part of the products in question. This also applies in the case of agreements which grant exclusive licences for a territory covering the whole of the common market where there is the possibility of parallel imports from third countries, or where there are other competing technologies on the market, since then the territorial exclusivity may lead to greater market integration and stimulate Community-wide interbrand competition.

(10) It is desirable to list in the Regulation a number of obligations that are commonly found in know-how licensing agreements but are normally not restrictive of competition and to provide that in the event that because of the particular economic or legal circumstances they should fall within Article 85 (1), they also would be covered by the exemption. This list, in Article 2, is not exhaustive.

- (11) The Regulation must also specify what restrictions or provisions may not be included in know-how licensing agreements if these are to benefit from the block exemption. The restrictions, which are listed in Article 3, may fall under the prohibition of Article 85 (1), but in their case there can be no general presumption that they will lead to the positive effects required by Article 85 (3), as would be necessary for the granting of a block exemption, and consequently an exemption can be granted only on an individual basis.
- (12) Agreements which are not automatically covered by the exemption because they contain provisions that are not expressly exempted by the Regulation and not expressly excluded from exemption, including those listed in Article 4 (2) of the Regulation, may nonetheless generally be presumed to be eligible for application of the block exemption. It will be possible for the Commission rapidly to establish whether this is the case for a particular agreement. Such agreements should therefore be deemed to be covered by the exemption provided for in this Regulation where they are notified to the Commission and the Commission does not oppose the application of the exemption within a specified period of time.
- (13) If individual agreements exempted by this Regulation nevertheless have effects which are incompatible with Article 85 (3), the Commission may withdraw the benefit of the block exemption (Article 7).
- (14) The list in Article 2 includes among others obligations on the licensee to cease using the licensed know-how after the termination of the agreement ('post-term use ban') (Article 2 (1) (3)) and to make improvements available to the licensor (grant-back clause) (Article 2 (1) (4)). A post-term use ban may be regarded as a normal feature of the licensing of know-how as otherwise the licensor would be forced to transfer his know-how in perpetuity and this could inhibit the transfer of technology. Moreover, undertakings by the licensee to grant back to the licensor a licence for improvements to the licensed know-how and/or patents are generally not restrictive of competition if the licensee is entitled by the contract to share in future experience and inventions made by the licensor and the licensee retains the right to disclose experience acquired or grant licences to third parties where to do so would not disclose the licensor's know-how.
- licensee to make his improvements to the know-how available to the licensor, even on a non-exclusive and reciprocal basis, and to allow the licensor to continue using them even after the expiry of the agreement. This is so because in such a case the licensee has no possibility of inducing the licensor to authorize him to continue exploiting the originally licensed know-how, and hence the licensee's own improvements as well, after the expiry of the agreement.
- (15) The list in Article 2 also includes an obligation on the licensee to keep paying royalties until the end of the agreement independently of whether or not the licensed know-how has entered into the public domain through the action of third parties (Article 2 (1) (7)). As a rule, parties do not need to be protected against the foreseeable financial consequences of an agreement freely entered into and should therefore not be restricted in their choice of the appropriate means of financing the technology transfer. This applies especially where know-how is concerned since here there can be no question of an abuse of a legal monopoly and, under the legal systems of the Member States, the licensee may have a remedy in an action under the applicable national law. Furthermore, provisions for the payment of royalties in return for the grant of a whole package of technology throughout an agreed reasonable period independently of whether or not the know-how has entered into the public domain, are generally in the interest of the licensee in that they prevent the licensor demanding a high initial payment up front with a view to diminishing his financial exposure in the event of premature disclosure. Parties should be free, in order to facilitate payment by the licensee, to spread the royalty payments for the use of the licensed technology over a period extending beyond the entry of the know-how into the public domain. Moreover, continuous payments should be allowed throughout the term of the agreement in cases where both parties are fully aware that the first sale of the product will necessarily disclose the know-how. Nevertheless, the Commission may, where it was clear from the circumstances that the licensee would have been able and willing to develop the know-how himself in a short period of time, in comparison with which the period of continuing payments is excessively long, withdraw the benefit of the exemption under Article 7 of this Regulation.

On the other hand, a restrictive effect on competition arises where the agreement contains both a post-term use ban and an obligation on the

Finally, the use of methods of royalties calculation which are unrelated to the exploitation of the licensed technology or the charging of royalties on

products whose manufacture at no stage includes the use of any of the licensed patents or secret techniques would render the agreement ineligible for the block exemption (Article 3 (5)). The licensee should also be freed from his obligation to pay royalties, where the know-how becomes publicly known through the action of the licensor. However, the mere sale of the product by the licensor or an undertaking connected with him does not constitute such an action (Article 2 (1) (7) and Article 3 (5)).

(16) An obligation on the licensee to restrict his exploitation of the licensed technology to one or more technical fields of application ('fields of use') or to one or more product markets is also not caught by Article 85 (1) (Article 2 (1) (8)). This obligation is not restrictive of competition since the licensor can be regarded as having the right to transfer the know-how only for a limited purpose. Such a restriction must however not constitute a disguised means of customer sharing.

(17) Restrictions which give the licensor an unjustified competitive advantage, such as an obligation on the licensee to accept quality specifications, other licences or goods and services that the licensee does not want from the licensor, prevent the block exemption from being applicable. However, this does not apply where it can be shown that the licensee wanted such specifications, licences, goods or services for reasons of his own convenience (Article 3 (3)).

(18) Restrictions whereby the parties share customers within the same technological field of use or the same product market, either by an actual prohibition on supplying certain classes of customer or an obligation with an equivalent effect, would also render the agreement ineligible for the block exemption (Article 3 (6)).

This does not apply to cases where the know-how licence is granted in order to provide a single customer with a second source of supply. In such a case, a prohibition on the licensee from supplying persons other than the customer concerned may be indispensable for the grant of a licence to the second supplier since the purpose of the transaction is not to create an independent supplier in the market. The same applies to limitations on the quantities the licensee may supply to the customer concerned. It is also reasonable to assume that such restrictions contribute to improving the production of goods and to promoting technical progress by

furthering the dissemination of technology. However, given the present state of experience of the Commission with respect to such clauses and the risk in particular that they might deprive the second supplier of the possibility of developing his own business in the fields covered by the agreement it is appropriate to make such clauses subject to the opposition procedure (Article 4 (2)).

(19) Besides the clauses already mentioned, the list of restrictions precluding application of the block exemption in Article 3 also includes restrictions regarding the selling prices of the licensed product or the quantities to be manufactured or sold, since they limit the extent to which the licensee can exploit the licensed technology and particularly since quantity restrictions may have the same effect as export bans (Article 3 (7) and (8)). This does not apply where a licence is granted for use of the technology in specific production facilities and where both a specific know-how is communicated for the setting-up, operation and maintenance of these facilities and the licensee is allowed to increase the capacity of the facilities or to set up further facilities for its own use on normal commercial terms. On the other hand, the licensee may lawfully be prevented from using the licensor's specific know-how to set up facilities for third parties, since the purpose of the agreement is not to permit the licensee to give other producers access to the licensor's know-how while it remains secret (Article 2 (1) (12)).

(20) To protect both the licensor and the licensee from being tied into agreements whose duration may be automatically extended beyond their initial term as freely determined by the parties, through a continuous stream of improvements communicated by the licensor, it is appropriate to exclude agreements with such a clause from the block exemption (Article 3 (10)). However, the parties are free at any time to extend their contractual relationship by entering into new agreements concerning new improvements.

(21) The Regulation should apply with retroactive effect to know-how licensing agreements in existence when the Regulation comes into force where such agreements already fulfil the conditions for application of the Regulation or are modified to do so (Articles 8 to 10). Under Article 4 (3) of Regulation No 19/65/EEC, the benefit of these provisions may not be claimed in actions pending at the date of entry into force of this Regulation, nor may it be relied on as grounds for claims for damages against third parties.

- (22) Agreements which come within the terms of Articles 1 and 2 and which have neither the object nor the effect of restricting competition in any other way need no longer be notified. Nevertheless, undertakings will still have the right to apply in individual cases for negative clearance under Article 2 of Council Regulation No 17⁽¹⁾ or for exemption under Article 85 (3),

HAS ADOPTED THIS REGULATION:

Article 1

(1) Pursuant to Article 85 (3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 85 (1) of the Treaty shall not apply to pure know-how licensing agreements and to mixed know-how and patent licensing agreements not exempted by Regulation (EEC) No 2349/84, including those agreements containing ancillary provisions relating to trademarks or other intellectual property rights, to which only two undertakings are party and which include one or more of the following obligations:

1. an obligation on the licensor not to license other undertakings to exploit the licensed technology in the licensed territory;
2. an obligation on the licensor not to exploit the licensed technology in the licensed territory himself;
3. an obligation on the licensee not to exploit the licensed technology in territories within the common market which are reserved for the licensor;
4. an obligation on the licensee not to manufacture or use the licensed product, or use the licensed process, in territories within the common market which are licensed to other licensees;
5. an obligation on the licensee not to pursue an active policy of putting the licensed product on the market in the territories within the common market which are licensed to other licensees, and in particular not to engage in advertising specifically aimed at those territories or to establish any branch or maintain any distribution depot there;
6. an obligation on the licensee not to put the licensed product on the market in the territories licensed to other licensees within the common market;
7. an obligation on the licensee to use only the licensor's trademark or the get-up determined by the licensor to distinguish the licensed product during the term of the

agreement, provided that the licensee is not prevented from identifying himself as the manufacturer of the licensed products;

8. an obligation on the licensee to limit his production of the licensed product to the quantities he requires in manufacturing his own products and to sell the licensed product only as an integral part of or a replacement part for his own products or otherwise in connection with the sale of his own products, provided that such quantities are freely determined by the licensee.

(2) The exemption provided for the obligations referred to in paragraph 1 (1) (2) and (3) shall extend for a period not exceeding for each licensed territory within the EEC 10 years from the date of signature of the first licence agreement entered into by the licensor for that territory in respect of the same technology.

The exemption provided for the obligations referred to in paragraph 1 (4) and (5) shall extend for a period not exceeding 10 years from the date of signature of the first licence agreement entered into by the licensor within the EEC in respect of the same technology.

The exemption provided for the obligation referred to in paragraph 1 (6) shall extend for a period not exceeding five years from the date of the signature of the first licence agreement entered into by the licensor within the EEC in respect of the same technology.

(3) The exemption provided for in paragraph 1 shall apply only where the parties have identified in any appropriate form the initial know-how and any subsequent improvements to it, which become available to the parties and are communicated to the other party pursuant to the terms of the agreement and for the purpose thereof, and only for as long as the know-how remains secret and substantial.

(4) In so far as the obligations referred to in paragraph 1 (1) to (5) concern territories including Member States in which the same technology is protected by necessary patents, the exemption provided for in paragraph 1 shall extend for those Member States as long as the licensed product or process is protected in those Member States by such patents, where the duration of such protection exceeds the periods specified in paragraph 2.

(5) The exemption of restrictions on putting the licensed product on the market resulting from the obligations referred to in paragraph 1 (2), (3), (5) and (6) shall apply only if the licensee manufactures or proposes to manufacture the licensed product himself or has it manufactured by a connected undertaking or by a subcontractor.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

(6) The exemption provided for in paragraph 1 shall also apply where in a particular agreement the parties undertake obligations of the types referred to in that paragraph but with a more limited scope than is permitted by the paragraph.

(7) For the purposes of the present Regulation the following terms shall have the following meanings:

1. 'know-how' means a body of technical information that is secret, substantial and identified in any appropriate form;
2. the term 'secret' means that the know-how package as a body or in the precise configuration and assembly of its components is not generally known or easily accessible, so that part of its value consists in the lead-time the licensee gains when it is communicated to him; it is not limited to the narrow sense that each individual component of the know-how should be totally unknown or unobtainable outside the licensor's business;
3. the term 'substantial' means that the know-how includes information which is of importance for the whole or a significant part of (i) a manufacturing process or (ii) a product or service, or (iii) for the development thereof and excludes information which is trivial. Such know-how must thus be useful, i.e. can reasonably be expected at the date of conclusion of the agreement to be capable of improving the competitive position of the licensee, for example by helping him to enter a new market or giving him an advantage in competition with other manufacturers or providers of services who do not have access to the licensed secret know-how or other comparable secret know-how;
4. the term 'identified' means that the know-how is described or recorded in such a manner as to make it possible to verify that it fulfils the criteria of secrecy and substantiality and to ensure that the licensee is not unduly restricted in his exploitation of his own technology. To be identified the know-how can either be set out in the licence agreement or in a separate document or recorded in any other appropriate form at the latest when the know-how is transferred or shortly thereafter, provided that the separate document or other record can be made available if the need arises;
5. 'pure know-how licensing agreements' are agreements whereby one undertaking, the licensor, agrees to communicate the know-how, with or without an obligation to disclose any subsequent improvements, to

another undertaking, the licensee, for exploitation in the licensed territory;

6. 'mixed know-how and patent licensing agreements' are agreements not exempted by Regulation (EEC) No 2349/84 under which a technology containing both non-patented elements and elements that are patented in one or more Member States is licensed;
7. the terms 'licensed know-how' or 'licensed technology' mean the initial and any subsequent know-how communicated directly or indirectly by the licensor to a licensee by means of pure or mixed know-how and patent licensing agreements; however, in the case of mixed know-how and patent licensing agreements the term 'licensed technology' also includes any patents for which a licence is granted besides the communication of the know-how;
8. the term 'the same technology' means the technology as licensed to the first licensee and enhanced by any improvements made thereto subsequently, irrespective of whether and to what extent such improvements are exploited by the parties or the other licensees and irrespective of whether the technology is protected by necessary patents in any Member States;
9. 'the licensed products' are goods or services the production or provision of which requires the use of the licensed technology;
10. the term 'exploitation' refers to any use of the licensed technology in particular in the production, active or passive sales in a territory even if not coupled with manufacture in that territory, or leasing of the licensed products;
11. 'the licensed territory' is the territory covering all or at least part of the common market where the licensee is entitled to exploit the licensed technology;
12. 'territory reserved for the licensor' means territories in which the licensor has not granted any licences and which he has expressly reserved for himself;
13. 'connected undertakings' means:
 - (a) undertakings in which a party to the agreement, directly or indirectly;
 - owns more than half the capital or business assets, or
 - has the power to exercise more than half the voting rights, or
 - has the power to appoint more than half the members of the supervisory board, board of directors or bodies legally representing the undertaking, or
 - has the right to manage the affairs of the undertaking;

- (b) undertakings which directly or indirectly have in or over a party to the agreement the rights or powers listed in (a);
- (c) undertakings in which an undertaking referred to in (b) directly or indirectly has the rights or powers listed in (a);
- (d) undertakings in which the parties to the agreement or undertakings connected with them jointly have the rights or powers listed in (a): such jointly controlled undertakings are considered to be connected with each of the parties to the agreement.

Article 2

(1) Article 1 shall apply notwithstanding the presence in particular of any of the following obligations, which are generally not restrictive of competition:

1. an obligation on the licensee not to divulge the know-how communicated by the licensor; the licensee may be held to this obligation after the agreement has expired;
2. an obligation on the licensee not to grant sub-licences or assign the licence;
3. an obligation on the licensee not to exploit the licensed know-how after termination of the agreement in so far and as long as the know-how is still secret;
4. an obligation on the licensee to communicate to the licensor any experience gained in exploiting the licensed technology and to grant him a non-exclusive licence in respect of improvements to or new applications of that technology, provided that:
 - (a) the licensee is not prevented during or after the term of the agreement from freely using his own improvements, in so far as these are severable from the licensor's know-how, or licensing them to third parties where licensing to third parties does not disclose the know-how communicated by the licensor that is still secret; this is without prejudice to an obligation on the licensee to seek the licensor's prior approval to such licensing provided that approval may not be withheld unless there are objectively justifiable reasons to believe that licensing improvements to third parties will disclose the licensor's know-how, and

- (b) the licensor has accepted an obligation, whether exclusive or not, to communicate his own improvements to the licensee and his right to use the licensee's improvements which are not severable from the licensed know-how does not extend beyond the date on which the licensee's right to exploit the licensor's know-how comes to an end, except for termination of the agreement for breach by the licensee; this is without prejudice to an obligation on the licensee to give the licensor the option to continue to use the improvements after that date, if at the same time he relinquishes the post-term use ban or agrees, after having had an opportunity to examine the licensee's improvements, to pay appropriate royalties for their use;

5. an obligation on the licensee to observe minimum quality specifications for the licensed product or to procure goods or services from the licensor or from an undertaking designated by the licensor, in so far as such quality specifications, products or services are necessary for:

- (a) a technically satisfactory exploitation of the licensed technology, or
- (b) for ensuring that the production of the licensee conforms to the quality standards that are respected by the licensor and other licensees,

and to allow the licensor to carry out related checks;

6. obligations:

- (a) to inform the licensor of misappropriation of the know-how or of infringements of the licensed patents, or
- (b) to take or to assist the licensor in taking legal action against such misappropriation or infringements,

provided that these obligations are without prejudice to the licensee's right to challenge the validity of the licensed patents or to contest the secrecy of the licensed know-how except where he himself has in some way contributed to its disclosure;

7. an obligation on the licensee, in the event of the know-how becoming publicly known other than by action of the licensor, to continue paying until the end of the agreement the royalties in the amounts, for the periods and according to the methods freely determined by the parties, without prejudice to the payment of any additional damages in the event of the know-how becoming publicly known by the action of the licensee in breach of the agreement;

8. an obligation on the licensee to restrict his exploitation of the licensed technology to one or more technical fields of application covered by the licensed technology or to one or more product markets;
 9. an obligation on the licensee to pay a minimum royalty or to produce a minimum quantity of the licensed product or to carry out a minimum number of operations exploiting the licensed technology;
 10. an obligation on the licensor to grant the licensee any more favourable terms that the licensor may grant to another undertaking after the agreement is entered into;
 11. an obligation on the licensee to mark the licensed product with the licensor's name;
 12. an obligation on the licensee not to use the licensor's know-how to construct facilities for third parties; this is without prejudice to the right of the licensee to increase the capacity of its facilities or to set up additional facilities for its own use on normal commercial terms, including the payment of additional royalties.
- (2) In the event that, because of particular circumstances, the obligations referred to in paragraph 1 fall within the scope of Article 85 (1), they shall also be exempted even if they are not accompanied by any of the obligations exempted by Article 1.
- (3) The exemption provided for in paragraph 2 shall also apply where in an agreement the parties undertake obligations of the types referred to in paragraph 1 but with a more limited scope than is permitted by that paragraph.
- Article 3*

Articles 1 and 2 (2) shall not apply where:

1. the licensee is prevented from continuing to use the licensed know-how after the termination of the agreement where the know-how has meanwhile become publicly known, other than by the action of the licensee in breach of the agreement;
2. the licensee is obliged either:
 - (a) to assign in whole or in part to the licensor rights to improvements to or new applications of the licensed technology;
 - (b) to grant the licensor an exclusive licence for improvements to or new applications of the licensed technology which would prevent the licensee during the currency of the agreement and/or thereafter from using his own improvements in so far as these are severable from the licensor's know-how, or from licensing them to third parties, where such licensing would not disclose the licensor's know-how that is still secret; or
- (c) in the case of an agreement which also includes a post-term use ban, to grant back to the licensor, even on a non-exclusive and reciprocal basis, licences for improvements which are not severable from the licensor's know-how, if the licensor's right to use the improvements is of a longer duration than the licensee's right to use the licensor's know-how, except for termination of the agreement for breach by the licensee;
3. the licensee is obliged at the time the agreement is entered into to accept quality specifications or further licences or to procure goods or services which he does not want, unless such licenses, quality specifications, goods or services are necessary for a technically satisfactory exploitation of the licensed technology or for ensuring that the production of the licensee conforms to the quality standards that are respected by the licensor and other licensees;
4. the licensee is prohibited from contesting the secrecy of the licensed know-how or from challenging the validity of licensed patents within the common market belonging to the licensor or undertakings connected with him, without prejudice to the right of the licensor to terminate the licensing agreement in the event of such a challenge;
5. the licensee is charged royalties on goods or services which are not entirely or partially produced by means of the licensed technology or for the use of know-how which has become publicly known by the action of the licensor or an undertaking connected with him;
6. one party is restricted within the same technological field of use or within the same product market as to the customers he may serve, in particular by being prohibited from supplying certain classes of user, employing certain forms of distribution or, with the aim of sharing customers, using certain types of packaging for the products, save as provided in Article 1 (1) (7) and Article 4 (2);

7. the quantity of the licensed products one party may manufacture or sell or the number of operations exploiting the licensed technology he may carry out are subject to limitations, save as provided in Article 1 (1) (8) and Article 4 (2);
 8. one party is restricted in the determination of prices, components of prices or discounts for the licensed products;
 9. one party is restricted from competing with the other party, with undertakings connected with the other party or with other undertakings within the common market in respect of research and development, production or use of competing products and their distribution, without prejudice to an obligation on the licensee to use his best endeavours to exploit the licensed technology and without prejudice to the right of the licensor to terminate the exclusivity granted to the licensee and cease communicating improvements in the event of the licensee's engaging in any such competing activities and to require the licensee to prove that the licensed know-how is not used for the production of goods and services other than those licensed;
 10. the initial duration of the licensing agreement is automatically prolonged by the inclusion in it of any new improvements communicated by the licensor, unless the licensee has the right to refuse such improvements or each party has the right to terminate the agreement at the expiry of the initial term of the agreement and at least every three years thereafter;
 11. the licensor is required, albeit in separate agreements, for a period exceeding that permitted under Article 1 (2) not to license other undertakings to exploit the same technology in the licensed territory, or a party is required for periods exceeding those permitted under Articles 1 (2) or 1 (4) not to exploit the same technology in the territory of the other party or of other licensees;
 12. one or both of the parties are required :
 - (a) to refuse without any objectively justified reason to meet demand from users or resellers in their respective territories who would market products in other territories within the common market;
 - (b) to make it difficult for users or resellers to obtain the products from other resellers within the common market, and in particular to exercise intellectual property rights or take measures so as to prevent users or resellers from obtaining outside, or from putting on the market in the licensed territory products which have been lawfully put on the market within the common market by the licensor or with his consent;
- or do so as a result of a concerted practice between them.
- Article 4*
- (1) The exemption provided for in Articles 1 and 2 shall also apply to agreements containing obligations restrictive of competition which are not covered by those Articles and do not fall within the scope of Article 3, on condition that the agreements in question are notified to the Commission in accordance with the provisions of Commission Regulation No 27 ⁽¹⁾ and that the Commission does not oppose such exemption within a period of six months.
 - (2) Paragraph 1 shall in particular apply to an obligation on the licensee to supply only a limited quantity of the licensed product to a particular customer, where the know-how licence is granted at the request of such a customer in order to provide him with a second source of supply within a licensed territory.
- This provision shall also apply where the customer is the licensee and the licence, in order to provide a second source of supply, provides for the customer to make licensed products or have them made by a sub-contractor.
- (3) The period of six months shall run from the date on which the notification is received by the Commission. Where, however, the notification is made by registered post, the period shall run from the date shown on the postmark of the place of posting.
 - (4) Paragraphs 1 and 2 shall apply only if :
 - (a) express reference is made to this Article in the notification or in a communication accompanying it; and
 - (b) the information furnished with the notification is complete and in accordance with the facts.
 - (5) The benefit of paragraphs 1 and 2 may be claimed for agreements notified before the entry into force of this Regulation by submitting a communication to the Commission referring expressly to this Article and to the notification. Paragraphs 3 and 4 (b) shall apply *mutatis mutandis*.
 - (6) The Commission may oppose the exemption. It shall oppose exemption if it receives a request to do so from a Member State within three months of the transmission to the Member State of the notification referred to in paragraph 1 or of the communication referred to in paragraph 5. This request must be justified on the basis of considerations relating to the competition rules of the Treaty.
- ⁽¹⁾ OJ No 35, 10. 5. 1962, p. 1118/62.

(7) The Commission may withdraw the opposition to the exemption at any time. However, where the opposition was raised at the request of a Member State and this request is maintained, it may be withdrawn only after consultation of the Advisory Committee on Restrictive Practices and Dominant Positions.

(8) If the opposition is withdrawn because the undertakings concerned have shown that the conditions of Article 85 (3) are fulfilled, the exemption shall apply from the date of notification.

(9) If the opposition is withdrawn because the undertakings concerned have amended the agreement so that the conditions of Article 85 (3) are fulfilled, the exemption shall apply from the date on which the amendments take effect.

(10) If the Commission opposes exemption and the opposition is not withdrawn, the effects of the notification shall be governed by the provisions of Regulation No 17.

Article 5

(1) This Regulation shall not apply to:

1. agreements between members of a patent or know-how pool which relate to the pooled technologies;
2. know-how licensing agreements between competing undertakings which hold interests in a joint venture, or between one of them and the joint venture, if the licensing agreements relate to the activities of the joint venture;
3. agreements under which one party grants the other a know-how licence and the other party, albeit in separate agreements or through connected undertakings, grants the first party a patent, trademark or know-how licence or exclusive sales rights, where the parties are competitors in relation to the products covered by those agreements;
4. agreements including the licensing of intellectual property rights other than patents (in particular trademarks, copyright and design rights) or the licensing of software except where these rights or the software are of assistance in achieving the object of the licensed technology and there are no obligations restrictive of competition other than those also attached to the licensed know-how and exempted under the present Regulation.

(2) However, this Regulation shall apply to reciprocal licences of the types referred to in paragraph 1 (3) where the parties are not subject to any territorial restriction within the common market on the manufacture, use or putting on the market of the products covered by the agreements or on the use of the licensed technologies.

Article 6

This Regulation shall also apply to:

1. pure know-how agreements or mixed agreements where the licensor is not the developer of the know-how or the patentee but is authorized by the developer or the patentee to grant a licence or a sub-licence;
2. assignments of know-how or of know-how and patents where the risk associated with exploitation remains with the assignor, in particular where the sum payable in consideration of the assignment is dependent upon the turnover attained by the assignee in respect of products made using the know-how or the patents, the quantity of such products manufactured or the number of operations carried out employing the know-how or the patents;
3. pure know-how agreements or mixed agreements in which rights or obligations of the licensor or the licensee are assumed by undertakings connected with them.

Article 7

The Commission may withdraw the benefit of this Regulation, pursuant to Article 7 of Regulation No 19/65/EEC, where it finds in a particular case that an agreement exempted by this Regulation nevertheless has certain effects which are incompatible with the conditions laid down in Article 85 (3) of the Treaty, and in particular where:

1. such effects arise from an arbitration award;
2. the effect of the agreement is to prevent the licensed products from being exposed to effective competition in the licensed territory from identical products or products considered by users as equivalent in view of their characteristics, price and intended use;
3. the licensor does not have the right to terminate the exclusivity granted to the licensee at the latest five years from the date the agreement was entered into and at least annually thereafter if, without legitimate reason, the licensee fails to exploit the licensed technology or to do so adequately;
4. without prejudice to Article 1 (1) (6), the licensee refuses, without objectively valid reason, to meet unsolicited demand from users or resellers in the territory of other licensees;
5. one or both of the parties:
 - (a) without objectively justified reason, refuse to meet demand from users or resellers in their respective territories who would market the products in other territories within the common market; or
 - (b) make it difficult for users or resellers to obtain the products from other resellers within the common

market, and in particular where they exercise intellectual property rights or take measures so as to prevent resellers or users from obtaining outside, or from putting on the market in the licensed territory products which have been lawfully put on the market within the common market by the licensor or with his consent;

6. the operation of the post-term use ban referred to in Article 2 (1) (3) prevents the licensee from working an expired patent which can be worked by all other manufacturers;
7. the period for which the licensee is obliged to continue paying royalties after the know-how has become publicly known by the action of third parties, as referred to in Article 2 (1) (7), substantially exceeds the lead time acquired because of the head-start in production and marketing and this obligation is detrimental to competition in the market;
8. the parties were already competitors before the grant of the licence and obligations on the licensee to produce a minimum quantity or to use his best endeavours as referred to in Article 2 (1) (9) and Article 3 (9) have the effect of preventing the licensee from using competing technologies.

Article 8

(1) As regards agreements existing on 13 March 1962 and notified before 1 February 1963 and agreements, whether notified or not, to which Article 4 (2) (2) (b) of Regulation No 17 applies, the declaration of inapplicability of Article 85 (1) of the Treaty contained in this Regulation shall have retroactive effect from the time at which the conditions for application of this Regulation were fulfilled.

(2) As regards all other agreements notified before this Regulation entered into force, the declaration of inapplicability of Article 85 (1) of the Treaty contained in this Regulation shall have retroactive effect from the time at which the conditions for application of this Regulation were fulfilled, or from the date of notification, whichever is the later.

Article 9

If agreements existing on 13 March 1962 and notified before 1 February 1963 or agreements to which Article 4 (2) (2) (b) of Regulation No 17 applies and notified before 1 January 1967 are amended before 1 July 1989 so as to

fulfil the conditions for application of this Regulation, and if the amendment is communicated to the Commission before 1 October 1989 the prohibition in Article 85 (1) of the Treaty shall not apply in respect of the period prior to the amendment. The communication shall take effect from the time of its receipt by the Commission. Where the communication is sent by registered post, it shall take effect from the date shown on the postmark of the place of posting.

Article 10

(1) As regards agreements to which Article 85 of the Treaty applies as a result of the accession of the United Kingdom, Ireland and Denmark, Articles 8 and 9 shall apply except that the relevant dates shall be 1 January 1973 instead of 13 March 1962 and 1 July 1973 instead of 1 February 1963 and 1 January 1967.

(2) As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Greece, Articles 8 and 9 shall apply except that the relevant dates shall be 1 January 1981 instead of 13 March 1962 and 1 July 1981 instead of 1 February 1963 and 1 January 1967.

(3) As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Spain and Portugal, Articles 8 and 9 shall apply except that the relevant dates shall be 1 January 1986 instead of 13 March 1962 and 1 July 1986 instead of 1 February 1963 and 1 January 1967.

Article 11

(1) Information acquired pursuant to Article 4 shall be used only for the purposes of the Regulation.

(2) The Commission and the authorities of the Member States, their officials and other servants shall not disclose information acquired by them pursuant to this Regulation of the kind covered by the obligation of professional secrecy.

(3) The provisions of paragraphs 1 and 2 shall not prevent publication of general information or surveys which do not contain information relating to particular undertakings or associations of undertakings.

Article 12

This Regulation shall enter into force on 1 April 1989.

It shall apply until 31 December 1999.

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

Done at Brussels, 30 November 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION REGULATION (EEC) No 557/89

of 3 March 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 2 March 1989;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2401/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

ANNEX

to the Commission Regulation of 3 March 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	21,98	124,84
0712 90 19	21,98	124,84
1001 10 10	55,14	181,48 ⁽¹⁾ ^(?)
1001 10 90	55,14	181,48 ⁽¹⁾ ^(?)
1001 90 91	32,44	116,52
1001 90 99	32,44	116,52
1002 00 00	60,11	114,69 ⁽⁶⁾
1003 00 10	50,67	117,17
1003 00 90	50,67	117,17
1004 00 10	41,73	77,30
1004 00 90	41,73	77,30
1005 10 90	21,98	124,84 ^(?) ^(?)
1005 90 00	21,98	124,84 ^(?) ^(?)
1007 00 90	45,32	139,58 ⁽⁴⁾
1008 10 00	50,67	26,17
1008 20 00	50,67	52,92 ⁽⁴⁾
1008 30 00	50,67	0,00 ^(?)
1008 90 10	^(?)	^(?)
1008 90 90	50,67	0,00
1101 00 00	59,77	177,49
1102 10 00	98,51	173,96
1103 11 10	98,98	294,80
1103 11 90	63,11	190,24

⁽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 558/89

of 3 March 1989

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

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

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular Article 15 (6) thereof,

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

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

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

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

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

Whereas these exchange rates being those recorded on 2 March 1989;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.
2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 3 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	1,23	1,23	0
0712 90 19	0	1,23	1,23	0
1001 10 10	0	3,03	3,03	3,03
1001 10 90	0	3,03	3,03	3,03
1001 90 91	0	4,35	4,35	7,92
1001 90 99	0	4,35	4,35	7,92
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	1,23	1,23	0
1005 90 00	0	1,23	1,23	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	6,09	6,09	11,09

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	7,74	7,74	14,10	14,10
1107 10 19	0	5,79	5,79	10,53	10,53
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 559/89**of 3 March 1989****fixing the import levies on rice and broken rice**

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2699/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 492/89 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2699/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 241, 1. 9. 1988, p. 27.

⁽⁶⁾ OJ No L 57, 28. 2. 1989, p. 26.

ANNEX

to the Commission Regulation of 3 March 1989 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Portugal	Third countries (except ACP or OCT) (²)	ACP or OCT (¹) (²) (³)	Arrangement in Regulation (EEC) No 3877/86
1006 10 21	—	302,55	147,67	—
1006 10 92	—	302,55	147,67	—
1006 10 23	—	304,01	148,40	228,01
1006 10 94	—	304,01	148,40	228,01
1006 10 25	—	304,01	148,40	228,01
1006 10 96	—	304,01	148,40	228,01
1006 10 27	—	304,01	148,40	228,01
1006 10 98	—	304,01	148,40	228,01
1006 20 11	—	378,19	185,49	—
1006 20 92	—	378,19	185,49	—
1006 20 13	—	380,01	186,40	285,01
1006 20 94	—	380,01	186,40	285,01
1006 20 15	—	380,01	186,40	285,01
1006 20 96	—	380,01	186,40	285,01
1006 20 17	—	380,01	186,40	285,01
1006 20 98	—	380,01	186,40	285,01
1006 30 21	13,05	502,75	239,45	—
1006 30 42	13,05	502,75	239,45	—
1006 30 23	12,97	590,76	283,49	443,07
1006 30 44	12,97	590,76	283,49	443,07
1006 30 25	12,97	590,76	283,49	443,07
1006 30 46	12,97	590,76	283,49	443,07
1006 30 27	12,97	590,76	283,49	443,07
1006 30 48	12,97	590,76	283,49	443,07
1006 30 61	13,90	535,43	255,36	—
1006 30 92	13,90	535,43	255,36	—
1006 30 63	13,90	633,30	304,30	474,98
1006 30 94	13,90	633,30	304,30	474,98
1006 30 65	13,90	633,30	304,30	474,98
1006 30 96	13,90	633,30	304,30	474,98
1006 30 67	13,90	633,30	304,30	474,98
1006 30 98	13,90	633,30	304,30	474,98
1006 40 00	0	108,31	51,15	—

(¹) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

NB: The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25).

COMMISSION REGULATION (EEC) No 560/89

of 3 March 1989

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2700/88 ⁽³⁾, as last amended by Regulation (EEC) No 493/89 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.⁽³⁾ OJ No L 241, 1. 9. 1988, p. 30.⁽⁴⁾ OJ No L 57, 28. 2. 1989, p. 28.

ANNEX

to the Commission Regulation of 3 March 1989 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
1006 10 21	0	0	0	—
1006 10 92	0	0	0	—
1006 10 23	0	0	0	—
1006 10 94	0	0	0	—
1006 10 25	0	0	0	—
1006 10 96	0	0	0	—
1006 10 27	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 92	0	0	0	—
1006 20 13	0	0	0	—
1006 20 94	0	0	0	—
1006 20 15	0	0	0	—
1006 20 96	0	0	0	—
1006 20 17	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 42	0	0	0	—
1006 30 23	0	0	0	—
1006 30 44	0	0	0	—
1006 30 25	0	0	0	—
1006 30 46	0	0	0	—
1006 30 27	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 92	0	0	0	—
1006 30 63	0	0	0	—
1006 30 94	0	0	0	—
1006 30 65	0	0	0	—
1006 30 96	0	0	0	—
1006 30 67	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 561/89**of 3 March 1989****altering the specific agricultural conversion rates applicable in the rice sector**

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1889/87 ⁽⁴⁾, and in particular Article 9 (2) thereof,

Whereas by Commission Regulation (EEC) No 3294/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 336/89 ⁽⁶⁾, specific agricultural conversion rates to be applied in the rice sector were established; whereas those conversion rates must be altered pursuant to Articles 2 and 3 of Commission Regulation (EEC) No 3153/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 3521/88 ⁽⁸⁾;

Whereas Regulation (EEC) No 3153/85 lays down detailed rules for the calculation of monetary compensatory amounts; whereas the spot market rate for the pound sterling and the Greek drachma, recorded in accordance with Regulation (EEC) No 3153/85 during the period 22 to 28 February 1989 requires the specific agricultural conversion rates applicable for the United Kingdom and Greece to be altered pursuant to Article 9 (2) of Regulation (EEC) No 1677/85,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3294/86 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 304, 30. 10. 1986, p. 25.

⁽⁶⁾ OJ No L 39, 11. 2. 1989, p. 9.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ OJ No L 307, 12. 11. 1988, p. 28.

*ANNEX***Specific agricultural conversion rate for rice****(Regulation (EEC) No 3294/86)**

ECU 1	= Bfs	48,2869
	= DM	2,34113
	= Dkr	8,93007
	= Dr	194,713
	= Pta	144,806
	= FF	7,85183
	= £Irl	0,873900
	= Lit	1 693,30
	= Fl	2,63785
	= £	0,725026

COMMISSION REGULATION (EEC) No 562/89

of 3 March 1989

fixing the monetary coefficient applicable on imports of dried grapes

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2247/88 ⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Commission Regulation (EEC) No 2237/85 of 30 July 1985 laying down detailed rules for the application of the minimum import price system for dried grapes ⁽³⁾, and in particular Article 4 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 2237/85 provides that the Commission shall fix a monetary coefficient equal to the real monetary gap between the agricultural conversion rate for the currency of a Member State and the central rate, or, where applicable, the market rate when that gap is equal to or more than 2,5 percentage points;

Whereas Article 4 (2) of Regulation (EEC) No 2237/85 provides that the monetary coefficient shall be fixed before the commencement of the marketing year and, subsequently, on the first Monday of the months of November, January, March, May and July;

Whereas Commission Regulation (EEC) No 2303/88 ⁽⁴⁾, as amended by Regulation (EEC) No 3519/88 ⁽⁵⁾; fixes the minimum import price applicable to dried grapes

during the marketing year 1988/89 as well as the countervailing charges to be imposed where that price is not observed; whereas the import prices as set out in Annex II of that Regulation are calculated as specific percentages of the minimum import price; whereas as a result the monetary coefficient should apply both to the minimum import prices and the import prices,

HAS ADOPTED THIS REGULATION:

Article 1

After having converted the minimum import prices and the import prices as set out in Annexes I and II of Regulation (EEC) No 2303/88 into one of the following national currencies by applying the agricultural conversion rate, the resulting amount shall be multiplied by the following coefficient:

— for the Greek drachma:	1,236
— for the pound sterling:	1,074
— for the French franc:	1,050
— for the Irish pound:	1,051
— for the Italian lira:	1,025
— for the Spanish peseta:	0,943.

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 24.

⁽⁴⁾ OJ No L 201, 27. 7. 1988, p. 43.

⁽⁵⁾ OJ No L 307, 12. 11. 1988, p. 26.

COMMISSION REGULATION (EEC) No 563/89

of 3 March 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 4132/88 ⁽²⁾, and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾, as last amended by Regulation (EEC) No 466/89 ⁽⁴⁾, introduced the buying in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 53, 25. 2. 1989, p. 9.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 306, 11. 11. 1988, p. 20.

*ANNEX I***Member States or regions within a Member State and groups of qualities**

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

*ANNEX II***Buying-in price in ECU per 100 kg carcase weight**

Quality (category and class)	Equivalent carcase price	Forequarter price	
		straight cut ⁽¹⁾	pistola cut ⁽²⁾
AR2	291,497	233,198	218,623
AR3	287,321	229,857	215,491
AO2	278,652	222,922	208,989
AO3	274,417	219,534	205,813
CU2	307,114	245,691	230,336
CU3	302,896	242,317	227,172
CU4	294,459	235,567	220,844
CR3	292,287	233,830	219,215
CR4	283,790	227,032	212,843
CO3	270,127	216,102	202,595

⁽¹⁾ Conversion coefficient 0,80.⁽²⁾ Conversion coefficient 0,75.

COMMISSION REGULATION (EEC) No 564/89
of 3 March 1989
amending for the second time Regulation (EEC) No 2310/88 fixing countervailing charges on seeds

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

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds ⁽¹⁾, as last amended by Regulation (EEC) No 3997/87 ⁽²⁾, and in particular Article 6 ⁽⁵⁾ thereof,

Whereas Commission Regulation (EEC) No 2310/88 ⁽³⁾, as amended by Regulation (EEC) No 230/89 ⁽⁴⁾, fixed countervailing charges on seeds in respect of a certain type of hybrid maize and sorghum for sowing;

Whereas, since that time, a significant variation has been recorded in the free-at-frontier offer prices which, under the terms of Article 4 (2) of Commission Regulation

(EEC) No 1665/72 ⁽⁵⁾, as amended by Regulation (EEC) No 2811/86 ⁽⁶⁾, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EEC) No 2310/88 are replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 36.

⁽³⁾ OJ No L 201, 27. 7. 1988, p. 77.

⁽⁴⁾ OJ No L 29, 31. 1. 1989, p. 24.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

⁽⁶⁾ OJ No L 260, 12. 9. 1986, p. 8.

ANNEX I

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CN code	Amount of countervailing charge (1)	Country of origin (2)
1005 10 11	2,1	064
	13,8	404
	14,7	038
	16	048
	16	1
1005 10 13	9,6	048
	15	064
	16,7	062
	21,0	068
	27,5	066
1005 10 15	27,5	2
	8,3	400
	12,4	062
	18,2	048
	74	064
	84,4	066
	113,9	404
	113,9	3

ANNEX II

Countervailing charge on hybrid sorghum for sowing

(ECU/100 kg)

CN code	Amount of countervailing charge	Country of origin (2)
1007 00 10	12,8	400
	35,9	064
	35,9	4

(1) The countervailing charge may not exceed 4 % of the customs value. In the case of Spain and Portugal it may not exceed the rate obtained by alignment on the CCT in accordance with the timetable specified in the Act of Accession.

(2) Origin identification :

- 1 Other countries with the exception of Romania, Chile and the United States
 - 2 Other countries with the exception of Canada, Chile, Japan, Austria, Argentina and the United States
 - 3 Other countries with the exception of Bulgaria and Austria
 - 4 Other countries with the exception of Israel
- 038 Austria
048 Yugoslavia
062 Czechoslovakia
064 Hungary
066 Romania
068 Bulgaria
400 USA
404 Canada

COMMISSION REGULATION (EEC) No 565/89

of 3 March 1989

on the supply of various lots of skimmed-milk powder as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1870/88⁽²⁾, and in particular Article 6 (1) (c) thereof,

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

Whereas, following the taking of a decision on the allocation of food aid, the Commission has allocated to India 5 000 tonnes of skimmed-milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July

1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

Article 2

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

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOTS A, B and C

1. **Operation Nos** ⁽¹⁾: 45/89; 47/89 and 49/89 — Commission Decision of 17. 2. 1989 (operation Flood III)
2. **Programme**: 1989
3. **Recipient**: India
4. **Representative of the recipient** ⁽²⁾: Embassy of India, Chaussée de Vleurgat 217, B-1050 Brussels, Mr. Banerjee, Counsellor; tel. 640 91 40; telex 22510 INDEM B
5. **Place or country of destination**: India
- 5a. **Address of destinee**:
A: National Dairy Development Board, Rajmahal, 84 veer Nariman Road, Bombay 400220; telex 0113437 / 01174409 NDDB IN; tel. 204 85 32/204 89 69
B and C: National Dairy Development Board, Block DK-I, Sector 2, Salt Lake City, Calcutta 700064; telex 0215526, tel. 37 06 40/1/2/3/4
6. **Product to be mobilized**: skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.1 and I.1.A.2)
8. **Total quantity**: 5 000 tonnes
9. **Number of lots**: 3 (A: 3 000 tonnes; B: 500 tonnes; C: 1 500 tonnes)
10. **Packaging and marking** ⁽⁶⁾: 25 kilograms in 20-foot containers
see OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.3)
Supplementary markings on the packaging: see Annex II and see OJ No C 216, 14. 8. 1987, p. 3 (under I.1.A.4)
11. **Method of mobilization** ⁽⁸⁾: Community market
The manufacture of the skimmed-milk powder must be carried out within the six-month period preceeding the period for making the goods available at the port of shipment
12. **Stage of supply**: free at destination.
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: A: Bombay; B and C: Calcutta
16. **Address of the warehouse and, if appropriate, port of landing**: see Annex III
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 10 to 17. 4. 1989
18. **Deadline for the supply**: A: 15. 5. 1989; B and C: 31. 5. 1989
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** ⁽⁹⁾: 28. 3. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
(a) deadline for the submission of tenders: 10. 4. 1989 at 12 noon
(b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 22 to 29. 4. 1989
(c) deadline for the supply: A: 27. 5. 1989; B and C: 12. 6. 1989
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁹⁾: refund applicable on 7. 2. 1989, fixed by Commission Regulation (EEC) No 300/89 (OJ No L 35, 7. 2. 1989, p. 5)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer shall deliver :
- (a) a certificate, legalized by an Indian Embassy, from an official entity, certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded ;
 - (b) a certificate legalized by an Indian Embassy, issued by the monitoring company for an additional radioactivity analysis at the port of shipment.
- (³) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) The radioactivity certificate must indicate the caesium-134 and -137 and strontium-90 levels.
- (⁷) Skimmed-milk powder must be free of off-flavours, neutralizers and foreign materials and be of good, uniform and long-life quality.
- (⁸) The bill of lading will be to the order of the representative who must be designated by the successful tenderer to act on his behalf in the port of landing.
- Moreover the suppliers' representative will also be the consignee of the goods and the bill of lading will be endorsed by the successful tenderer in favour of the beneficiary to enable customs formalities to be carried out ; customs duties, if any, are to be paid by the beneficiary while customs clearance costs are to be paid by the successful tenderer.
- (⁹) The free holding period for containers must be at least 15 calendar days.
-

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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	3 000		India	India	Action No 45/89 / Food aid to India / Recipient NDDB Bombay / For Operation Flood III
B	500		India	India	Action No 47/89 / Food aid to India / Recipient NDDB Calcutta / For Operation Flood III
C	1 500		India	India	Action No 49/89 / Food aid to India / Recipient NDDB Calcutta / For Operation Flood III

ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III — ALLEGATO III — BIJLAGE III — ANEXO III

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Dirección del almacén Adresse på lageret Anschrift des Lagers Διεύθυνση της αποθήκης Address of the warehouse Adresse du magasin Indirizzo del magazzino Adres van de opslagplaats Endereço do armazém
A	3 000		India	India	National Dairy Development Board (NDDB), Unit No 12, Aarey Milk Colony, Western Express Highway, Coregaon (E) Bombay 400 063
B	500		India	India	NDDB Godown Complex, Dankuni, c/o Calcutta Mother Dairy, Gate No 111 (Beside Delhi Road), PO Chakundi District Hooghly (WB)
C	1 500		India	India	NDDB Godown Complex, Block GM, Sectors IV and V, Salt Lake City, Calcutta

COMMISSION REGULATION (EEC) No 566/89

of 3 March 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 3939/87⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 6 February 1989, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 6

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 6 February 1989, the level of the premium is fixed at 183,767 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 6 February 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 6 February 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 3 March 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	86,370	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	183,767	0
0204 21 00	183,767	0
0204 50 11		0
0204 22 10	128,637	
0204 22 30	202,144	
0204 22 50	238,897	
0204 22 90	238,897	
0204 23 00	334,456	
0204 30 00	137,825	
0204 41 00	137,825	
0204 42 10	96,478	
0204 42 30	151,608	
0204 42 50	179,173	
0204 42 90	179,173	
0204 43 00	250,842	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	238,897	
0210 90 19	334,456	
1602 90 71 :		
— unboned (bone-in)	238,897	
— boned or boneless	334,456	

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

COMMISSION REGULATION (EEC) No 567/89

of 3 March 1989

amending Council Regulation (EEC) No 482/86 determining the wines produced in Portugal that are to be treated as quality wines produced in specified regions falling within heading No 22.05 of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 20/89⁽²⁾, and in particular Article 15 thereof,

Whereas, with effect from 1 January 1988, Regulation (EEC) No 2658/87 introduced a combined nomenclature of goods on the basis of the harmonized system nomenclature to meet the requirements of both the Common Customs Tariff and the external trade statistics of the Community;

Whereas the tariff numbers in Council Regulation (EEC) No 482/86⁽³⁾ should accordingly be expressed in terms of the combined nomenclature; whereas those adaptations require no amendments of substance,

Article 1

Regulation (EEC) No 482/86 is hereby amended as follows:

1. The title is hereby replaced by the following:

'Council Regulation (EEC) No 482/86 of 25 February 1986 determining the wines produced in Portugal that are to be treated as quality wines produced in specified regions falling within CN code ex 2204.'

2. Article 1 (1) is replaced by the following:

'1. For the purposes of applying the third indent of the second subparagraph of Article 268 (2) (a) of the Act of Accession, wines produced in Portuguese territory in accordance with the national laws in force on the 'denominação de origem controlada' and 'indicação de proveniência regulamentada' shall be treated in the same way as quality wines falling within CN code ex 2204.'

Article 2

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

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 4, 6. 1. 1989, p. 19.

⁽³⁾ OJ No L 54, 1. 3. 1986, p. 6.

COMMISSION REGULATION (EEC) No 568/89

of 3 March 1989

amending Regulation (EEC) No 649/86 adopting the list of wines produced in Portugal falling within heading No 22.05 of the Common Customs Tariff that are to be treated as quality wines produced in specified regions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 482/86 of 25 February 1986 determining the wines produced in Portugal falling within CN code ex 2204 that are to be treated as quality wines produced in specified regions⁽¹⁾, as amended by Regulation (EEC) No 567/89⁽²⁾, and in particular Article 1 (2) thereof,

Whereas Commission Regulation (EEC) No 649/86⁽³⁾ adopts the list of wines produced in Portugal falling within heading No 22.05 of the Common Customs Tariff that are to be treated as quality wines produced in specified regions;

Whereas Portugal has notified the Commission of the recognition of new 'indicações de proveniência regulamentada' in accordance with national laws in force, for certain wines;

Whereas, with effect from 1 January 1988, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁴⁾, as amended by Regulation (EEC) No 20/89⁽⁵⁾, introduced a combined nomenclature of goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 649/86 is hereby amended as follows:

1. The title is replaced by the following:

'Commission Regulation (EEC) No 649/86 of 28 February 1986 adopting the list of wines produced in Portugal and falling within CN code ex 2204 that are to be treated as quality wines produced in specified regions'.

2. The following 'indicações de proveniência regulamentada' are added to the second subparagraph of Article 1 (b):

- Portalegre
- Borba
- Redondo
- Réguengos
- Vidigueira

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, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 54, 1. 3. 1986, p. 6.

⁽²⁾ See page 37 of this Official Journal.

⁽³⁾ OJ No L 60, 1. 3. 1986, p. 57.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 4, 6. 1. 1989, p. 19.

COMMISSION REGULATION (EEC) No 569/89

of 3 March 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 490/89⁽⁷⁾, as amended by Regulation (EEC) No 527/89⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 57, 28. 2. 1989, p. 18.

⁽⁸⁾ OJ No L 58, 1. 3. 1989, p. 59.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 2 March 1989;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 490/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 6 March 1989.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 3 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 3 March 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1102 30 00	3,02	117,50	114,48
1103 14 00	3,02	117,50	114,48
1103 29 50	3,02	117,50	114,48
1104 19 91	6,04	200,44	194,40
1108 19 10	30,83	185,87	155,04

COMMISSION REGULATION (EEC) No 570/89
of 3 March 1989
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 553/89 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 March 1989.

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

Done at Brussels, 3 March 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 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 60, 3. 3. 1989, p. 40.

ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	34,85 ⁽¹⁾
1701 11 90	34,85 ⁽¹⁾
1701 12 10	34,85 ⁽¹⁾
1701 12 90	34,85 ⁽¹⁾
1701 91 00	42,03
1701 99 10	42,03
1701 99 90	42,03 ⁽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.

⁽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 571/89

of 2 March 1989

amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal repealing Regulation (EEC) No 1302/73 and extending Regulation (EEC) No 4132/88

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas Article 6 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽⁴⁾, as last amended by Regulation (EEC) No 4132/88 ⁽⁵⁾, provided for public buying in as the main instrument for support of the market in beef and veal; whereas Article 6a of the said Regulation provided for a temporary scheme for a period from 6 April 1987 to 2 April 1989, the aim of which was to reduce recourse to intervention and to restore to that facility its original function as a safety net; whereas, however, these arrangements have failed to curb the quantities sent to intervention, mainly because buying in is an automatic facility and because the buying-in price calculation procedures have entailed heavy sales to the agencies at prices exceeding the market price; whereas the long-term outlook does not rule out that risk in the future; whereas the efforts already made to restore order on this market by further restricting sales to intervention must therefore be pursued;

Whereas, accordingly, while the conditions governing activation of intervention related to market price levels in the Community and in the Member States should be retained, with adaptation of the thresholds, this scheme should not also allow control of the quantities bought in on the basis of an annual overall quantity not to be exceeded except in cases of abnormal market situations, and its operation should be subject to an assessment of the need to ensure reasonable support of the market on the basis, in particular, of seasonal changes in production; whereas, for this purpose, a system of buying in by tendering procedures, under which prices and quantities

would be determined on the basis of the tenders received, is appropriate;

Whereas, for beef and veal, prices and production conditions vary widely from one Member State to another; whereas, as a result, a facility may be needed whereby these prices and quantities can be fixed by a Member State or a region of a Member State;

Whereas alteration of the intervention arrangements will necessitate maintenance beyond 2 April 1989 of the special premium scheme provided for in Article 4a of Regulation (EEC) No 805/68, which has proved an effective method of support for farmers' incomes, and its extension to the Member States operating, until that date, the calf premium and the variable slaughter premium;

Whereas, further, in order to compensate for the effect of adaptation of the intervention arrangements, the amount of the special premium and the number of animals eligible, per holding, for the said special premium should be increased;

Whereas alteration of the intervention arrangements will also necessitate the repeal of Council Regulation (EEC) No 1302/73 of 15 May 1973 laying down general rules for intervention on the market in beef and veal ⁽⁶⁾, as last amended by Regulation (EEC) No 427/77 ⁽⁷⁾;

Whereas, for technical and administrative reasons, the new intervention and premium arrangements can be applied only from 3 April 1989; whereas, therefore, application of the arrangements at present in force should be extended, by amending Regulation (EEC) No 4132/88, until 2 April 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 805/68 is hereby amended as follows:

1. in Article 4a:

— paragraphs 1 and 2 are replaced by the following:

'1. Beef and veal producers may qualify for a special premium. It shall be granted at the producers' request for male animals at least nine months old which are fattened on their holdings.'

⁽¹⁾ OJ No C 300, 25. 11. 1988, p. 12.

⁽²⁾ Opinion delivered on 17 February 1989 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 15 December 1988 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁵⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽⁶⁾ OJ No L 132, 19. 5. 1973, p. 3.

⁽⁷⁾ OJ No L 61, 5. 3. 1977, p. 16.

The premium shall be limited to 90 animals per calendar year and per holding; the amount of the premium shall be set at ECU 40 per animal.

The premium shall be granted once only for each animal. It shall be paid to the producer or passed on to the producer.

2. The Council, acting on a proposal from the Commission by qualified majority, shall adopt general rules concerning the special premium, and in particular the definition of the producers eligible for the premium and the conditions governing the granting thereof;

- paragraph 3 is deleted and paragraph 4 becomes paragraph 3;

2. Article 6 is replaced by the following:

Article 6

1. Where the conditions laid down in paragraph 2 are met, buying in by intervention agencies in one or more Member States or in a region of a Member State of one or more categories, qualities or quality groups, to be determined, of fresh or chilled meat falling within CN codes 0201 10 and 0201 20 11 to 0201 20 59 and originating in the Community may be organized under tender procedures arranged with a view to ensuring reasonable support of the market, having regard to seasonal developments as regards slaughtering. The total quantity bought in under such arrangements shall not exceed 220 000 tonnes per year for the entire Community.

2. For each quality or quality group that may be bought in, the tender procedures may be opened as provided in paragraph 7 whenever, in a Member State or in a region of a Member State, the following two conditions are both met for a period of two consecutive weeks:

- the average Community grading market price recorded on the basis of the Community scale for the carcasses of adult bovine animals is less than 88 % of the intervention price,
- the average market price recorded on the basis of the said scale in the Member State or States or region of a Member State is less than 84 % of the intervention price.

The intervention price shall be set before the start of each marketing year in accordance with the procedure laid down in Article 43 (2) of the Treaty.

3. Tender arrangements for one or more qualities or quality groups shall be suspended in any one of the following three situations:

- where the maximum quantity referred to in paragraph 1 is reached,
- where, for two consecutive weeks, the two conditions referred to in paragraph 2 are no longer both met,

- where buying in is no longer appropriate in view of the criteria set out in paragraph 1.

4. Where the maximum quantity referred to in paragraph 1 is reached, tender procedures can be reopened according to the procedure laid down in paragraph 7 in the Member State or Member States or region of a Member State if one of the following two situations obtains:

- the conditions set out in paragraph 2 being met, exceptional circumstances are ascertained,
- for two consecutive weeks, the average Community market price and the average market price recorded on the basis of the Community grading scale for carcasses of adult bovine animals fall short of 84 % and 80 % of the intervention price, respectively.

5. Intervention shall also be opened if, for a period of two consecutive weeks, one of the following two situations obtains:

- in at least three Member States or regions of a Member State representing overall 55 % or more of Community production of young uncastrated male animals less than two years old or castrated male animals, the price recorded for these categories on the basis of the Community grading scale for carcasses of adult bovine animals falls short of 80 % of the intervention price; in this case, buying in shall take place for the categories concerned in the Member States or regions of a Member State where the price level is below this limit,
- the average Community market price recorded on the basis of the Community grading scale for carcasses of adult bovine animals falls short of 78 % of the intervention price for a specific category; in this case, buying in shall take place for the categories concerned in the Member States or regions of a Member State where the price level is below 80 % of the intervention price.

For these purchases, any offers at or below 80 % of the intervention price shall be accepted. Quantities bought in these circumstances shall not be counted against the maximum quantity referred to in paragraph 1.

6. Without prejudice to paragraph 5, for each quality or quality group eligible for intervention, the buying-in prices and the quantities accepted for intervention shall be determined under tender procedures and may, in special circumstances, be fixed by a Member State or a region of a Member State on the basis of recorded average market prices. The tender procedures must ensure equality of access for all persons concerned. They shall be opened on the basis of specifications to be determined taking commercial structures into account where necessary.

7. Under the procedure provided for in Article 27:

- the categories, qualities or quality groups of products eligible for intervention shall be determined,

- the opening or reopening of tender procedures and their suspension in the case referred to in the last indent of paragraph 3 shall be decided,
- the buying-in prices and the quantities accepted for intervention shall be fixed,
- the procedures implementing this Article, and in particular those designed to prevent market prices spiralling downward, shall be adopted,
- any transitional provisions necessary for the implementation of these arrangements shall be adopted.

The Commission shall decide on:

- opening intervention as referred to in paragraph 5 and suspending it where the condition laid down in that paragraph no longer applies,
- suspending buying in as referred to in the first and second indents of paragraph 3.

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

Done at Brussels, 2 March 1989.

Article 2

Regulation (EEC) No 1302/73 is hereby repealed.

Article 3

Before 1 April 1991 the Council shall review the maximum quantity laid down in Article 6 (1) of Regulation (EEC) No 805/68 in the light of experience and market prospects.

Article 4

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*. Subject to the second subparagraph hereof, it shall apply from 3 April 1989. Article 1 (1) shall apply to requests for the special premium which are lodged as from that date.

In Article 1 of Regulation (EEC) No 4132/88, 2 April 1989 shall be substituted for 5 March 1989.

For the Council

The President

J. L. SAENZ COSCULLUELA

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 February 1989

approving supplementary aid from the Federal Republic of Germany to the coal industry during 1988

(Only the German text is authentic)

(89/161/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry⁽¹⁾,

Whereas :

I

In its letter of 25 November 1988 the Government of the Federal Republic of Germany informed the Commission, pursuant to Article 9 (3) of Decision No 2064/86/ECSC, of a supplementary financial measure it intends to take in support of the coal industry with retroactive effect for 1988, in respect of sales of coal and coke to the Community iron and steel industry.

On 22 December 1987 the Commission adopted Decision 88/64/ECSC⁽²⁾ approving aid from the Federal Republic of Germany to the coal industry during 1988. This authorized the Government of the Federal Republic of Germany to grant directly or indirectly the financial support to the coal industry planned for 1988, where this had been submitted to the Commission for approval.

As stated in that Decision, the Government of the Federal Republic of Germany planned, under Decision No 2064/86/ECSC, to give aid in 1988 amounting to DM 3 500 million to sales of coal and coke to the Community iron and steel industry.

The Government of the Federal Republic of Germany informed the Commission in its letter of 25 November 1988 that the amount of aid to sales of coal and coke to the Community iron and steel industry specified in the Decision would not be sufficient.

The proposed increase for 1988 over the volume of aid authorized by the Commission would be DM 279 million, bringing the total amount of aid to sales of coal and coke in 1988 to DM 3 779 million.

This increase in aid is necessary to meet a growth in demand for coking coal in the Community iron and steel industry during 1988 and also to make up the difference between the world market price and production costs in Germany, which is greater than originally estimated.

The aid, now totalling DM 3 779 million, is compatible with Article 4 of Decision No 2064/86/ECSC, as its purpose is to make up the difference observed in 1988 between the world market price and production costs in respect of an output of 26,4 million tonnes, in conformity with the conditions set out in Article 12 of the Decision.

The planned aid should make it possible to stagger the closure of certain production sites. It therefore contributes to solving the social and regional problems related to developments in the coal industry, in conformity with the third indent of Article 2 (1) of the Decision.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

⁽²⁾ OJ No L 33, 5. 2. 1988, p. 34.

II

Pursuant to Article 11 (2) of Decision No 2064/86/ECSC, the Commission must ensure that the direct aid to current production which it approves is used exclusively for the purposes set out in Articles 3 to 6 thereof. The Commission must therefore be informed of the amount of the payments and the manner in which they are apportioned,

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized to grant supplementary aid for 1988 not exceeding DM 279 million to sales of blast-furnace coal and coke for the

Community iron and steel industry, bringing the total amount of aid authorized for 1988 to DM 3 779 million.

Article 2

The Government of the Federal Republic of Germany shall inform the Commission not later than 30 June 1989 of the actual amount of aid, paid in 1988.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 February 1989.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION DECISION

of 10 February 1989

supplementing the Annexes to Council Directive 82/894/EEC on the notification
of animal diseases within the Community

(89/162/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 82/894/EEC of 21
December 1982 on notification of animal diseases within
the Community ⁽¹⁾, as amended by Regulation (EEC) No
3768/85 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas the epidemiological situation with respect to
certain diseases not covered by Directive 82/894/EEC
could present an additional threat to Community herds;

Whereas, therefore, those additional diseases must be
added to the list of those which are notifiable;

Whereas further data will also be required, concerning
species affected by those diseases and not already
provided for;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Veterinary
Committee,

Article 1

Directive 82/894/EEC is hereby amended as follows:

1. the following is added to Annex I:

'African Horse Sickness
Vesicular Stomatitis
Peste des Petits Ruminants
Rift Valley Fever
Lumpy Skin Disease
Sheep and Goat Pox (Capripox)
Infectious Haematopoietic Necrosis';

2. the following is added at the end of lines 7, 8 and 9 in
paragraph 1 of Annex II:

'(f) equidae (g) fish (h) wild species'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 378, 31. 12. 1982, p. 58.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

COMMISSION DECISION

of 13 February 1989

amending for the second time Decision 84/90/EEC laying down the codified form for the notification of animal diseases pursuant to Council Directive 82/894/EEC

(89/163/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 82/894/EEC, of 21 December 1982, on the notification of animal diseases within the Community⁽¹⁾, as last amended by Commission Decision 89/162/EEC⁽²⁾, and in particular Article 5 and Annexes I and II thereof,

Whereas, Directive 82/894/EEC has been completed by Commission Decision 89/162/EEC; whereas therefore supplementary information is required, concerning certain additional diseases and species, in relation to the notification of animal diseases;

Whereas, therefore, it is necessary to amend the codified forms laid down in Commission Decision 84/90/EEC⁽³⁾, as amended by Decision 86/311/EEC⁽⁴⁾, to take account of the additional information required;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Article 1

Annexes I, II, III and IV to Decision 84/90/EEC are replaced by Annexes I, II, III and IV to this Decision with effect from 1 September 1989.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 378, 31. 12. 1982, p. 58.

⁽²⁾ See page 48 of this Official Journal.

⁽³⁾ OJ No L 50, 21. 2. 1984, p. 10.

⁽⁴⁾ OJ No L 196, 18. 7. 1986, p. 53.

[illegible]

Information required		Text to be transmitted
Commission reference number		DGVI/B.II.2/ADN1
(Estimated) date of completion of slaughter for human consumption (day/month/year)		___/___/___
Number of animals slaughtered for human consumption :	— Cattle	_____
	— Pigs	_____
	— Sheep	_____
	— Goats	_____
	— Poultry	_____
	— Equidae	_____
	— Fish	_____
	— Wild species	_____
(Estimated) date of completion of slaughter and destruction (day/month/year)		___/___/___
Numbers of animals killed and destroyed :	— Cattle	_____
	— Pigs	_____
	— Sheep	_____
	— Goats	_____
	— Poultry	_____
	— Equidae	_____
	— Fish	_____
	— Wild species	_____
Swine fever only — Distance from nearest pig holding (in metres):		_____
Number and type of pigs on the infected holding :	— Breeding pigs	_____
	— Piglets	_____
	— Fattening pigs	_____
Swine fever — Method used for diagnosis		___
Number and type of pigs clinically affected on the holding :	— Breeding pigs	_____
	— Piglets	_____
	— Fattening pigs	_____
End of coded section		
Free text (if required)		

(¹) Secondary outbreaks need to be notified to the Commission only.

NB : Lines marked with an asterisk (*) must be completed, otherwise notification will be rejected.

[illegible]

Information required		Text to be transmitted
	Commission reference number	DGVI/B.II.2/ADN2
	Date of completion of slaughter for human consumption (day/month/year) Number of animals slaughtered for human consumption : — Cattle — Pigs — Sheep — Goats — Poultry — Equidae — Fish — Wild species	____/____/____ _____ _____ _____ _____ _____ _____ _____ _____
	Date of completion of slaughter and destruction (day/month/year) Numbers of animals killed and destroyed : — Cattle — Pigs — Sheep — Goats — Poultry — Equidae — Fish — Wild species	____/____/____ _____ _____ _____ _____ _____ _____ _____ _____
	Swine fever only — Distance from nearest pig holding (in metres): Number and type of pigs on the infected holding : — Breeding pigs — Piglets — Fattening pigs	_____ _____ _____ _____
	Swine fever — Method used for diagnosis Number and type of pigs clinically affected on the holding : — Breeding pigs — Piglets — Fattening pigs	_____ _____ _____ _____
	End of coded section	
	Free text (if required)	

(¹) Secondary outbreaks need to be notified to the Commission only.
NB : Lines marked with an asterisk (*) must be completed, otherwise notification will be rejected.

ANNEX III

ANIMAL DISEASE NOTIFICATION — FORM 3

NOTIFICATION TO THE COMMISSION AND TO THE OTHER MEMBER STATES OF
LIFTING OF RESTRICTIONS FROM A REGION (OR REGIONS) IN ACCORDANCE
WITH DIRECTIVE 82/894/EEC

Information required		Text to be transmitted
	Commission reference number	DGVI/B.II.2/ADN3
	Date of dispatch (*) (day/month/year) Time of dispatch (*) (24-hour clock) Country of origin (*) Disease (*)	___/___/___ _____ _____ ___
	Region (*) Date restrictions lifted (*) (day/month/year) Time restrictions lifted (*) (24-hour clock)	_____ ___/___/___ _____
	Region (*) Date restrictions lifted (*) (day/month/year) Time restrictions lifted (*) (24-hour clock)	_____ ___/___/___ _____
	Region (*) Date restrictions lifted (*) (day/month/year) Time restrictions lifted (*) (24-hour clock)	_____ ___/___/___ _____
	Region (*) Date restrictions lifted (*) (day/month/year) Time restrictions lifted (*) (24-hour clock)	_____ ___/___/___ _____
	Repeat as often as necessary according to the above format	
	End of coded section	
	Free text (possible observations, etc.)	

NB: Lines marked with an asterisk (*) must be completed, otherwise notification will be rejected.

ANNEX IV
ANIMAL DISEASE NOTIFICATION — FORM 4

NOTIFICATION FROM THE COMMISSION TO THE MEMBER STATES OF OUTBREAKS OF DISEASE WITHIN THE COMMUNITY IN ACCORDANCE WITH
DIRECTIVE 82/894/EEC

Commission reference number	DGV/BIL2/ADN4				
Date of dispatch (date/month/year)	_/_/_				
Time of dispatch (24-hour clock)	_/_				
Country under report	_/_/_				
Disease	_/_/_				
Period of report (from/to)	_/_/_ to _/_/_				
Total number of outbreaks (per country)	Primary				
Total number of outbreaks (per region)	Secondary				
and so on as required					
Total : — Cattle — Pigs — Sheep — Goats — Poultry — Equidae — Fish — Wild species	(1)	(2)	(3)	(4)	(5)
Information on serial number	(6)	(7)	(8)	(9)	(10)
Information on serial number	(6)	(7)	(8)	(9)	(10)
Information on serial number	(6)	(7)	(8)	(9)	(10)
Information on serial number	(6)	(7)	(8)	(9)	(10)
and so on (as required)	(6)	(7)	(8)	(9)	(10)
Swine fever only	(11)	(12)	(13)	(14)	(15)
Total number : — Breeding pigs — Piglets — Fattening pigs	(11)	(12)	(13)	(14)	(15)
End of coded section	(11)	(12)	(13)	(14)	(15)

Each group above is repeated as required for other diseases and for each country.

(1) Total number of susceptible animals on holding(s).
(2) Total number of clinically affected animals on holding(s).
(3) Total number of dead animals on holding(s).
(4) Total number of slaughtered animals on holding(s).
(5) Total number of destroyed animals on holding(s).
(6) Serial number (year/number).
(7) Region.
(8) Type of outbreak (primary or secondary).
(9) Date of confirmation of disease on holding.
(10) Origin of disease.
(11) Serial number to which this outbreak relates.
(12) Method used for diagnosis.
(13) Distance from nearest pig holding.
(14) Total numbers and types of pig on holdings.
(15) Total numbers and types of pig clinically affected on holdings.

COMMISSION DECISION

of 14 February 1989

concerning the areas referred to in Article 3 (2) of Council Regulation (EEC) No 2506/88 instituting a Community programme to assist the conversion of shipbuilding areas (Renaval programme)

(Only the German text is authentic)

(89/164/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas those areas satisfy the abovementioned criteria,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS DECISION:

Having regard to Council Regulation (EEC) No 2506/88 of 26 July 1988 instituting a Community programme to assist the conversion of shipbuilding areas (Renaval programme)⁽¹⁾, and in particular Article 3 (2) thereof,

Article 1

The cities of Bremen and Bremerhaven in the Federal Republic of Germany are hereby found to satisfy the criteria in Article 3 (1) of Regulation (EEC) No 2506/88. The Community programme instituted by that Regulation shall therefore apply to those areas.

Whereas Article 3 (2) of Regulation (EEC) No 2506/88 stipulates that the Community programme shall apply to areas which satisfy the criteria specified in Article 3 (1) of that Regulation;

Article 2

This Decision is addressed to the Federal Republic of Germany.

Whereas the Member State concerned must submit an application for approval of the areas to which the Community programme is to apply; whereas the Federal Republic of Germany has transmitted to the Commission an application in respect of the cities of Bremen and Bremerhaven;

Done at Brussels, 14 February 1989.

For the Commission

Bruce MILLAN

Member of the Commission

⁽¹⁾ OJ No L 225, 15. 8. 1988, p. 24.

COMMISSION DECISION

of 22 February 1989

recognizing that the United Kingdom applies to heat-treated milk intended for direct home consumption the microbiological standards laid down for step 2 in Directive 85/397/EEC

(89/165/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 85/397/EEC of 5 August 1985 on animal-health and public health problems affecting intra-Community trade in heat-treated milk⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 10 (1) thereof,

Whereas Article 10 (1) of the said Directive provides that a Member State which, from 1 January 1989, applies to heat-treated milk intended for home consumption the microbiological standards laid down for step 2 may, after such application has been established in accordance with the procedure laid down in Article 14, make the entry of sterilized and UHT milk subject to the standards laid down in that step for the finished product, and the entry of pasteurized milk subject to the standards laid down for both untreated and pasteurized milk;

Whereas the authorities of the United Kingdom, by letter of 1 December 1988, have informed the Commission of the national public health requirements on heat-treated milk, intended for direct home consumption;

Whereas these requirements will enter into force on 1 January 1989;

Whereas after examination at the meeting of the Standing Veterinary Committee on 19 December 1988, it has been established that the United Kingdom from 1 January 1989 will apply the microbiological standards for step 2, laid down in Annex A, Chapters VI and VII, to the said Directive, on heat-treated milk, intended for direct home consumption; whereas on the other hand the authorities

of the United Kingdom have engaged themselves not to send milk for direct human consumption from their territory to that of other Member States, if such milk does not satisfy the microbiological standard laid down for step 2;

Whereas this Decision does not affect the conditions of entry into the territory of the United Kingdom of dairy products, in particular those in relation to the microbiological level of the milk used for their production;

Whereas the measures provided for in this Decision for in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

From 1 January 1989 the United Kingdom applies to heat-treated milk intended for direct home consumption the microbiological standards laid down for step 2 in Directive 85/397/EEC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 226, 24. 8. 1985, p. 13.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

COMMISSION DECISION

of 23 February 1989

on the payment of advances and the fixing of the Community contribution towards permanent abandonment premiums granted in respect of vine-growing areas

(89/166/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of vine-growing areas⁽¹⁾, and in particular Article 16 (3) thereof,

Whereas applications for the payment of advances and the statements of permanent abandonment premiums paid intended for the fixing each year of the Community's contribution, to be presented by the Member States to the Guidance and Guarantee Sections of the European Agricultural Guidance and Guarantee Fund (EAGGF), should contain certain information so that an examination can be made of the conformity of the expenditure with the provisions of Regulation (EEC) No 1442/88 and of Commission Regulation (EEC) No 2729/88⁽²⁾, as last amended by Regulation (EEC) No 3445/88⁽³⁾;

Whereas, in order to permit effective checks, Member States should keep the supporting documents at the disposal of the Commission for a period of three years from the date on which the Community contribution is fixed;

Whereas it is necessary, in order to effect payment of the advances provided for in Articles 14 (3) and 15 (1) of Regulation (EEC) No 1442/88, to lay down the relevant detailed rules and procedures;

Whereas the measures provided for in the Decision are in accordance with the opinion of the European Agricultural Guidance and Guarantee Fund Committee,

HAS ADOPTED THIS DECISION:

Article 1

Applications for advances drawn up in respect of expenditure eligible for reimbursement from the Guarantee and Guidance Sections of the European Agricultural Guidance and Guarantee Fund, referred to in Articles 14 (3) and 15 (1) of Regulation (EEC) No 1442/88, shall be in conformity with the tables set out in Annexes I, I.1 and I.2.

Article 2

1. Advances from the Guarantee and Guidance Sections of the European Agricultural Guidance and Guarantee Fund shall not be more than the amount of the Community contribution towards the financing of the expenditure planned during the reference year.
2. Advances which are not expended during the year in respect of which they are paid shall be deducted from advances to be paid in respect of the following year.
3. Advances for the following year shall be paid only after the statement of the permanent abandonment premiums paid referred to in Article 3 (1) has been sent to the Commission.

Article 3

1. The statement of the permanent abandonment premiums paid during a year referred to in Article 16 (1) of Regulation (EEC) No 1442/88 shall be in conformity with the tables set out in Annexes II, II.1, II.2 and III.
2. Member States shall forward to the Commission, with the first statement of the permanent abandonment premiums paid, the texts of the national implementing provisions and of the administrative instructions, and the forms or any other documents concerning the administrative application of the scheme.

Article 4

Member States shall keep available to the Commission, for a period of three years from the date on which the Community contribution was last fixed, all the supporting documents or certified copies thereof which are in their possession, on the basis of which premiums provided for in Regulation (EEC) No 1442/88 were granted and the applications for advances and statements of premiums were drawn up.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 132, 28. 5. 1988, p. 3.

⁽²⁾ OJ No L 241, 1. 9. 1988, p. 108.

⁽³⁾ OJ No L 302, 5. 11. 1988, p. 21.

ANNEX I

APPLICATION FOR PAYMENT OF AN ADVANCE FOR 19... PURSUANT TO REGULATION (EEC) No 1442/88 ON THE GRANTING OF PERMANENT ABANDONMENT PREMIUMS ON RESPECT OF VINE-GROWING AREAS

Summary table

Type of premium	Expected number of beneficiaries	Total amount of eligible expenditure planned by Member State (national currency)	Amount of advance applied for by Member State ⁽¹⁾ (national currency)
(1)	(2)	(3)	(4)
Single premium (total of Annex I.1)			
Annual premium (total of Annex I.2)			
TOTAL			
		Advance not expended, carried over from the previous year	
		Amount of advance applied for	

⁽¹⁾ Amount equal to a maximum of 70 % of the amount in column (3)

ANNEX I.1

Aid granted in the form of a single premium in accordance with Article 2 (1), (2) and (4) of the Regulation

Administrative unit ⁽¹⁾	Expected number of beneficiaries	Expected area (in ha, a and ca)	Total amount of eligible expenditure planned by Member State ⁽²⁾ (national currency)	Amount of advance applied for by Member State ⁽³⁾ (national currency)
(1)	(2)	(3)	(4)	(5)
TOTAL				

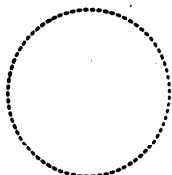
⁽¹⁾ The administrative units should be grouped by region as defined in the Annex to Council Regulation (EEC) No 2052/88 (OJ No L 185, 15. 7. 1988, p. 9).

⁽²⁾ Account has been taken of deductions from or increases in the premiums, if any, provided for in Articles 7 (1) and 2 (2) of Regulation (EEC) No 1442/88.

⁽³⁾ Amount equal to a maximum of 70 % of the amount in column (4)

- (a) the applications for the grant of the permanent abandonment premium in respect of vine-growing areas were submitted on or before 31 December of the previous year and contain the particulars and supporting documents provided for in Article 4 (1) of Regulation (EEC) No 2729/88, and the procedure for the appraisal of the aid applications is in conformity with the provisions of Article 4 (2) and (3) and Article 6 of that Regulation ;
- (b) the advance applied for is in respect of vine-growing areas intended for the types of production or cultivation referred to in Article 1 (1) of Regulation (EEC) No 1442/88 ;
- (c) the grant of the premium is subject to the conditions laid down in Articles 1 (2), 3 and 4 (3) of Regulation (EEC) No 1442/88 ;
- (d) applicants have given the undertaking referred to in Article 4 (2) of Regulation (EEC) No 1442/88 ;
- (e) the amounts of the premiums provided for are in accordance as appropriate, with the amounts referred to in Article 2 (1) and (2) of Regulation (EEC) No 1442/88 or, in the case of Spain, with the amounts referred to in Annex II to Regulation (EEC) No 2729/88 ;
- (f) for permanent abandonment premiums granted in the form of annual premiums, the amounts and conditions for the grant thereof are those laid down in Article 9 of Regulation (EEC) No 1442/88 ;

- (g) the permanent abandonment premiums paid in advance to vine-growers are granted in accordance with the conditions laid down in Article 5 of Regulation (EEC) No 2729/88;
- (h) the appropriations necessary for the national financial contribution are available and will be paid for the beneficiaries during the year in respect of which the advances are applied for;
- (i) the advances from the EAGGF will be made available to the beneficiaries before the end of the year. Beneficiaries will be informed in an appropriate manner, at the time of payment of the permanent abandonment premium, of the appropriations coming from the Community (an information memo on the procedure laid down for this purpose is attached to this application).



.....
(Stamp and signature of competent authority)

ANNEX II

STATEMENT OF PERMANENT ABANDONMENT PREMIUMS PAID

Report on the use of advances paid for 19... pursuant to Regulation (EEC) No 1442/88 on the granting of permanent abandonment premiums in respect of vine-growing areas

Summary table

Type of premium	Expected number of beneficiaries	Total amount of eligible expenditure incurred by Member State (national currency)	EAGGF contribution applied for ⁽¹⁾ (national currency)
(1)	(2)	(3)	(4)
Single premium (Total of Annex II.1)			
Annual premium (Total of Annex II.2)			
TOTAL			
		Total amount of advance available for the year	
		Amount of advance not expended to be carried over to the following year/or amount of balance still to be reimbursed	

⁽¹⁾ Amount equal to a maximum of 70 % of the amount in column (3)

ANNEX II.1

Aid granted in the form of a single premium in accordance with Article 2 (1), (2) and (4) of the Regulation

Administrative unit ⁽¹⁾	Number of beneficiaries	Area concerned (in ha, a and ca)	Total amount of eligible expenditure incurred by Member State ⁽²⁾ (national currency)	EAGGF contribution applied for ⁽³⁾ (national currency)
(1)	(2)	(3)	(4)	(5)
TOTAL				

⁽¹⁾ The administrative units should be grouped by region as defined in the Annex to Council Regulation (EEC) No 2052/88 (OJ No L 185, 15. 7. 1988, p. 9).

⁽²⁾ Account has been taken of deductions from or increases in the premiums, if any, provided for in Articles 7 (1) and 2 (2) of Regulation (EEC) No 1442/88.

⁽³⁾ Amount equal to a maximum of 70 % of the amount in column (4)

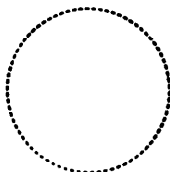
Aid granted in the form of an annual premium in accordance with Article 9 of the Regulation

Administrative unit (¹)	Number of beneficiaries	Area concerned (in ha, a, and ca)	Total amount of eligible expenditure incurred by Member State (national currency)	EAGGF contribution applied for (²) (national currency)
(1)	(2)	(3)	(4)	(5)
TOTAL				

(2) Amount equal to a maximum of 70 % of the amount in column (4).

- (a) the premium has been granted for the permanent abandonment of vine-growing areas used for the types of production or cultivation referred to in Article 1 (1) of Regulation (EEC) No 1442/88 ;
- (b) the permanent abandonment premium has not been granted for the vine-growing areas referred to in Article 3 of Regulation (EEC) No 1442/88 ;
- (c) the grant of the premium is subject to the conditions laid down in Article 1 (2) of Regulation (EEC) No 1442/88 ;
- (d) the Member State has verified compliance with the undertakings and conditions provided for in Article 4 (2) and (3) of Regulation (EEC) No 1442/88 ;
- (e) in the case of premiums granted for vine-growing areas planted with wine grape varieties, the yield per hectare has been determined in accordance with Article 2 (3) of Regulation (EEC) No 1442/88, and subsequently attested by an official declaration ;
- (f) the premiums granted pursuant to Article 2 (1) (c) of Regulation (EEC) No 1442/88 concern the varieties referred in Annex I to Regulation (EEC) No 2729/88 ; the premiums granted in respect of associated crop areas are expressed as provided for in Article 5 of Regulation (EEC) No 1442/88 ; where premiums are granted to wine cooperatives or associations of vine-growers, the rules laid down in Article 7 (1) of Regulation (EEC) No 1442/88 have been observed ;

- (g) the aid applications were lodged on or before 31 December of the wine year concerned and were examined in accordance with Article 4 (2) and (3) and Article 6 of Regulation (EEC) No 2729/88 ;
- (h) the amounts of the premiums are in accordance, as appropriate, with the amounts provided for in Article 2 (1) and (2) of Regulation (EEC) No 1442/88 ; in the case of Spain, the premiums are in accordance with the amounts set out in Annex II to Regulation (EEC) No 2729/88 ;
- (i) where the permanent abandonment premium is granted in the form of an annual premium, the amount of that premium and the conditions for the grant thereof are in accordance with Article 9 of Regulation (EEC) No 1442/88 ;
- (j) the permanent abandonment premium is paid not later than the end of the calendar year following that in which the application for the premiums was submitted, provided that the applicant shows that he has carried out the grubbing-up ; permanent abandonment premiums paid in advance to vine-growers are granted in accordance with the conditions laid down in Article 5 of Regulation (EEC) No 2729/88.



.....
Stamp and signature of competent authority

(¹) For cases which have been the subject of a communication pursuant to Council Regulation (EEC) No 283/72 (OJ No L 36, 10. 2. 1972, p. 1), this information is to be given on an itemized basis.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 4213/88 of 21 December 1988 adjusting the common marketing standards for Norway lobster (*Nephrops norvegicus*)

(Official Journal of the European Communities No L 370 of 31 December 1988)

On page 33, in Article 1 (1):

for: 'E',

read: 'E'.

Corrigendum to Commission Regulation (EEC) No 522/89 of 28 February 1989 fixing the amount of aid for peas, field beans and sweet lupins

(Official Journal of the European Communities No L 58 of 1 March 1989)

Page 47, Annex IX, column 'BLEU':

for: '42,4852',

read: '42,4582'.

EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF LIVING AND WORKING
CONDITIONS

NEW TECHNOLOGY IN MANUFACTURING INDUSTRY

This information brochure is based on 26 case-studies conducted in Belgium, the Federal Republic of Germany, France, Italy and the United Kingdom on behalf of the European Foundation. The studies concentrate on the following areas:

- technological state of development of CNC machines, CAD/CAM systems and the degree of integration of design, planning and manufacturing;
- extent of introduction of integrated CAD/CAM systems;
- potential impact on manufacturing industry in economic and organizational terms;
- impact on the interaction between man, machine and work organization;
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