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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2299/89**of 24 July 1989****on a code of conduct for computerized reservation systems**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

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

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

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

Whereas the bulk of airline reservations are made through computerized reservation systems;

Whereas such systems can, if properly used, provide an important and useful service to air carriers, travel agents and the travelling public by affording easy access to up-to-date and accurate information on flights, fares and seat availability, making reservations and, in some cases, issuing tickets and boarding passes;

Whereas abuses in the form of denial of access to the systems or discrimination in the provision, loading or display of data or unreasonable conditions imposed on participants or subscribers can seriously disadvantage air carriers, travel agents and ultimately consumers;

Whereas this Regulation is without prejudice to the application of Articles 85 and 86 of the Treaty;

Whereas Commission Regulation (EEC) No 2672/88 ⁽⁴⁾ exempts for the provisions of Article 85 (1) of the Treaty agreements for the common purchase, development and operation of computerized reservation systems;

Whereas a mandatory code of conduct applicable to all computerized reservation systems and/or distribution

facilities offered for use and/or used in the Community could ensure that such systems are used in a non-discriminatory and transparent way, subject to certain safeguards, so avoiding their misuse while reinforcing undistorted competition between air carriers and between computerized reservation systems and thereby protecting the interests of consumers;

Whereas it would not be appropriate to impose obligations on a computerized reservation system vendor or on a parent or participating carrier in respect of an air carrier of a third country which, alone or jointly with others, owns and/or controls another such system which does not conform with this code or offer equivalent treatment;

Whereas a complaints investigation and enforcement procedure for non-compliance with such a code is desirable,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to computerized reservation systems (CRSs) when offered for use and/or used in the territory of the Community for the distribution and sale of air transport products irrespective of:

- the status or nationality of the system vendor,
- the source of the information used or the location of the relevant central data processing unit,
- the geographical location of the air transport product concerned.

Article 2

For the purpose of this Regulation:

- (a) 'air transport product' shall mean a scheduled passenger air service, including any related ancillary services and additional benefits offered for sale and/or sold as an integral part of the air service;

⁽¹⁾ OJ No C 294, 18. 11. 1988, p. 12.

⁽²⁾ OJ No C 158, 26. 6. 1989.

⁽³⁾ OJ No C 56, 6. 3. 1989, p. 32.

⁽⁴⁾ OJ No L 239, 30. 8. 1988, p. 13.

(b) 'computerized reservation system (CRS) shall mean a computerized system containing information about, *inter alia*, air carriers'

- schedules,
- availability,
- fares, and
- related services

with or without facilities through which

- reservations can be made or
- tickets may be issued

to the extent that some or all of these services are made available to subscribers;

(c) 'distribution facilities' shall mean facilities provided by a system vendor to a subscriber or consumer for the provision of information about air carriers' schedules, availability, fares and related services and for making reservations and/or issuing tickets, and for any other related services;

(d) 'system vendor' shall mean any entity and its affiliates which are responsible for the operation or marketing of a CRS;

(e) 'parent carrier' shall mean an air carrier which is a system vendor or which directly or indirectly, alone or jointly with others, owns or controls a system vendor;

(f) 'participating carrier' shall mean an air carrier which has an agreement with a system vendor for the distribution of its air transport products through a CRS. To the extent that a parent carrier uses the distribution facilities of its own CRS, it shall be considered a participating carrier;

(g) 'subscriber' shall mean a person or an undertaking, other than a participating carrier, using under contract or other arrangement with a system vendor a CRS for the sale of air transport products directly to individual members of the public;

(h) 'consumer' shall mean any person seeking information about and/or intending to purchase an air transport product;

(i) 'principal display' shall mean a comprehensive neutral display of data concerning services between city pairs, within a specified time period, containing *inter alia* all direct flights by participating carriers;

(j) 'elapsed journey time' shall mean the time difference between scheduled departure and arrival time;

(k) 'service enhancement' shall mean any product or service offered by a system vendor on its own behalf to subscribers or consumers in conjunction with a CRS other than distribution facilities;

(l) 'scheduled air service' shall mean a series of flights each possessing all the following characteristics:

— it is performed by aircraft for the transport of passengers or passengers and cargo and/or mail for remuneration, in such a manner that on each flight seats are available for individual purchase by members of the public (either directly from the air carrier or from its authorized agents),

— it is operated so as to serve traffic between the same two or more points, either:

1. according to a published timetable; or
2. with flights so regular or frequent that they constitute a recognizably systematic series.

Article 3

1. A system vendor offering distribution facilities in respect of scheduled passenger air services shall allow any air carrier the opportunity to participate, on an equal and non-discriminatory basis, in these facilities within the available capacity of the system concerned, subject to any technical constraints outside the control of the system vendor.

2. (a) A system vendor shall not

- attach unreasonable conditions to any contract with a participating carrier,
- require the acceptance of supplementary conditions which, by their nature or according to commercial usage, have no connection with participation in its CRS and shall apply the same conditions for the same level of service.

(b) A system vendor shall not make it a condition of participation in its CRS that a participating carrier may not at the same time be a participant in another system.

(c) A participating carrier shall have the right to terminate his contract with a system vendor without penalty on giving notice which need not exceed six months, to expire no earlier than the end of the first year.

3. Loading and processing facilities provided by the system vendor shall be offered to all participating carriers without discrimination.

4. If the system vendor adds any improvement to the distribution facilities provided or the equipment used in the provision of the facilities, it shall offer these improvements to all participating carriers on the same terms and conditions, subject to current technical limitations.

Article 4

1. Participating carriers and others providing material for inclusion in a CRS shall ensure that the data submitted are comprehensive, accurate, non-misleading and transparent.

2. A system vendor shall not manipulate the material referred to in paragraph 1 in a manner that would lead to inaccurate, misleading or discriminatory information being provided.

3. A system vendor shall load and process data provided by participating carriers with equal care and timeliness, subject to the constraints of the loading method selected by individual participating carriers and to the standard formats used by the said vendor.

Article 5

1. A system vendor shall provide a principal display and shall include therein data provided by participating carriers on schedules, fares and seats available for individual purchase in a clear and comprehensive manner and without discrimination or bias, in particular as regards the order in which information is presented.

2. A system vendor shall not intentionally or negligently display inaccurate or misleading information and, subject to Article 9 (5), in particular:

- the criteria to be used for ranking information shall not be based on any factor directly or indirectly relating to carrier identity and shall be applied on a non-discriminatory basis to all participating carriers,
- no discrimination on the basis of different airports serving the same city shall be exercised in constructing and selecting city-pairs.

3. Ranking of flight options in the principal display, for the day or days requested, shall be as set out in the Annex unless requested in a different way by a consumer for an individual transaction.

Article 6

A system vendor shall provide information, statistical or otherwise, generated by its CRS, other than that offered as an integral part of the distribution facilities, only as follows:

- (a) information concerning individual bookings shall be made available on an equal basis to the air carrier or air carriers participating in the service covered by the booking;

(b) information in aggregate or anonymous form when made available on request to any air carrier shall be offered to all participating air carriers on a non-discriminatory basis;

(c) other information generated by the CRS shall be made available with the consent of the air carrier concerned and subject to any agreement between a system vendor and participating carriers;

(d) personal information concerning a consumer and generated by a travel agent shall be made available to others not involved in the transaction only with the consent of the consumer.

Article 7

1. The obligations of a system vendor under Articles 3 to 6 shall not apply in respect of a parent carrier of a third country to the extent that its CRS does not conform with this Regulation or does not offer Community air carriers equivalent treatment to that provided under this Regulation.

2. The obligations of parent and participating carriers under Article 8 shall not apply in respect of a CRS controlled by air carriers of a third country to the extent that a parent or participating carrier is not accorded equivalent treatment in that country to that provided under this Regulation and under Commission Regulation (EEC) No 2672/88.

3. A system vendor or an air carrier proposing to avail itself of the provisions of paragraphs 1 or 2 must notify the Commission of its intentions and the reasons therefor at least 14 days in advance of such action. In exceptional circumstances, the Commission may, at the request of the vendor or the air carrier concerned, grant a waiver from the 14-day rule.

4. Upon receipt of a notification, the Commission shall without delay determine whether discrimination within the meaning of paragraphs 1 and 2 exists. If this is found to be the case, the Commission shall so inform all system vendors or the air carriers concerned in the Community as well as Member States. If discrimination within the meaning of paragraph 1 or 2 does not exist, the Commission shall so inform the system vendor or air carriers concerned.

Article 8

1. A parent or participating carrier shall not link the use of any specific CRS by a subscriber with the receipt of any commission or other incentive for the sale of or issue of tickets for any of its air transport products.

2. A parent or participating carrier shall not require use of any specific CRS by a subscriber for any sale or issue of tickets for any air transport products provided either directly or indirectly by itself.

3. Paragraphs 1 and 2 shall be without prejudice to any condition which an air carrier may require of a travel agent when authorizing it to sell and issue tickets for its air transport products.

Article 9

1. A system vendor shall make any of the distribution facilities of a CRS available to any subscriber on a non-discriminatory basis.

2. A system vendor shall not require a subscriber to sign an exclusive contract, nor directly or indirectly prevent a subscriber from subscribing to, or using, any other system or systems.

3. A service enhancement offered to any other subscriber shall be offered by the system vendor to all subscribers on a non-discriminatory basis.

4. A system vendor shall not attach unreasonable conditions to any contract with a subscriber and, in particular, a subscriber may terminate his contract with a system vendor, without penalty, on giving notice which need not exceed three months to expire no earlier than the end of the first year.

5. A system vendor shall ensure, either through technical means or through the contract with the subscriber, that the principal display is provided for each individual transaction and that the subscriber does not manipulate material supplied by CRSs in a manner that would lead to inaccurate, misleading or discriminatory presentation of information to consumers. However, for any one transaction a subscriber may re-order data or use alternative displays to meet a preference expressed by a consumer.

6. A system vendor shall not impose any obligation on a subscriber to accept an offer of technical equipment, but may require the use of equipment compatible with its own system.

Article 10

1. Any fee charged by a system vendor shall be non-discriminatory and reasonably related to the cost of the service provided and used, and shall, in particular, be the same for the same level of service.

2. A system vendor shall, on request, provide to interested parties details of current procedures, fees, systems facilities, editing and display criteria used. However, this provision does not oblige a system vendor

to disclose proprietary information such as software programmes.

3. Any changes to fee levels, conditions or facilities offered and the basis therefor shall be communicated to all participating carriers and subscribers on a non-discriminatory basis.

Article 11

1. Acting on receipt of a complaint or on its own initiative, the Commission shall initiate procedures to terminate infringement of the provisions of this Regulation.

2. Complaints may be submitted by:

- (a) Member States;
- (b) natural or legal persons who claim a legitimate interest.

3. The Commission shall immediately forward to the Member States copies of the complaints and applications and of all relevant documents sent to it or which it sends out in the course of such procedures.

Article 12

1. In carrying out the duties assigned to it by this Regulation, the Commission may obtain all necessary information from the Member States and from undertakings and associations of undertakings.

2. The Commission may fix a time limit of not less than one month for the communication of the information requested.

3. When sending a request for information to an undertaking or association of undertakings, the Commission shall forward a copy of the request at the same time to the Member State in whose territory the head office of the undertaking or association of undertakings is situated.

4. In its request, the Commission shall state the legal basis and purpose of the request and also the penalties for supplying incorrect information provided for in Article 16 (1).

5. The owners of the undertakings or their representatives and, in the case of legal persons or of companies, firms or associations not having legal personality, the person authorized to represent them by law or by their rules shall be bound to supply the information requested.

Article 13

1. In carrying out the duties assigned to it by this Regulation, the Commission may undertake all necessary investigations into undertakings and associations of undertakings. To this end, officials authorized by the Commission shall be empowered:

- (a) to examine the books and other business records;
- (b) to take copies of, or extracts from, the books and business records;
- (c) to ask for oral explanations on the spot;
- (d) to enter any premises, land and vehicles used by undertakings or associations of undertakings.

2. The authorized officials of the Commission shall exercise their powers upon production of an authorization in writing specifying the subject matter and purpose of the investigation and the penalties provided for in Article 16 (1) in cases where production of the required books or other business records is incomplete. In good time before the investigation, the Commission shall inform the Member State, in whose territory the same is to be made, of the investigation and the identity of the authorized officials.

3. Undertakings and associations of undertakings shall submit to investigations ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the investigation, appoint the date on which it is to begin and indicate the penalties provided for in Article 16 (1) and the right to have the decision reviewed in the Court of Justice.

4. The Commission shall take the decisions mentioned in paragraph 3 after consultation with the Member State in the territory of which the investigation is to be made.

5. Officials of the Member State in the territory of which investigation is to be made may assist the Commission officials in carrying out their duties, at the request of the Member State or of the Commission.

6. Where an undertaking opposes an investigation ordered pursuant to this Article, the Member State concerned shall afford the necessary assistance to the officials authorized by the Commission to enable them to make their investigation.

Article 14

1. Information acquired as a result of the application of Articles 12 and 13 shall be used only for the purposes of the relevant request or investigation.

2. Without prejudice to Articles 11 and 20, the Commission and the competent authorities of the Member States, their officials and other servants shall not disclose information of a kind covered by the obligation of professional secrecy which has been acquired by them as a result of the application of this Regulation.

3. Paragraphs 1 and 2 shall not prevent publication of general information or of surveys which do not contain information relating to particular undertakings or associations of undertakings.

Article 15

1. When an undertaking or association of undertakings does not supply the information requested within the time limit fixed by the Commission or supplies incomplete information, the Commission shall by decision require the information to be supplied. The decision shall specify what information is required, fix an appropriate time limit within which it is to be supplied and indicate the penalties provided for in Article 16 (1) as well as the right to have the decision reviewed by the Court of Justice.

2. At the same time the Commission shall send a copy of its decision to the competent authority of the Member State in the territory of which the head office of the undertaking or association of undertakings is situated.

Article 16

1. The Commission may, by decision, impose fines on undertakings or associations of undertakings from ECU 1 000 to 50 000 where, intentionally or negligently:

- (a) they supply incorrect information in response to a request made pursuant to Article 12 or do not supply information within the time limit fixed;
- (b) they produce the required books or other business records in incomplete form during investigations or refuse to submit to an investigation pursuant to Article 13 (1).

2. The Commission may, by decision, impose fines on system vendors, parent carriers, participating carriers and/or subscribers for infringements of this Regulation up to a maximum of 10 % of the annual turnover for the relevant activity of the undertaking concerned.

In fixing the amount of the fine, regard shall be had both to the seriousness and to the duration of the infringement.

3. Decisions taken pursuant to paragraphs 1 and 2 shall not be of a penal nature.

Article 17

The Court of Justice shall have unlimited jurisdiction within the meaning of Article 172 of the Treaty to review decisions whereby the Commission has imposed a fine; it may cancel, reduce or increase the fine.

Article 18

For the purposes of applying Article 16, the ecu shall be that adopted in drawing up the general budget of the European Communities in accordance with Articles 207 and 209 of the Treaty.

Article 19

1. Before taking decisions as provided for in Article 16, the Commission shall give the undertakings or associations of undertakings concerned the opportunity of being heard on the matters to which the Commission takes, or has taken, objection.
2. Should the Commission or the competent authorities of the Member States consider it necessary, they may also hear other natural or legal persons. Applications by such persons to be heard shall be granted when they show a sufficient interest.

Article 20

1. The Commission shall publish the decisions which it adopts pursuant to Article 16.
2. Such publication shall state the names of the parties and the main content of the decision; it shall have regard to the legitimate interest of undertakings in the protection of their business secrets.

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

Done at Brussels, 24 July 1989.

Article 21

1. This Regulation shall apply from 1 August 1989 to all CRSs for scheduled passenger air services.
2. Notwithstanding paragraph 1, Articles 5 (3) and 9 (5) shall not apply until 1 January 1990 to CRSs which have established their central administration and their principal place of business in the Community before 1 August 1989. The Commission may grant a further 12 months' waiver to CRSs which for technical reasons are unable to comply with these provisions by 1 January 1990.

Article 22

This Regulation shall be without prejudice to national legislation on security, public order and data protection.

Article 23

The Council shall decide on the revision of this Regulation by 31 December 1992, on the basis of a Commission proposal to be submitted by 31 March 1992 accompanied by a report on the application of this Regulation.

For the Council

The President

H. NALLET

ANNEX

RANKING CRITERIA

General criteria

1. A principal display shall, wherever practicable, include connecting flights of participating carriers constructed by using a minimum number of nine connecting points. A participating carrier may request the inclusion of an indirect service unless the routing is in excess of 130 % of the great circle distance between the two airports. Connecting points with routings in excess of 130 % need not be used.
2. A system vendor shall not use the screen space in its principal displays in a manner which gives excessive exposure to one particular travel option or which displays unrealistic travel options.
3. Where a system vendor chooses to display information for any city-pair in relation to the schedules or fares of non-participating carriers, such information shall be displayed in an accurate, non-misleading and non-discriminatory manner as between those carriers displayed.
4. If information as to the number of direct air services and the identity of the air carriers concerned is not comprehensive, this shall be clearly stated on the relevant display.

Criteria for scheduled air services

1. Ranking of flight options in principal displays for scheduled air services, for the day or days requested, shall be in the following order unless requested in a different way by a consumer for an individual transaction:
 - (i) all non-stop direct flights between the city-pairs concerned;
 - (ii) other direct flights, not involving a change of aircraft, between the city-pairs concerned;
 - (iii) connecting flights.

A consumer shall at least be afforded the possibility of requesting the principal display ranked by departure or arrival time and/or elapsed journey time. Unless a consumer preference is expressed, a principal display shall be ranked by departure time for group (i) and elapsed journey time for groups (ii) and (iii).

2. Scheduled flights involving stops *en route*, change of aircraft, change of airport and/or code-sharing shall be clearly identified. Code-sharing flights shall be treated as connecting flights.
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COMMISSION REGULATION (EEC) No 2300/89

of 28 July 1989

amending Regulation (EEC) No 3152/85 laying down detailed rules for the application of Council Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy

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 12 thereof,

Whereas Article 3 of Regulation (EEC) No 1676/85 determines the exchange rates to be used to convert into ecus the amounts relating to world market data which are expressed in national currency;

Whereas, to ensure a uniform approach within the Community and to simplify administrative management, it should be specified that in principle the rates used for fixing or adjusting the monetary compensatory amounts are to be used to convert into ecus the amounts relating to world market data expressed in national currencies; whereas that provision should be introduced into Commission Regulation (EEC) No 3152/85⁽³⁾, as last amended by Regulation (EEC) No 3890/88⁽⁴⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the management committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 3a is hereby inserted into Regulation (EEC) No 3152/85:

Article 3a

Without prejudice to measures adopted pursuant to Article 3 (2) of Regulation (EEC) No 1676/85, the rates used to fix or, where appropriate, to adjust, the monetary compensatory amounts shall be used for the conversion into ecus referred to in the first indent of paragraph 1 (a) of that Article.

The Commission shall publish the rates in the "L" series of the *Official Journal of the European Communities*.

Article 2

This Regulation shall enter into force on 31 July 1989.

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

Done at Brussels, 28 July 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 310, 21. 11. 1985, p. 1.

⁽⁴⁾ OJ No L 346, 15. 12. 1988, p. 26.

COMMISSION REGULATION (EEC) No 2301/89**of 28 July 1989****amending Regulation (EEC) No 3153/85 laying down detailed rules for the calculation of monetary compensatory amounts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 12 thereof,

Whereas Commission Regulation (EEC) No 3153/85 ⁽³⁾, as last amended by Regulation (EEC) No 3521/88 ⁽⁴⁾, lays down detailed rules for the calculation of monetary compensatory amounts; whereas it should be indicated that the conversion rates used where Article 10 of Regulation (EEC) No 1677/85 is applied are to be the bilateral rates resulting from the rates referred to in Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be

applied for the purposes of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 2300/89 ⁽⁶⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the management committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to Article 3 of Regulation (EEC) No 3153/85:

'Where Article 10 of Regulation (EEC) No 1677/85 is applied, the rates to be used to convert the monetary compensatory amounts shall be the bilateral rates resulting from the rates referred to in Article 3a of Regulation (EEC) No 3152/85.'

Article 2

This Regulation shall enter into force on 31 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.⁽³⁾ OJ No L 310, 21. 11. 1985, p. 4.⁽⁴⁾ OJ No L 307, 12. 11. 1988, p. 28.⁽⁵⁾ OJ No L 310, 21. 11. 1985, p. 1.⁽⁶⁾ See page 8 of this Official Journal.

COMMISSION REGULATION (EEC) No 2302/89

of 28 July 1989

amending Regulation (EEC) No 1876/89 fixing the monetary compensatory amounts applicable in the agricultural sector and certain coefficients and rates required for their application

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

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 12 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85 were fixed by Commission Regulation (EEC) No 1876/89 ⁽³⁾, as last amended by Regulation (EEC) No 2186/89 ⁽⁴⁾;

Whereas Annex III to Regulation (EEC) No 1876/89 specifies the conversion rates to be used where Article 10 of Regulation (EEC) No 1677/85 applies; whereas Article 3a of Commission Regulation (EEC) No 3152/85 of 11 November 1985 laying down detailed rules for the application of Regulation (EEC) No 1676/85 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 2300/89 ⁽⁶⁾, and the last paragraph of Article 3 of Commission Regulation (EEC) No 3153/85 of 11

November 1985 laying down detailed rules for the calculation of monetary compensatory amounts ⁽⁷⁾, as last amended by Regulation (EEC) No 2301/89 ⁽⁸⁾, provide for the utilization and publication of certain conversion rates used to fix or, where appropriate, adjust the monetary compensatory amounts; whereas the rates in question should be specified and Annex III to Regulation (EEC) No 1876/89 should be adapted accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 1876/89 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 31 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽³⁾ OJ No L 188, 1. 7. 1989, p. 1.

⁽⁴⁾ OJ No L 213, 24. 7. 1989, p. 1.

⁽⁵⁾ OJ No L 310, 21. 11. 1985, p. 1.

⁽⁶⁾ See page 8 of this Official Journal.

⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁸⁾ See page 9 of this Official Journal.

ANNEX

ANNEX III

Conversion rates used to fix the monetary compensatory amounts and referred to in
Article 3a of Regulation (EEC) No 3152/85

| | ECU 1 | Lit 100 | £ 1 | £ Irl 1 |
|-----------|----------|-----------|----------|----------|
| Bfrs/Lfrs | 48,2869 | 2,87763 | 64,1530 | 55,2545 |
| Dkr | 8,93007 | 0,532182 | 11,8643 | 10,2187 |
| DM | 2,34113 | 0,139518 | 3,11038 | 2,67895 |
| FF | 7,85183 | 0,467925 | 10,4318 | 8,98483 |
| Fl | 2,63785 | 0,157201 | 3,50459 | 3,01849 |
| £ Irl | 0,873900 | 0,0520800 | 1,16105 | — |
| £ | 0,752684 | 0,0448560 | — | 0,861293 |
| Lit | 1 678,01 | — | 2 229,37 | 1 920,14 |
| Dr | 200,854 | 11,9698 | 266,850 | 229,836 |
| Esc | 193,985 | 11,5604 | 257,724 | 221,976 |
| Pta | 145,718 | 8,68398 | 193,598 | 166,744 |

COMMISSION REGULATION (EEC) No 2303/89

of 28 July 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 27 July 1989;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1915/89 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 28 July 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code | Levies | |
|------------|----------------|--------------------------------------|
| | Portugal | Third country... |
| 0709 90 60 | 34,31 | 140,52 |
| 0712 90 19 | 34,31 | 140,52 |
| 1001 10 10 | 13,87 | 152,72 ⁽¹⁾ ⁽²⁾ |
| 1001 10 90 | 13,87 | 152,72 ⁽¹⁾ ⁽²⁾ |
| 1001 90 91 | 13,66 | 108,71 |
| 1001 90 99 | 13,66 | 108,71 |
| 1002 00 00 | 41,42 | 117,40 ⁽³⁾ |
| 1003 00 10 | 32,09 | 107,75 |
| 1003 00 90 | 32,09 | 107,75 |
| 1004 00 10 | 23,49 | 91,51 |
| 1004 00 90 | 23,49 | 91,51 |
| 1005 10 90 | 34,31 | 140,52 ⁽²⁾ ⁽³⁾ |
| 1005 90 00 | 34,31 | 140,52 ⁽²⁾ ⁽³⁾ |
| 1007 00 90 | 52,35 | 145,37 ⁽⁴⁾ |
| 1008 10 00 | 32,09 | 3,17 |
| 1008 20 00 | 32,09 | 22,10 ⁽⁴⁾ |
| 1008 30 00 | 32,09 | 0,00 ⁽⁵⁾ |
| 1008 90 10 | ⁽⁷⁾ | ⁽⁷⁾ |
| 1008 90 90 | 32,09 | 0,00 |
| 1101 00 00 | 32,13 | 166,07 |
| 1102 10 00 | 70,99 | 177,36 |
| 1103 11 10 | 35,82 | 251,04 |
| 1103 11 90 | 34,71 | 179,36 |

⁽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 2304/89

of 28 July 1989

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

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

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

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

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

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

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

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

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

Whereas these exchange rates being those recorded on 27 July 1989;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 28 July 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 7 | 1st period 8 | 2nd period 9 | 3rd period 10 |
| 0709 90 60 | 0 | 0 | 0 | 0,32 |
| 0712 90 19 | 0 | 0 | 0 | 0,32 |
| 1001 10 10 | 0 | 0 | 0 | 0,20 |
| 1001 10 90 | 0 | 0 | 0 | 0,20 |
| 1001 90 91 | 0 | 0 | 0 | 0,84 |
| 1001 90 99 | 0 | 0 | 0 | 0,84 |
| 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 | 2,41 |
| 1004 00 90 | 0 | 0 | 0 | 2,41 |
| 1005 10 90 | 0 | 0 | 0 | 0,32 |
| 1005 90 00 | 0 | 0 | 0 | 0,32 |
| 1007 00 90 | 0 | 0 | 0 | 0 |
| 1008 10 00 | 0 | 0 | 0 | 0 |
| 1008 20 00 | 0 | 0 | 0 | 0 |
| 1008 30 00 | 0 | 0 | 0 | 0 |
| 1008 90 90 | 0 | 0 | 0 | 0 |
| 1101 00 00 | 0 | 0 | 0 | 1,17 |

B. Malt

| CN code | (ECU/tonne) | | | | |
|------------|--------------|-----------------|-----------------|------------------|------------------|
| | Current 7 | 1st period 8 | 2nd period 9 | 3rd period 10 | 4th period 11 |
| 1107 10 11 | 0 | 0 | 0 | 1,50 | 1,50 |
| 1107 10 19 | 0 | 0 | 0 | 1,12 | 1,12 |
| 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 2305/89

of 28 July 1989

fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75 of the Commission⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the exist-

ing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾;
- 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 preceding indent and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to

Article 2

This Regulation shall enter into force on 1 August 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 July 1989 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

| Product code | Destination (*) | Current 8 | 1st period 9 | 2nd period 10 | 3rd period 11 | 4th period 12 | 5th period 1 | 6th period 2 |
|----------------|-----------------|--------------|-----------------|------------------|------------------|------------------|-----------------|-----------------|
| 0709 90 60 000 | — | — | — | — | — | — | — | — |
| 0712 90 19 000 | — | — | — | — | — | — | — | — |
| 1001 10 10 000 | 01 | 0 | 0 | 0 | 0 | — | — | — |
| 1001 10 90 000 | 01 | 0 | 0 | 0 | 0 | - 40,00 | - 40,00 | - 40,00 |
| 1001 90 91 000 | — | — | — | — | — | — | — | — |
| 1001 90 99 000 | 01 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 | - 30,00 |
| 1002 00 00 000 | 01 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 | - 30,00 |
| 1003 00 10 000 | 01 | 0 | 0 | 0 | 0 | — | — | — |
| 1003 00 90 000 | 01 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 | - 30,00 |
| 1004 00 10 000 | — | — | — | — | — | — | — | — |
| 1004 00 90 000 | 01 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 | - 30,00 |
| 1005 10 90 000 | — | — | — | — | — | — | — | — |
| 1005 90 00 000 | 01 | 0 | 0 | - 30,00 | - 30,00 | - 30,00 | - 30,00 | - 30,00 |
| 1007 00 90 000 | — | — | — | — | — | — | — | — |
| 1008 20 00 000 | — | — | — | — | — | — | — | — |
| 1101 00 00 110 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1101 00 00 120 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1101 00 00 130 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1101 00 00 150 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1101 00 00 170 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1101 00 00 180 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1101 00 00 190 | — | — | — | — | — | — | — | — |
| 1101 00 00 900 | — | — | — | — | — | — | — | — |
| 1102 10 00 100 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1102 10 00 200 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1102 10 00 300 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1102 10 00 500 | 01 | 0 | 0 | 0 | 0 | 0 | - 30,00 | - 30,00 |
| 1102 10 00 900 | — | — | — | — | — | — | — | — |
| 1103 11 10 100 | 01 | 0 | 0 | 0 | 0 | 0 | - 50,00 | - 50,00 |
| 1103 11 10 200 | 01 | 0 | 0 | 0 | 0 | 0 | - 50,00 | - 50,00 |
| 1103 11 10 500 | 01 | 0 | 0 | 0 | 0 | 0 | - 50,00 | - 50,00 |
| 1103 11 10 900 | 01 | 0 | 0 | 0 | 0 | 0 | - 50,00 | - 50,00 |
| 1103 11 90 100 | 01 | 0 | 0 | 0 | 0 | 0 | - 50,00 | - 50,00 |
| 1103 11 90 900 | — | — | — | — | — | — | — | — |

(*) For the following destinations:

01 All third countries.

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

COMMISSION REGULATION (EEC) No 2306/89

of 28 July 1989

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1834/89⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed

from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 August 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 July 1989 fixing the export refunds on malt

| <i>(ECU/tonne)</i> | |
|--------------------|--------|
| Product code | Refund |
| 1107 10 19 000 | 10,00 |
| 1107 10 99 000 | 50,00 |
| 1107 20 00 000 | 60,00 |

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

COMMISSION REGULATION (EEC) No 2307/89

of 28 July 1989

fixing the corrective amount applicable to the refund on 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 Council Regulation (EEC) No 1834/89⁽²⁾,

Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (d) of Regulation (EEC) No 2727/75;

Whereas Regulation Commission (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed in respect of malt, account must be taken of the existing situation and the future trend with regard to the possibilities and conditions for the sale of the cereals concerned and of malt on the world market; whereas the same Regulation also provides that account

must be taken of the quantity of cereals needed for making malt, the economic aspect of exports and the need to avoid disturbances on the Community market;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- 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 preceding indent, and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 July 1989 fixing the corrective amount applicable to the refund on malt

| (ECU/tonne) | | | | | | |
|----------------|--------------|-----------------|------------------|------------------|------------------|-----------------|
| Product code | Current 8 | 1st period 9 | 2nd period 10 | 3rd period 11 | 4th period 12 | 5th period 1 |
| 1107 10 11 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 19 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 91 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 99 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 20 00 000 | 0 | 0 | 0 | 0 | 0 | 0 |

| (ECU/tonne) | | | | | | |
|----------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| Product code | 6th period 2 | 7th period 3 | 8th period 4 | 9th period 5 | 10th period 6 | 11th period 7 |
| 1107 10 11 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 19 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 91 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 99 000 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1107 20 00 000 | 0 | 0 | 0 | 0 | 0 | 0 |

COMMISSION REGULATION (EEC) No 2308/89

of 28 July 1989

fixing the export refunds 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 1806/89 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁶⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

Article 2

This Regulation shall enter into force on 1 August 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 July 1989 fixing the export refunds on rice and broken rice

| Product code | Destination (°) | Amount of refunds |
|----------------|-----------------|----------------------|
| 1006 20 11 000 | — | — |
| 1006 20 13 000 | 01 | 135,56 |
| 1006 20 15 000 | 01 | 135,56 |
| 1006 20 17 000 | — | — |
| 1006 20 92 000 | — | — |
| 1006 20 94 000 | 01 | 135,56 |
| 1006 20 96 000 | 01 | 135,56 |
| 1006 20 98 000 | — | — |
| 1006 30 21 000 | — | — |
| 1006 30 23 000 | 01 | 135,56 |
| 1006 30 25 000 | 01 | 135,56 |
| 1006 30 27 000 | — | — |
| 1006 30 42 000 | — | — |
| 1006 30 44 000 | 01 | 135,56 |
| 1006 30 46 000 | 01 | 135,56 |
| 1006 30 48 000 | — | — |
| 1006 30 61 000 | — | — |
| 1006 30 63 100 | 01 | 169,45 |
| | 03 | 181,45 |
| | 05 | 181,45 |
| | 06 | 186,45 |
| | 07 | 186,45 |
| | 08 | 181,45 |
| | 09 | 181,45 |
| | 10 | 186,45 |
| | 11 | 186,45 |
| | 12 | 186,45 |
| | 13 | 169,45 |
| | 14 | 186,45 |
| | 01 | 169,45 |
| | 13 | 169,45 |
| 1006 30 65 100 | 01 | 169,45 |
| | 03 | 181,45 |
| | 05 | 181,45 |
| | 06 | 186,45 |
| | 07 | 186,45 |
| | 08 | 181,45 |
| | 09 | 181,45 |
| | 10 | 186,45 |
| | 11 | 186,45 |
| | 12 | 186,45 |
| | 13 | 169,45 |
| | 14 | 186,45 |
| | 01 | 169,45 |
| | 13 | 169,45 |
| 1006 30 67 100 | — | — |
| 1006 30 67 900 | — | — |
| 1006 30 92 000 | — | — |

| (ECU/tonne) | | |
|----------------|-----------------|-------------------|
| Product code | Destination (1) | Amount of refunds |
| 1006 30 94 100 | 01 | 169,45 |
| | 03 | 181,45 |
| | 05 | 181,45 |
| | 06 | 186,45 |
| | 07 | 186,45 |
| | 08 | 181,45 |
| | 09 | 181,45 |
| | 10 | 186,45 |
| | 11 | 186,45 |
| | 12 | 186,45 |
| | 13 | 169,45 |
| | 14 | 186,45 |
| 1006 30 94 900 | 01 | 169,45 |
| | 13 | 169,45 |
| 1006 30 96 100 | 01 | 169,45 |
| | 03 | 181,45 |
| | 05 | 181,45 |
| | 06 | 186,45 |
| | 07 | 186,45 |
| | 08 | 181,45 |
| | 09 | 181,45 |
| | 10 | 186,45 |
| | 11 | 186,45 |
| | 12 | 186,45 |
| | 13 | 169,45 |
| | 14 | 186,45 |
| 1006 30 96 900 | 01 | 169,45 |
| | 13 | 169,45 |
| 1006 30 98 100 | — | — |
| 1006 30 98 900 | — | — |
| 1006 40 00 000 | — | — |

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie,
- 03 Zone I,
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of zone I,
- 05 Zone II b),
- 06 Zone IV a),
- 07 Zone IV b),
- 08 Zone VI,
- 09 Canary Islands, Ceuta and Melilla,
- 10 Zone V a),
- 11 Zone VII c),
- 12 Canada,
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 14 Zone VIII, except Surinam, Guyana and Madagascar.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

The export refunds 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), as amended.

COMMISSION REGULATION (EEC) No 2309/89

of 28 July 1989

fixing the corrective amount applicable to the refund 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 1806/89⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the first subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76 provides that the export refund applicable to rice and broken rice on the day on which application for an export licence is made, adjusted for the threshold price which will be in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the licence;

Whereas Regulation No 474/67/EEC of the Commission⁽³⁾, as amended by Regulation (EEC) No 1397/68⁽⁴⁾, lays down detailed rules for the advance fixing of the export refund on rice and broken rice;

Whereas that Regulation provides that the refund applicable on the day on which application for an export licence is made must, when it is fixed in advance, be reduced by an amount no greater than the difference between the cif forward delivery price and the cif price, where the former exceeds the latter by more than ECU 0,30 per tonne; whereas on the other hand, the refund must be increased by an amount no greater than the difference between the cif price and the cif forward delivery price, where the former exceeds the latter by more than ECU 0,30 per tonne;

Whereas the cif price is that determined in accordance with Article 16 of Regulation (EEC) No 1418/76; whereas the cif forward delivery price is that determined in accor-

dance with Article 3 (2) of Council Regulation (EEC) No 1428/76⁽⁵⁾, based in respect of each month for which the export licence is valid, on the cif price calculated on the basis of offers for shipment during the month of exportation;

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

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

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1989.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No 204, 24. 8. 1967, p. 20.

⁽⁴⁾ OJ No L 222, 10. 9. 1968, p. 6.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 30.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 28 July 1989 fixing the corrective amount applicable to the refund on rice and broken rice —

(ECU/tonne)

| Product code | Current 8 | 1st period 9 | 2nd period 10 | 3rd period 11 |
|----------------|--------------|-----------------|------------------|------------------|
| 1006 20 11 000 | — | — | — | — |
| 1006 20 13 000 | 0 | 0 | 0 | 0 |
| 1006 20 15 000 | 0 | 0 | 0 | 0 |
| 1006 20 17 000 | — | — | — | — |
| 1006 20 92 000 | — | — | — | — |
| 1006 20 94 000 | 0 | 0 | 0 | 0 |
| 1006 20 96 000 | 0 | 0 | 0 | 0 |
| 1006 20 98 000 | — | — | — | — |
| 1006 30 21 000 | — | — | — | — |
| 1006 30 23 000 | 0 | 0 | 0 | 0 |
| 1006 30 25 000 | 0 | 0 | 0 | 0 |
| 1006 30 27 000 | — | — | — | — |
| 1006 30 42 000 | — | — | — | — |
| 1006 30 44 000 | 0 | 0 | 0 | 0 |
| 1006 30 46 000 | 0 | 0 | 0 | 0 |
| 1006 30 48 000 | — | — | — | — |
| 1006 30 61 000 | — | — | — | — |
| 1006 30 63 100 | 0 | 0 | 0 | 0 |
| 1006 30 63 900 | 0 | 0 | 0 | 0 |
| 1006 30 65 100 | 0 | 0 | 0 | 0 |
| 1006 30 65 900 | 0 | 0 | 0 | 0 |
| 1006 30 67 100 | — | — | — | — |
| 1006 30 67 900 | — | — | — | — |
| 1006 30 92 000 | — | — | — | — |
| 1006 30 94 100 | 0 | 0 | 0 | 0 |
| 1006 30 94 900 | 0 | 0 | 0 | 0 |
| 1006 30 96 100 | 0 | 0 | 0 | 0 |
| 1006 30 96 900 | 0 | 0 | 0 | 0 |
| 1006 30 98 100 | — | — | — | — |
| 1006 30 98 900 | — | — | — | — |
| 1006 40 00 000 | — | — | — | — |

COMMISSION REGULATION (EEC) No 2310/89

of 28 July 1989

on the issue of import licences on 31 July 1989 for sheepmeat and goatmeat products originating in certain non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986 ⁽³⁾, and in particular Article 3, as last amended by Regulation (EEC) No 3939/87 ⁽⁴⁾, thereof,

Whereas Commission Regulation (EEC) No 3653/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1645/89 ⁽⁶⁾, laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3643/85; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 3653/85, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the third quarter of 1989;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 3653/85, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence

applications have been lodged do not exceed the quantities provided for in Regulation (EEC) No 3653/85,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, on 31 July 1989, issue the import licences provided for in Regulation (EEC) No 3653/85 and applied for from 1 to 10 July 1989 subject to the following conditions:

- (a) for products falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31 and 0204 50 39 in Annex I to Regulation (EEC) No 1837/80, the quantities applied for, originating in other non-member countries, shall be granted in full;
- (b) for products falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79 in Annex I to Regulation (EEC) No 1837/80, the quantities applied for originating:
 - in Chile, shall be granted in full,
 - in other non-member countries, shall be granted in full;
- (c) for products falling within CN codes 0104 10 90 and 0104 20 90 in Annex I to Regulation (EEC) No 1837/80, the quantities applied for, originating in other non-member countries, shall be reduced by 98,772 %.

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 348, 24. 12. 1985, p. 21.

⁽⁶⁾ OJ No L 162, 13. 6. 1989, p. 21.

COMMISSION REGULATION (EEC) No 2311/89

of 28 July 1989

determining the extent to which applications lodged in July 1989 for the issue of import licences in respect of frozen beef intended for processing may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 14 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 1541/89 ⁽³⁾ fixed the quantity of frozen beef intended for processing which may be imported under special terms in the third quarter of 1989;

Whereas Article 15 (6) (a) of Commission Regulation (EEC) No 2377/80 ⁽⁴⁾, as last amended by Regulation (EEC) No 3182/88 ⁽⁵⁾, lays down that the quantities applied for may be reduced; whereas the applications lodged in conformity with the conditions of Commission Regulation (EEC) No 1136/79 ⁽⁶⁾, as last amended by Regulation (EEC) No 817/89 ⁽⁷⁾, relate to total quantities which by far exceed the quantities available in accordance with Article 1 of Regulation (EEC) No 1541/89, whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is

appropriate, for the system referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68, to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

1. Every application for an import licence lodged in accordance with Regulation (EEC) No 1136/79 for the quarter beginning 1 July 1989 shall be granted to the following extent, expressed as bone-in beef:

- (a) 1,8976 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (6) of Regulation (EEC) No 1136/79;
- (b) 8,6318 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (6) of Regulation (EEC) No 1136/79.

2. In conformity with Article 15 (3) of Regulation (EEC) No 2377/80, all applications from any one applicant shall be regarded as a single application.

Article 2

This Regulation shall enter into force on 31 July 1989.

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

Done at Brussels, 28 July 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 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 151, 3. 6. 1989, p. 12.

⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁵⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁶⁾ OJ No L 141, 9. 6. 1979, p. 10.

⁽⁷⁾ OJ No L 86, 31. 3. 1989, p. 37.

COMMISSION REGULATION (EEC) No 2312/89

of 28 July 1989

specifying the extent to which applications lodged in July 1989 for import licences in respect of young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 13 (4) (a) thereof,Whereas Commission Regulation (EEC) No 1542/89 ⁽³⁾ fixed the quantity of young male bovine animals which may be imported on special terms during the third quarter of 1989; whereas, having regard to the applications for import licences lodged by each of the categories of applicants referred to in that Regulation, such licences should be issued as provided below,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for young male bovine animals for fattening in respect of which applications were lodged between 1 and 10 July 1989 shall be issued as follows:

1. The quantities requested in Italy:

- (a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:
- (aa) by agricultural producers or their organizations shall be reduced by 97,559 %;

(bb) by other applicants shall be reduced by 75,992 %;

(b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries:

(aa) by agricultural producers or their organizations shall be reduced by 97,367 %;

(bb) by other applicants shall be reduced by 91,650 %.

2. The quantities requested in Greece:

(a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:

(aa) by agricultural producers or their organizations shall be reduced by 54,882 %;

(bb) by other applicants shall be reduced by 83,333 %;

(b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries:

(aa) by agricultural producers or their organizations shall be reduced by 78,049 %;

(bb) by other applicants shall be reduced by 87,341 %.

Article 2

This Regulation shall enter into force on 31 July 1989.

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

Done at Brussels, 28 July 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 61, 4. 3. 1989, p. 43.⁽³⁾ OJ No L 151, 3. 6. 1989, p. 13.

COMMISSION REGULATION (EEC) No 2313/89**of 28 July 1989****closing an invitation to tender for the supply of refined rape seed oil as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,Whereas, by Regulation (EEC) No 1978/89 ⁽³⁾, the Commission issued an invitation to tender for the supply of 2 000 tonnes of refined rape seed oil as food aid; whereas the conditions of the supply should be reviewed and the invitation to tender in question should consequently be closed,

HAS ADOPTED THIS REGULATION:

Article 1

For Annex III to Regulation (EEC) No 1978/89 the invitation to tender is closed.

*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, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.⁽²⁾ OJ No L 172, 21. 6. 1989, p. 1.⁽³⁾ OJ No L 189, 4. 7. 1989, p. 16.

COMMISSION REGULATION (EEC) No 2314/89

of 28 July 1989

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1834/89⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Regulation (EEC) No 2743/75 of the Council of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EEC) No 944/87⁽⁵⁾, provides

that, when export refunds on cereal-based compound feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 296/88⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 30, 2. 2. 1988, p. 9.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 1636/87 ⁽²⁾,
- 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 the refund must be fixed once a month ;
whereas it may be altered in the intervening period ;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal ;

whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 August 1989.

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

Done at Brussels, 28 July 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.

ANNEX

to the Commission Regulation of 28 July 1989 fixing the export refunds on cereal-based compound feedingstuffs

(ECU / tonne)

| Product code | Destination (°) | Amount of refund |
|----------------|-----------------|------------------|
| 2309 10 11 050 | — | — |
| 2309 10 11 110 | 01 | 3,96 |
| | 09 | — |
| 2309 10 11 190 | 01 | 2,59 |
| | 09 | — |
| 2309 10 11 210 | 01 | 7,92 |
| | 09 | — |
| 2309 10 11 290 | 01 | 5,19 |
| | 09 | — |
| 2309 10 11 310 | 01 | 15,83 |
| | 09 | — |
| 2309 10 11 390 | 01 | 10,37 |
| | 09 | — |
| 2309 10 11 900 | — | — |
| 2309 10 13 050 | — | — |
| 2309 10 13 110 | 01 | 3,96 |
| | 09 | — |
| 2309 10 13 190 | 01 | 2,59 |
| | 09 | — |
| 2309 10 13 210 | 01 | 7,92 |
| | 09 | — |
| 2309 10 13 290 | 01 | 5,19 |
| | 09 | — |
| 2309 10 13 310 | 01 | 15,83 |
| | 09 | — |
| 2309 10 13 390 | 01 | 10,37 |
| | 09 | — |
| 2309 10 13 900 | — | — |
| 2309 10 31 050 | — | — |
| 2309 10 31 110 | 01 | 3,96 |
| | 09 | — |
| 2309 10 31 190 | 01 | 2,59 |
| | 09 | — |
| 2309 10 31 210 | 01 | 7,92 |
| | 09 | — |
| 2309 10 31 290 | 01 | 5,19 |
| | 09 | — |
| 2309 10 31 310 | 01 | 15,83 |
| | 09 | — |
| 2309 10 31 390 | 01 | 10,37 |
| | 09 | — |
| 2309 10 31 410 | 01 | 23,75 |
| | 09 | — |
| 2309 10 31 490 | 01 | 15,56 |
| | 09 | — |
| 2309 10 31 510 | 01 | 31,66 |
| | 09 | — |

(ECU/tonne)

| Product code | Destination (1) | Amount of refund |
|----------------|-----------------|------------------|
| 2309 10 31 590 | 01 | 20,74 |
| | 09 | — |
| 2309 10 31 610 | 01 | 39,58 |
| | 09 | — |
| 2309 10 31 690 | 01 | 25,93 |
| | 09 | — |
| 2309 10 31 900 | — | — |
| 2309 10 33 050 | — | — |
| 2309 10 33 110 | 01 | 3,96 |
| | 09 | — |
| 2309 10 33 190 | 01 | 2,59 |
| | 09 | — |
| 2309 10 33 210 | 01 | 7,92 |
| | 09 | — |
| 2309 10 33 290 | 01 | 5,19 |
| | 09 | — |
| 2309 10 33 310 | 01 | 15,83 |
| | 09 | — |
| 2309 10 33 390 | 01 | 10,37 |
| | 09 | — |
| 2309 10 33 410 | 01 | 23,75 |
| | 09 | — |
| 2309 10 33 490 | 01 | 15,56 |
| | 09 | — |
| 2309 10 33 510 | 01 | 31,66 |
| | 09 | — |
| 2309 10 33 590 | 01 | 20,74 |
| | 09 | — |
| 2309 10 33 610 | 01 | 39,58 |
| | 09 | — |
| 2309 10 33 690 | 01 | 25,93 |
| | 09 | — |
| 2309 10 33 900 | — | — |
| 2309 10 51 050 | — | — |
| 2309 10 51 110 | 01 | 3,96 |
| | 09 | — |
| 2309 10 51 190 | 01 | 2,59 |
| | 09 | — |
| 2309 10 51 210 | 01 | 7,92 |
| | 09 | — |
| 2309 10 51 290 | 01 | 5,19 |
| | 09 | — |
| 2309 10 51 310 | 01 | 15,83 |
| | 09 | — |
| 2309 10 51 390 | 01 | 10,37 |
| | 09 | — |
| 2309 10 51 410 | 01 | 23,75 |
| | 09 | — |
| 2309 10 51 490 | 01 | 15,56 |
| | 09 | — |
| 2309 10 51 510 | 01 | 31,66 |
| | 09 | — |
| 2309 10 51 590 | 01 | 20,74 |
| | 09 | — |
| 2309 10 51 610 | 01 | 39,58 |
| | 09 | — |

| (ECU / tonne) | | |
|----------------|-----------------|------------------|
| Product code | Destination (1) | Amount of refund |
| 2309 10 51 690 | 01 | 25,93 |
| | 09 | — |
| 2309 10 51 710 | 01 | 47,49 |
| | 09 | — |
| 2309 10 51 790 | 01 | 31,11 |
| | 09 | — |
| 2309 10 51 810 | 01 | 51,81 |
| | 09 | — |
| 2309 10 51 890 | 01 | 33,94 |
| | 09 | — |
| 2309 10 51 900 | — | — |
| 2309 10 53 050 | — | — |
| 2309 10 53 110 | 01 | 3,96 |
| | 09 | — |
| 2309 10 53 190 | 01 | 2,59 |
| | 09 | — |
| 2309 10 53 210 | 01 | 7,92 |
| | 09 | — |
| 2309 10 53 290 | 01 | 5,19 |
| | 09 | — |
| 2309 10 53 310 | 01 | 15,83 |
| | 09 | — |
| 2309 10 53 390 | 01 | 10,37 |
| | 09 | — |
| 2309 10 53 410 | 01 | 23,75 |
| | 09 | — |
| 2309 10 53 490 | 01 | 15,56 |
| | 09 | — |
| 2309 10 53 510 | 01 | 31,66 |
| | 09 | — |
| 2309 10 53 590 | 01 | 20,74 |
| | 09 | — |
| 2309 10 53 610 | 01 | 39,58 |
| | 09 | — |
| 2309 10 53 690 | 01 | 25,93 |
| | 09 | — |
| 2309 10 53 710 | 01 | 47,49 |
| | 09 | — |
| 2309 10 53 790 | 01 | 31,11 |
| | 09 | — |
| 2309 10 53 810 | 01 | 51,81 |
| | 09 | — |
| 2309 10 53 890 | 01 | 33,94 |
| | 09 | — |
| 2309 10 53 900 | — | — |
| 2309 90 31 050 | — | — |
| 2309 90 31 110 | 01 | 3,96 |
| | 09 | — |

| (ECU/tonne) | | |
|----------------|-----------------|------------------|
| Product code | Destination (1) | Amount of refund |
| 2309 90 31 190 | 01 | 2,59 |
| | 09 | — |
| 2309 90 31 210 | 01 | 7,92 |
| | 09 | — |
| 2309 90 31 290 | 01 | 5,19 |
| | 09 | — |
| 2309 90 31 310 | 01 | 15,83 |
| | 09 | — |
| 2309 90 31 390 | 01 | 10,37 |
| | 09 | — |
| 2309 90 31 900 | — | — |
| 2309 90 33 050 | — | — |
| 2309 90 33 110 | 01 | 3,96 |
| | 09 | — |
| 2309 90 33 190 | 01 | 2,59 |
| | 09 | — |
| 2309 90 33 210 | 01 | 7,92 |
| | 09 | — |
| 2309 90 33 290 | 01 | 5,19 |
| | 09 | — |
| 2309 90 33 310 | 01 | 15,83 |
| | 09 | — |
| 2309 90 33 390 | 01 | 10,37 |
| | 09 | — |
| 2309 90 33 900 | — | — |
| 2309 90 41 050 | — | — |
| 2309 90 41 110 | 01 | 3,96 |
| | 09 | — |
| 2309 90 41 190 | 01 | 2,59 |
| | 09 | — |
| 2309 90 41 210 | 01 | 7,92 |
| | 09 | — |
| 2309 90 41 290 | 01 | 5,19 |
| | 09 | — |
| 2309 90 41 310 | 01 | 15,83 |
| | 09 | — |
| 2309 90 41 390 | 01 | 10,37 |
| | 09 | — |
| 2309 90 41 410 | 01 | 23,75 |
| | 09 | — |
| 2309 90 41 490 | 01 | 15,56 |
| | 09 | — |
| 2309 90 41 510 | 01 | 31,66 |
| | 09 | — |
| 2309 90 41 590 | 01 | 20,74 |
| | 09 | — |
| 2309 90 41 610 | 01 | 39,58 |
| | 09 | — |
| 2309 90 41 690 | 01 | 25,93 |
| | 09 | — |
| 2309 90 41 900 | — | — |
| 2309 90 43 050 | — | — |
| 2309 90 43 110 | 01 | 3,96 |
| | 09 | — |
| 2309 90 43 190 | 01 | 2,59 |
| | 09 | — |

| (ECU/tonne) | | |
|----------------|-----------------|------------------|
| Product code | Destination (1) | Amount of refund |
| 2309 90 43 210 | 01 | 7,92 |
| | 09 | — |
| 2309 90 43 290 | 01 | 5,19 |
| | 09 | — |
| 2309 90 43 310 | 01 | 15,83 |
| | 09 | — |
| 2309 90 43 390 | 01 | 10,37 |
| | 09 | — |
| 2309 90 43 410 | 01 | 23,75 |
| | 09 | — |
| 2309 90 43 490 | 01 | 15,56 |
| | 09 | — |
| 2309 90 43 510 | 01 | 31,66 |
| | 09 | — |
| 2309 90 43 590 | 01 | 20,74 |
| | 09 | — |
| 2309 90 43 610 | 01 | 39,58 |
| | 09 | — |
| 2309 90 43 690 | 01 | 25,93 |
| | 09 | — |
| 2309 90 43 900 | — | — |
| 2309 90 51 050 | — | — |
| 2309 90 51 110 | 01 | 3,96 |
| | 09 | — |
| 2309 90 51 190 | 01 | 2,59 |
| | 09 | — |
| 2309 90 51 210 | 01 | 7,92 |
| | 09 | — |
| 2309 90 51 290 | 01 | 5,19 |
| | 09 | — |
| 2309 90 51 310 | 01 | 15,83 |
| | 09 | — |
| 2309 90 51 390 | 01 | 10,37 |
| | 09 | — |
| 2309 90 51 410 | 01 | 23,75 |
| | 09 | — |
| 2309 90 51 490 | 01 | 15,56 |
| | 09 | — |
| 2309 90 51 510 | 01 | 31,66 |
| | 09 | — |
| 2309 90 51 590 | 01 | 20,74 |
| | 09 | — |
| 2309 90 51 610 | 01 | 39,58 |
| | 09 | — |
| 2309 90 51 690 | 01 | 25,93 |
| | 09 | — |
| 2309 90 51 710 | 01 | 47,49 |
| | 09 | — |
| 2309 90 51 790 | 01 | 31,11 |
| | 09 | — |
| 2309 90 51 810 | 01 | 51,81 |
| | 09 | — |

(ECU / tonne)

| Product code | Destination (1) | Amount of refund |
|----------------|-----------------|------------------|
| 2309 90 51 890 | 01 | 33,94 |
| | 09 | — |
| 2309 90 51 900 | — | — |
| 2309 90 53 050 | — | — |
| 2309 90 53 110 | 01 | 3,96 |
| | 09 | — |
| 2309 90 53 190 | 01 | 2,59 |
| | 09 | — |
| 2309 90 53 210 | 01 | 7,92 |
| | 09 | — |
| 2309 90 53 290 | 01 | 5,19 |
| | 09 | — |
| 2309 90 53 310 | 01 | 15,83 |
| | 09 | — |
| 2309 90 53 390 | 01 | 10,37 |
| | 09 | — |
| 2309 90 53 410 | 01 | 23,75 |
| | 09 | — |
| 2309 90 53 490 | 01 | 15,56 |
| | 09 | — |
| 2309 90 53 510 | 01 | 31,66 |
| | 09 | — |
| 2309 90 53 590 | 01 | 20,74 |
| | 09 | — |
| 2309 90 53 610 | 01 | 39,58 |
| | 09 | — |
| 2309 90 53 690 | 01 | 25,93 |
| | 09 | — |
| 2309 90 53 710 | 01 | 47,49 |
| | 09 | — |
| 2309 90 53 790 | 01 | 31,11 |
| | 09 | — |
| 2309 90 53 810 | 01 | 51,81 |
| | 09 | — |
| 2309 90 53 890 | 01 | 33,94 |
| | 09 | — |
| 2309 90 53 900 | — | — |

(1) The destinations are as follows :

01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77,

09 Other destinations.

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

COMMISSION REGULATION (EEC) No 2315/89

of 28 July 1989

fixing the export refunds 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 1834/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) 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 1806/89 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Regulation (EEC) No 2746/75 of the Council ⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 6 of Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export

system for products processed from cereals and from rice ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68 ⁽⁹⁾, as amended by Regulation (EEC) No 2764/71 ⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas Commission Regulation (EEC) No 2806/71⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽²⁾, as last amended by Regulation (EEC) No 1636/87⁽³⁾,
- 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 rela-

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 1 August 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽³⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 28 July 1989 fixing the export refunds on products
processed from cereals and rice

| (ECU/tonne) | | (ECU/tonne) | |
|----------------|--------|----------------|--------|
| Product code | Refund | Product code | Refund |
| 1102 20 10 100 | 100,74 | 1104 22 10 900 | — |
| 1102 20 10 300 | 86,35 | 1104 22 30 100 | 86,60 |
| 1102 20 10 900 | — | 1104 22 30 900 | — |
| 1102 20 90 100 | 86,35 | 1104 22 50 000 | — |
| 1102 20 90 900 | — | 1104 23 10 100 | 107,94 |
| 1102 30 00 000 | — | 1104 23 10 300 | 82,75 |
| 1102 90 10 100 | 86,30 | 1104 23 10 900 | — |
| 1102 90 10 900 | 58,68 | 1104 29 10 100 | — |
| 1102 90 30 100 | 91,69 | 1104 29 10 900 | — |
| 1102 90 30 900 | — | 1104 29 91 000 | 57,53 |
| 1103 12 00 100 | 91,69 | 1104 29 95 000 | 57,53 |
| 1103 12 00 900 | — | 1104 30 10 000 | 12,25 |
| 1103 13 11 100 | 129,53 | 1104 30 90 000 | 17,99 |
| 1103 13 11 300 | 100,74 | 1107 10 11 000 | 87,22 |
| 1103 13 11 500 | 86,35 | 1107 10 91 000 | 102,40 |
| 1103 13 11 900 | — | 1108 11 00 100 | 98,00 |
| 1103 13 19 100 | 129,53 | 1108 11 00 900 | — |
| 1103 13 19 300 | 100,74 | 1108 12 00 100 | 115,14 |
| 1103 13 19 500 | 86,35 | 1108 12 00 900 | — |
| 1103 13 19 900 | — | 1108 13 00 100 | 115,14 |
| 1103 13 90 100 | 86,35 | 1108 13 00 900 | — |
| 1103 13 90 900 | — | 1108 14 00 100 | — |
| 1103 14 00 000 | — | 1108 14 00 900 | — |
| 1103 19 10 000 | 57,53 | 1108 19 10 100 | 112,10 |
| 1103 19 30 100 | 89,17 | 1108 19 10 900 | — |
| 1103 19 30 900 | — | 1108 19 90 100 | — |
| 1103 21 00 000 | 49,98 | 1108 19 90 900 | — |
| 1103 29 20 000 | 58,68 | 1109 00 00 100 | 0,00 |
| 1103 29 30 000 | — | 1109 00 00 900 | — |
| 1103 29 40 000 | 73,40 | 1702 30 51 000 | 150,40 |
| 1104 11 90 100 | 86,30 | 1702 30 59 000 | 115,14 |
| 1104 11 90 900 | — | 1702 30 91 000 | 150,40 |
| 1104 12 90 100 | 101,88 | 1702 30 99 000 | 115,14 |
| 1104 12 90 300 | 81,50 | 1702 40 90 000 | 115,14 |
| 1104 12 90 900 | — | 1702 90 50 100 | 150,40 |
| 1104 19 10 000 | 49,98 | 1702 90 50 900 | 115,14 |
| 1104 19 50 110 | 115,14 | 1702 90 75 000 | 157,59 |
| 1104 19 50 130 | 93,55 | 1702 90 79 000 | 109,38 |
| 1104 19 50 150 | — | 2106 90 55 000 | 115,14 |
| 1104 19 50 190 | — | 2302 10 10 000 | 14,28 |
| 1104 19 50 900 | — | 2302 10 90 100 | 14,28 |
| 1104 19 91 000 | — | 2302 10 90 900 | — |
| 1104 21 10 100 | 86,30 | 2302 20 10 000 | 14,28 |
| 1104 21 10 900 | — | 2302 20 90 100 | 14,28 |
| 1104 21 30 100 | 86,30 | 2302 20 90 900 | — |
| 1104 21 30 900 | — | 2302 30 10 000 | 14,28 |
| 1104 21 50 100 | 115,06 | 2302 30 90 000 | 14,28 |
| 1104 21 50 300 | 92,05 | 2302 40 10 000 | 14,28 |
| 1104 21 50 900 | — | 2302 40 90 000 | 14,28 |
| 1104 22 10 100 | 81,50 | 2303 10 11 100 | 57,57 |
| | | 2303 10 11 900 | — |

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

COMMISSION REGULATION (EEC) No 2316/89

of 28 July 1989

fixing the minimum price applicable to dried grapes during the 1989/90 marketing year as well as the countervailing charges to be imposed where that price is not observed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 9 (6) thereof,

Whereas, in accordance with Article 9 (2) of Regulation (EEC) No 426/86, the minimum import price for dried grapes shall be determined having regard to:

- the free-at-frontier price on import into the Community,
- the prices obtaining in international trade,
- the situation on the internal Community market,
- the trend of trade with third countries;

Whereas Article 2 (1) of Council Regulation (EEC) No 2089/85 of 23 July 1985 laying down general rules relating to the system of minimum import prices for dried grapes⁽³⁾ provides that countervailing charges shall be fixed by reference to a scale of import prices; whereas the maximum countervailing charge shall be determined on the basis of the most favourable prices applied on the

world market for significant quantities by the most representative non-member countries;

Whereas a minimum import price must be fixed for currants and other dried grapes;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum import price applicable to dried grapes during the 1989/90 marketing year shall be as set out in Annex I.
2. The countervailing charge to be imposed where the minimum import price referred to in paragraph 1 is not observed shall be as set out in Annex II.

Article 2

This Regulation shall enter into force on 1 September 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 197, 27. 7. 1985, p. 10.

ANNEX I

Minimum import prices

| (ECU/tonne) | | |
|-------------|---|----------------------|
| CN code | Description | Minimum import price |
| 0806 20 | — Dried grapes : | |
| | — — In immediate containers of a net capacity of 2 kg or less : | |
| 0806 20 11 | — — — Currants | 989,03 |
| 0806 20 19 | — — — Other | 1 034,68 |
| | — — Other : | |
| 0806 20 91 | — — — Currants | 855,86 |
| 0806 20 99 | — — — Other | 895,36 |

ANNEX II

Countervailing charges

1. Currants falling within CN code 0806 20 11

| (ECU/tonne) | | |
|----------------------|-------------------|------------------------------------|
| Import price applied | | Countervailing charge to be levied |
| less than | but not less than | |
| 989,03 | 979,14 | 9,89 |
| 979,14 | 959,36 | 29,67 |
| 959,36 | 929,69 | 59,34 |
| 929,69 | 900,02 | 89,01 |
| 900,02 | | 144,67 |

2. Currants falling within CN code 0806 20 91

| (ECU/tonne) | | |
|----------------------|-------------------|------------------------------------|
| Import price applied | | Countervailing charge to be levied |
| less than | but not less than | |
| 855,86 | 847,30 | 8,56 |
| 847,30 | 830,18 | 11,50 |
| 830,18 | 804,51 | 11,50 |
| 804,51 | 778,83 | 11,50 |
| 778,83 | | 11,50 |

3. Dried grapes falling within CN code 0806 20 19

| (ECU/tonne) | | |
|----------------------|-------------------|------------------------------------|
| Import price applied | | Countervailing charge to be levied |
| less than | but not less than | |
| 1 034,68 | 1 024,33 | 10,35 |
| 1 024,33 | 1 003,64 | 31,04 |
| 1 003,64 | 972,60 | 62,08 |
| 972,60 | 941,56 | 93,12 |
| 941,56 | | 190,32 |

4. Dried grapes falling within code CN 0806 20 99

(ECU/tonne)

| Import price applied | | Countervailing charge to be levied |
|----------------------|-------------------|------------------------------------|
| less than | but not less than | |
| 895,36 | 886,41 | 8,95 |
| 886,41 | 868,50 | 26,86 |
| 868,50 | 841,64 | 51,00 |
| 841,64 | 814,78 | 51,00 |
| 814,78 | | 51,00 |

COMMISSION REGULATION (EEC) No 2317/89

of 28 July 1989

derogating from Regulation (EEC) No 1432/88 laying down detailed rules for
applying the co-responsibility levy in the cereals sector

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

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals ⁽¹⁾, as last amended by Regulation (EEC)
No 1834/89 ⁽²⁾, and in particular Article 4b (3) thereof,

Whereas Commission Regulation (EEC) No 850/89 ⁽³⁾,
derogating from Regulation (EEC) No 1432/88 ⁽⁴⁾,
provides that the difference between the estimated
additional co-responsibility levy and the definitive
additional co-responsibility levy fixed for the 1988/89
marketing year should be reimbursed at the latest at the
end of July 1989,

Whereas certain difficulties of an administrative nature
prevent that time limit from being abided by in certain
cases; whereas, in order to overcome such difficulties, the
time limit for the reimbursement for the 1988/89
marketing year should be extended by one month;

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 3 (2) of Regulation
(EEC) No 1432/88, the Member States may reimburse the
difference between the estimated additional
co-responsibility levy and the definitive additional
co-responsibility levy fixed for the 1988/89 marketing
year by 31 August 1989 inclusive.

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, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 89, 1. 4. 1989, p. 55.

⁽⁴⁾ OJ No L 131, 27. 5. 1988, p. 37.

COMMISSION REGULATION (EEC) No 2318/89

of 28 July 1989

amending Regulation (EEC) No 1764/86 on minimum quality requirements for tomato-based products eligible for production aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas unpeeled tomatoes, whole or non-whole (crush or pizza sauce), of CN subheading ex 2002 10 were included in the list of products eligible for production aid contained in Annex I, Part A, of Regulation (EEC) No 426/86 by Council Regulation (EEC) No 1125/89; whereas minimum quality standards should therefore also be defined for the products in question, based on traditional and fair manufacturing processes; whereas the qualitative requirements laid down by this Regulation constitute supplementary rules for the application of the production aid scheme further to the provisions adopted by Commission Regulation (EEC) No 1599/84 of 5 June 1984 laying down rules for the application of the system of production aid for products processed from fruit and vegetables ⁽³⁾; as last amended by Regulation (EEC) No 2260/89 ⁽⁴⁾;

Whereas it is necessary to amend Commission Regulation (EEC) No 1764/86 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1764/86 is hereby amended as follows:

1. Title I is replaced by the following:

TITLE I

Requirements for peeled and unpeeled tomatoes

Article 3

For the purposes of this Title, "peeled tomatoes" means:

- peeled frozen tomatoes, whole or non-whole, and
- peeled preserved tomatoes, whole or non-whole, as defined in Article 1 of Regulation (EEC) No 1599/84;

"unpeeled tomatoes" means:

unpeeled preserved tomatoes, whole or non-whole, as defined in Article 1 of the abovementioned Regulation.

Article 4

1. Only the following ingredients may be added to peeled or unpeeled tomatoes:

- water,
- tomato juice,
- tomato concentrate,
- common salt (sodium chloride),
- natural spices, aromatic herbs and their extracts, and natural aromas.

As additives in the manufacture of peeled or unpeeled tomatoes only citric acid (E 330) and calcium chloride (509) may be used.

2. The quantity of added common salt must not exceed 3 % of the net weight and when calcium chloride is added, total calcium-ion content must not exceed 0,045 % in whole style and 0,080 % in non-whole style. When determining the quantity of added common salt, the natural content of chlorides shall be considered as equal to 2 % of the dry weight content.

3. Added tomato juice and tomato concentrate shall meet the minimum requirements laid down in Title II.

Article 5

1. Peeled and unpeeled tomatoes shall be free from flavours and odours foreign to the product and their colour shall be characteristic for the variety used, properly processed.

2. Peeled tomatoes shall be virtually free from peel. The peel of unpeeled tomatoes shall be virtually intact. Whole peeled and unpeeled tomatoes shall also be virtually free from blemished units.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁴⁾ OJ No L 216, 27. 7. 1989, p. 46.

⁽⁵⁾ OJ No L 153, 7. 6. 1986, p. 1.

3. The mould count of preserved tomatoes (the tomatoes and the covering liquid) shall not exceed 50 % positive fields and the pH level shall not exceed 4,5.

Article 6

1. The products shall be considered as complying with Article 5 (2) when the following tolerances for defects are not exceeded :

- blemishes : 35 cm² aggregate area ;
- presence of peel (peeled tomatoes) :
 - whole style : 300 cm² aggregate area,
 - non-whole : 1 250 cm² aggregate area ;
- absence of peel (unpeeled tomatoes) :
 - whole style : 300 cm² aggregate area,
 - non-whole : 1 250 cm² aggregate area.

The tolerances fixed are per 10 kg net weight.

2. For the purposes of paragraph 1 :

- (a) 'blemishes' means areas into which lesions on the surface have penetrated and as a result thereof contrast strongly in colour or texture with the normal tomato tissue and should normally have been removed during processing ;

- (b) 'peel' means both peel adhering or not adhering to the tomato flesh and peel found loose in the container.

Article 7

1. In respect of peeled or unpeeled preserved tomatoes, the tomatoes and covering liquid in a container shall occupy not less than 90 % of the water capacity of the container.

2. The drained net weight of whole peeled or unpeeled preserved tomatoes shall on average be at least equal to 56 % of the water capacity, expressed in grams, of the container.

3. When peeled or unpeeled preserved tomatoes are packed in glass containers the water capacity shall be reduced by 20 ml before the percentages referred to in paragraphs 1 and 2 are calculated.

2. In Article 13 (1) of Title IV, 'peeled tomatoes' shall be replaced by 'peeled and unpeeled tomatoes'.

Article 2

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

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2319/89

of 28 July 1989

on minimum quality requirements for Williams and Rocha pears in syrup and in natural fruit juice eligible for the production aid scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Committee for Products Processed from Fruit and Vegetables,

Having regard to the Treaty establishing the European Economic Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas Article 2 (1) of Regulation (EEC) No 426/86 established a production aid scheme for certain products listed in Annex I, Part A, thereto; whereas Article 6 (1) (b) specifies that aid is to be granted only for products which meet minimum quality requirements to be laid down;

Whereas the aim of such minimum quality requirements is to avoid production of products for which there is no demand or products which would create distortion of the market; whereas the requirements must be based on traditional fair manufacturing procedures;

Whereas Commission Regulation (EEC) No 1289/85 ⁽³⁾ laid down minimum quality standards for Williams pears in syrup; whereas the provisions laid down therein should be adapted to take account of the extension of the aid scheme to pears of the Rocha variety and to Williams and Rocha pears preserved in natural fruit juice as provided for in the abovementioned Council Regulation (EEC) No 1125/89; whereas, for the sake of clarity, the minimum quality requirements thus adapted should be set out in a new text;

Whereas the quality requirements laid down in this Regulation constitute additional rules of application further to the provisions of Commission Regulation (EEC) No 1599/84 of 5 June 1984 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables ⁽⁴⁾, as last amended by Regulation (EEC) No 2260/89 ⁽⁵⁾;

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

Article 1

This Regulation lays down the minimum quality requirements which Williams and Rocha pears in syrup and pears of the said varieties preserved in natural fruit juice, hereinafter referred to as 'pears in syrup and or in natural fruit juice', as defined in Article 1 of Regulation (EEC) No 1599/84, shall meet in order to qualify for the production aid provided for in Article 2 of Regulation (EEC) No 426/86.

Article 2

For the manufacture of pears in syrup and/or in natural fruit juice only pears of the species *Pyrus communis* L, varieties Williams and Rocha, shall be used. The raw material shall be fresh, sound, clean and suitable for processing.

The raw material may have been chilled before being used for the manufacture of pears in syrup and/or in natural fruit juice.

Article 3

1. Pears in syrup and/or in natural fruit juice must be manufactured in one of the styles defined in paragraph 2.

2. For the purpose of this Regulation the styles are defined as follows:

- (a) 'whole fruit' means the whole fruit, with core and with or without stalk;
- (b) 'halves' means the cored fruit cut into two approximately equal parts;
- (c) 'quarters' means the cored fruit cut into four approximately equal parts;
- (d) 'slices' means the cored fruit cut into more than four wedge-shaped parts;
- (e) 'dice' means the cored fruit cut into cube-like parts.

3. Each container with pears in syrup and/or pears in natural fruit juice shall contain only one style, and the fruit or pieces thereof shall be practically uniform in size. No other type of fruit may be found in the container.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 133, 22. 5. 1985, p. 5.

⁽⁴⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁵⁾ OJ No L 216, 27. 7. 1989, p. 46.

4. The colour of pears in syrup shall be characteristic for the variety Williams or Rocha. A slightly pink discoloration shall not be considered a defect. Pears in syrup containing special ingredients shall be considered to be of characteristic colour if there is no abnormal discoloration for the ingredients used.

5. Pears in syrup and/or in natural fruit juice shall be free of foreign materials of non-vegetable origin and from foreign flavours and odours.

The fruit shall be fleshy and may be variable in tenderness but shall be neither excessively soft nor excessively firm.

6. Pears in syrup shall be practically free from :

- (a) foreign materials of vegetable origin ;
- (b) peel ;
- (c) blemished units.

Whole fruits, halves and quarters shall also be practically free from mechanically damaged units.

Article 4

1. Fruit, or pieces thereof, shall be considered practically uniform in size when, in a container, the weight of the largest unit is not more than twice the weight of the smallest unit.

If there are less than 20 units in a container, one unit may be disregarded. When determining the largest and the smallest units, broken units shall not be taken into consideration.

2. Pears in syrup and/or pears in natural fruit juice shall be considered as complying with Article 3 (6) when the following tolerances are not exceeded :

| | Style | |
|---|------------------------------------|------------------------------------|
| | Whole, halves and quarters | Other |
| Blemished units | 15 % by number | 1,5 kilograms |
| Mechanically damaged units | 10 % by number | Not applicable |
| Peel | 100 cm ² aggregate area | 100 cm ² aggregate area |
| Foreign material of vegetable origin : | | |
| — Core material | 10 units | 10 units |
| — Loose pear seeds | 80 pieces | 80 pieces |
| — Other material, including loose core material | 60 pieces | 60 pieces |

The tolerances allowed, other than those fixed by reference to per cent by number, are per 10 kilograms drained net weight.

Coreshall not be considered as a defect in whole styles with core.

3. For the purposes of paragraph 2 :

- (a) 'blemished units' means fruit with discoloration on the surface or spots which definitely contrast with the overall colour and which may penetrate into the flesh, in particular bruises, scab and dark discoloration ;
- (b) 'mechanically damaged units' means units which have been severed into definite parts, and all of such portions that equal the size of a full-size unit are considered one unit or units where the trimming has been excessive and includes serious gouges on the surface of the units which substantially detract from the appearance ;
- (c) 'peel' means both peel adhering to pear flesh and peel found loose in the container ;
- (d) 'foreign material of vegetable origin' means vegetable materials which are irrelevant to the fruit itself or which have been attached to the fresh fruit but should have been removed during processing, in particular

core material, pear seeds, stalks and leaves and pieces thereof. Peel shall, however, be excluded ;

- (e) 'core material' means the seed cell or parts thereof attached to the fruit, with or without seeds. Pieces of core are considered as equivalent to one unit when, having been aggregated, the pieces total approximately one half of a core ;
- (f) 'loose pear seeds' means seeds which are not included in core material but which are loose in the container.

Article 5

The pears and the syrup and/or natural fruit juice shall occupy at least 90 % of the water capacity of the container.

2. The drained net weight of the fruit shall on average be at least equal to the following percentages of the water capacity, expressed in grams, of the container :

| Style | Containers with a nominal water capacity of | |
|----------|---|------------------|
| | 425 ml or more | less than 425 ml |
| Whole | 50 | 46 |
| Halves | 54 | 46 |
| Quarters | 56 | 46 |
| Slices | 56 | 46 |
| Dice | 56 | 50 |

3. Where pears in syrup and/or pears in natural fruit juice are packed in glass containers, the water capacity shall be reduced by 20 ml before the percentages referred to in paragraphs 1 and 2 are calculated.

4. Each container shall be marked with a reference identifying the date and year of production and the

processor. The marking, which may be in code form, shall be approved by the competent authorities in the Member State where production takes place and these authorities may adopt additional provisions as to the marking itself.

Article 6

The processor shall daily and at regular intervals during the processing period verify that the pears in syrup and/or the pears in natural fruit juice comply with the requirements for qualifying for aid. The result of the verification shall be recorded.

Article 7

Regulation (EEC) No 1289/85 is hereby repealed.

Article 8

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

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2320/89

of 28 July 1989

of minimum quality requirements for peaches in syrup and peaches in natural fruit juice for the application of the production aid scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas Article 2 (1) of Regulation (EEC) No 426/86 established a production aid scheme for certain products; whereas Article 6 (1) (b) specifies that aid is to be granted only for products which meet minimum quality requirements to be laid down;

Whereas the aim of such minimum quality requirements is to avoid the manufacture of products for which no demand exists or products which would create distortion of the market; whereas the requirements must be based on traditional fair manufacturing procedures;

Whereas Commission Regulation (EEC) No 1290/85 ⁽³⁾ laid down minimum quality standards for peaches in syrup; whereas the provisions laid down therein should be adapted to take account of the extension of the aid scheme to peaches preserved in natural fruit juice as provided for in the abovementioned Council Regulation (EEC) No 1125/89; whereas, for the sake of clarity, the minimum quality requirements thus adapted should be set out in a new text;

Whereas the quality requirements laid down in this Regulation constitute additional rules of application further to the provisions of Regulation (EEC) No 1599/84 of 5 June 1984 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables ⁽⁴⁾, as last amended by Regulation (EEC) No 2260/89 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the minimum quality requirements which peaches in syrup and or/peaches in

natural fruit juice, as defined in Article 1 of Regulation (EEC) No 1599/84, shall meet in order to qualify for the production aid provided for in Article 2 of Regulation (EEC) No 426/86.

Article 2

For the manufacture of peaches in syrup and/or peaches in natural fruit juice, only peaches of the species *Prunus persica* L. shall be used, excluding nectarines. The raw material shall be fresh, sound, clean and suitable for processing.

The raw material may have been chilled before being used for the manufacture of peaches in syrup.

Article 3

1. Peaches in syrup and/or in natural fruit juice must be manufactured in one of the styles defined in paragraph 2.

2. For the purpose of this Regulation the styles are defined as follows:

- (a) 'whole fruit' means the whole fruit, unpitted;
- (b) 'halves' means the pitted fruit cut vertically into two approximately equal parts;
- (c) 'quarters' means the pitted fruit cut into four approximately equal parts;
- (d) 'slices' means the pitted fruit cut into more than four wedge-shaped parts;
- (e) 'dice' means the pitted fruit cut into cube-like parts.

3. Each container with peaches in syrup and/or peaches in natural fruit juice shall contain only one style, and the fruit or pieces thereof shall be practically uniform in size. No other type of fruit may be found in the container.

4. The colour of peaches in syrup shall be characteristic for the type used. Portions which were obviously near or part of the pit cavity and which after canning become slightly discoloured are considered to be of normal characteristic colour.

Containers with peaches in syrup and/or peaches in natural fruit juice must not contain units having green parts.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 133, 22. 5. 1985, p. 8.

⁽⁴⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁵⁾ OJ No L 216, 27. 7. 1989, p. 46.

5. Peaches in syrup shall be free of foreign materials of non-vegetable origin and from foreign flavours and odours. The fruit shall be fleshy and may be variable in tenderness but shall be neither excessively soft nor excessively firm.

6. Peaches in syrup shall be practically free from :

- (a) foreign materials of vegetable origin ;
- (b) peel ;
- (c) blemished units.

Whole fruits, halves and quarters shall also be practically free from mechanically damaged units.

Article 4

1. Fruit, or pieces thereof, shall be considered practically uniform in size when, in a container, the

weight of the largest unit is not more than twice the weight of the smallest unit.

If there are less than 20 units in a containers, one unit may be disregarded. When determining the largest and the smallest units, broken units shall not be taken into consideration.

2. For the purposes of Article 3 (4), the following colours shall be considered normal for a type :

- yellow, including varietal types in which the predominant colour ranges from pale yellow to rich red orange,
- white, including varietal types in which the predominant colour ranges from white to yellow-white.

3. Peaches in syrup and/or peaches in natural fruit juice shall be considered as complying with Article 3 (6) when the following tolerances are not exceeded :

| | Style | |
|--------------------------------------|------------------------------------|------------------------------------|
| | Whole, halves and quarters | Other |
| Pit or pit material | Two pits | Two pits |
| Blemished units | 10 % by number | 1 500 grams |
| Mechanically damaged units | 5 % by number | Not applicable |
| Peel | 150 cm ² aggregate area | 150 cm ² aggregate area |
| Foreign material of vegetable origin | 20 pieces | 20 pieces |

The tolerances allowed, other than those fixed by reference to per cent by number are per 10 kilograms drained net weight.

Pits shall not be considered as a defect in whole peaches in syrup and/or in natural fruit juice.

4. For the purposes of paragraph 3 :

- (a) 'pit or pit material' means whole pits and pieces that are hard and sharp.

Pit fragments of less than 5mm in greatest dimension which do not have sharp points or edges are disregarded. Pieces of pits are considered equivalent to one pit when :

- one piece is larger than one half pit, or
- a total of three pieces have been found ;

- (b) 'blemished units' means fruit with discoloration on the surface or spots which definitely contrast with the overall colour and which may penetrate into the flesh, in particular bruises, scab and dark discoloration ;

- (c) 'mechanically damaged units' means units which have been severed into definite parts, and all of such

portions that equal the size of a full-size unit are considered one unit, or units where the trimming has been excessive and includes serious gouges on the surface of the units which substantially detract from the appearance. Halves which are not cut vertically shall also be considered as mechanically damaged ;

- (d) 'peel' means both peel adhering to peach flesh and peel found loose in the container ;

- (e) 'foreign material of vegetable origin' means vegetable materials which are irrelevant to the fruit itself or which have been attached to the fresh fruit but should have been removed during processing, in particular stalks and leaves and pieces thereof. Peel and pit material shall, however, be excluded.

Article 5

1. The peaches and the syrup and/or the natural fruit juice in a container shall occupy at least 90 % of the water capacity of the container.

2. The drained net weight of the fruit shall on average be at least equal to the following percentages of the water capacity, expressed in grams, of the container :

| Style | Containers with a nominal water capacity of | |
|----------|---|------------------|
| | 425 ml or more | less than 425 ml |
| Whole | 52 | 50 |
| Halves | 55 | 50 |
| Quarters | 58 | 50 |
| Slices | 58 | 50 |
| Dice | 58 | 55 |

3. Where peaches in syrup and/or peaches in natural fruit juice are packed in glass containers, the water capacity shall be reduced by 20 ml before the percentages referred to in paragraphs 1 and 2 are calculated.

4. Each container shall be marked with a reference identifying the date and the year of production and the processor. The marking, which may be in code form, shall be approved by the competent authorities in the Member

State where production takes place, and these authorities may adopt additional provisions as to the marking itself.

Article 6

The processor shall daily and at regular intervals during the processing period verify that the peaches in syrup and/or in natural fruit juice comply with the requirements for qualifying for aid. The result of the verification shall be recorded.

Article 7

Regulation (EEC) No 1290/85 is hereby repealed.

Article 8

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

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2321/89**of 28 July 1989****amending Regulation (EEC) No 1599/84 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Articles 3 (4) and 6 (4) thereof,Whereas Council Regulation (EEC) No 1125/89 amended the list of products qualifying under the aid system set out in Regulation (EEC) No 426/86 by extending it to include other tomato products; whereas it appears that certain producer Member States are manufacturing new products using a different process; whereas the definitions laid down in Commission Regulation (EEC) No 1599/84 ⁽³⁾, as last amended by Regulation (EEC) No 2260/89 ⁽⁴⁾, should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 1 (2) (n) defining tomato concentrate of Regulation (EEC) No 1599/84:

'However, certain concentrate preparations with a dry weight content not exceeding 18 % may contain a maximum of 4 % skin and pips by weight of product.'

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

It shall apply from the beginning of the 1989/90 marketing year for each product.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.⁽³⁾ OJ No L 152, 8. 6. 1984, p. 16.⁽⁴⁾ OJ No L 216, 27. 7. 1989, p. 46.

COMMISSION REGULATION (EEC) No 2322/89
of 28 July 1989

**amending Regulation (EEC) No 1709/84 on minimum prices payable to
producers and amounts of production aid for certain processed fruit and
vegetables eligible for production aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 6 (4) thereof,

Whereas Annex V to Commission Regulation (EEC) No 1709/84⁽³⁾, as amended by Regulation (EEC) No 2294/89⁽⁴⁾, lays down in particular the coefficients to be applied to the amount of aid for tomato concentrates with a dry weight content other than that laid down for the fixing of the aid; whereas, in view of the new definitions for the new products included in Commission Regulation (EEC) No 1599/84⁽⁵⁾, as last amended by Regulation (EEC) No 2321/89⁽⁶⁾, provision should be made for a rate of reduction in aid for the new products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added to Article 4 (1) of Regulation (EEC) No 1709/84:

'However, after application of one of the coefficients laid down in Annex V, the amount of aid must be reduced by 4 % in the case of certain concentrate preparations with a low percentage of skin and pips.'

Article 2

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

It shall apply from the beginning of the 1989/90 marketing year for processed tomato products.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 162, 20. 6. 1984, p. 8.

⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 31.

⁽⁵⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁶⁾ See page 57 of this Official Journal.

COMMISSION REGULATION (EEC) No 2323/89
of 28 July 1989

**amending Regulation (EEC) No 1957/89 fixing for the 1989/90 marketing year
the minimum price to be paid to producers for tomatoes and the amount of
production aid for processed tomato products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1125/89 ⁽²⁾, and in particular Article 4 (4) and 5 (5) thereof,

Whereas Commission Regulation (EEC) No 1599/84 of 5 June 1984 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 2321/89 ⁽⁴⁾, makes provision for new processed tomato products;

Whereas Commission Regulation (EEC) No 1957/89 ⁽⁵⁾ fixes the minimum price to be paid to producers for tomatoes and the amount of production aid for the 1989/90 marketing year; whereas, for the sake of sound

administrative management, certain existing classification should be combined; whereas Annex II to the abovementioned Regulation should accordingly be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 1957/89 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 1 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽⁴⁾ See page 57 of this Official Journal.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 109.

ANNEX

ANNEX II

Production aid

| Product | ECU/100 kg net ex producer for products grown in : | | |
|---|--|-------------------------|------------------------------------|
| | Spain ⁽¹⁾ | Portugal ⁽¹⁾ | Other Member States ⁽²⁾ |
| 1. Tomato concentrates with a dry weight content of 28 % or more but less than 30 % | 20,710 | 22,011 | 31,772 |
| 2. Preserved whole peeled tomatoes : | | | |
| (a) of the San Marzano variety | 6,633 | — | 11,444 |
| (b) of the Roma and similar varieties | 5,092 | 4,244 | 8,071 |
| 3. Unpeeled whole preserved tomatoes of the Roma and similar varieties | 3,564 | 2,971 | 5,650 |
| 4. Frozen whole peeled tomatoes : | | | |
| (a) of the San Marzano variety | 6,633 | — | 11,444 |
| (b) of the Roma and similar varieties | 5,092 | 4,244 | 8,071 |
| 5. Preserved peeled tomatoes, non-whole or in pieces | 3,463 | 2,886 | 5,488 |
| 6. Unpeeled preserved tomatoes, non-whole or in pieces | 3,463 | 2,886 | 5,488 |
| 7. Non-whole frozen peeled tomatoes | 3,463 | 2,886 | 5,488 |
| 8. Tomato flakes | 68,914 | 73,244 | 105,724 |
| 9. Tomato juice with a dry weight content of 7 % or more but less than 12 % : | | | |
| (a) with a dry weight content of 7 % or more but less than 8 % | 5,356 | 5,692 | 8,217 |
| (b) with a dry weight content of 8 % or more but less than 10 % | 6,427 | 6,831 | 9,860 |
| (c) with a dry weight content of 10 % or more | 7,856 | 8,349 | 12,051 |
| 10. Tomato juice with a dry weight content of less than 7 % : | | | |
| (a) with a dry weight content of 5 % or more | 4,285 | 4,554 | 6,574 |
| (b) with a dry weight content of 3,5 % or more but less than 5 % | 3,392 | 3,605 | 5,204 |

⁽¹⁾ The amounts shown in this column are applicable only when the products are processed in Spain or Portugal respectively. In cases where such products are processed outside Spain or Portugal, no production aid is applicable.

⁽²⁾ The amounts shown in this column are applicable only when the products are processed in a Member State, other than Spain and Portugal. In cases where such products are processed in Spain or Portugal, no production aid is applicable.

COMMISSION REGULATION (EEC) No 2324/89

of 28 July 1989

fixing the refunds applicable for August 1989 to cereal and rice sector products
supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1834/89 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) 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 1806/89 ⁽⁴⁾, and in particular Article 11 (2) thereof,

Whereas Article 2 of Regulation (EEC) No 2681/74 of the Council of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 16 of Regulation (EEC) No 2727/75 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas Article 3 of Regulation (EEC) No 2746/75 of the Council ⁽⁶⁾ and Article 6 of Regulation (EEC) No 2744/75 of the Council ⁽⁷⁾, as last amended by Regulation (EEC) No 1906/87 ⁽⁸⁾, lay down specific criteria to be taken into account for calculating the refunds on cereals and on products processed from cereals; whereas specific criteria applying in the case of wheat flours are set out in Article 4 of Regulation (EEC) No 2746/75;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76 ⁽⁹⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations the refunds applicable for August 1989 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 August 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 28 July 1989 fixing the refunds applicable for August 1989 to cereal and rice sector products supplied as Community and national food aid

| (ECU/tonne) | |
|----------------|--------|
| Product code | Refund |
| 1001 10 90 000 | 103,00 |
| 1001 90 99 000 | 38,50 |
| 1002 00 00 000 | 20,00 |
| 1003 00 90 000 | 45,00 |
| 1004 00 90 000 | — |
| 1005 90 00 000 | 45,00 |
| 1006 20 92 000 | 153,16 |
| 1006 20 94 000 | 153,16 |
| 1006 30 42 000 | — |
| 1006 30 44 000 | — |
| 1006 30 92 000 | 191,45 |
| 1006 30 94 100 | 191,45 |
| 1006 30 94 900 | 191,45 |
| 1006 30 96 100 | 191,45 |
| 1006 30 96 900 | 191,45 |
| 1006 40 00 000 | — |
| 1007 00 90 000 | 45,00 |
| 1101 00 00 110 | 48,00 |
| 1101 00 00 120 | 48,00 |
| 1101 00 00 130 | 48,00 |
| 1102 20 10 100 | 100,74 |
| 1102 30 00 000 | — |
| 1102 90 10 100 | 86,30 |
| 1103 11 10 500 | 135,00 |
| 1103 11 90 100 | 54,00 |
| 1103 13 19 100 | 129,53 |
| 1103 14 00 000 | — |
| 1104 12 90 100 | 101,88 |
| 1104 21 50 100 | 115,06 |

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

COMMISSION REGULATION (EEC) No 2325/89
of 28 July 1989
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89⁽³⁾, as last amended by Regulation (EEC) No 2286/89⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 20.

ANNEX

to the Commission Regulation of 28 July 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code | Levy |
|------------|----------------------|
| 1701 11 10 | 26,55 ⁽¹⁾ |
| 1701 11 90 | 26,55 ⁽¹⁾ |
| 1701 12 10 | 26,55 ⁽¹⁾ |
| 1701 12 90 | 26,55 ⁽¹⁾ |
| 1701 91 00 | 23,52 |
| 1701 99 10 | 23,52 |
| 1701 99 90 | 23,52 ⁽²⁾ |

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

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

COMMISSION REGULATION (EEC) No 2326/89

of 28 July 1989

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2178/89 ⁽³⁾, as last amended by Regulation (EEC) No 2287/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2178/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2178/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.⁽³⁾ OJ No L 208, 20. 7. 1989, p. 21.⁽⁴⁾ OJ No L 218, 28. 7. 1989, p. 22.

ANNEX

to the Commission Regulation of 28 July 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

| Product code | Amount of refund | |
|----------------|----------------------|---|
| | per 100 kg | per percentage point of sucrose content and per 100 kg net of the product in question |
| 1701 11 90 100 | 16,23 ⁽¹⁾ | |
| 1701 11 90 910 | 20,97 ⁽¹⁾ | |
| 1701 11 90 950 | ⁽²⁾ | |
| 1701 12 90 100 | 16,23 ⁽¹⁾ | |
| 1701 12 90 910 | 20,97 ⁽¹⁾ | |
| 1701 12 90 950 | ⁽²⁾ | |
| 1701 91 00 000 | | 0,1765 |
| 1701 99 10 100 | 17,65 | |
| 1701 99 10 910 | 22,80 | |
| 1701 99 10 950 | 21,30 | |
| 1701 99 90 100 | | 0,1765 |

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 2327/89

of 28 July 1989

laying down detailed rules for the application of the import arrangements provided for in Council Regulation (EEC) No 4076/88 for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4076/88 of 19 December 1988 opening, allocating and providing for the administration of a Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 ⁽¹⁾, and in particular Article 2 (1) thereof,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal ⁽²⁾, as last amended by Regulation (EEC) No 571/89 ⁽³⁾, and in particular Article 15 (2) thereof,

Whereas Regulation (EEC) No 4076/88 lays down the method for administering the Community tariff quota for frozen beef covered by CN code 0202 and for products covered by CN code 0206 29 91 and splits this quota into two parts, one of 47 000 tonnes apportioned between the Member States and the other of 5 300 tonnes subject to Community management;

Whereas, in order to ensure a smooth switchover from the arrangements based exclusively on national administration to arrangements subject to Community administration, while taking into account the commercial peculiarities of the products in question, provision should be made for the allocation on a proportional basis of a major share of the abovementioned part to traditional importers who can prove that, during 1987 and 1988, they imported products covered by the quota; whereas, however, within the framework of the procedure based on the submission of application from interested parties and their acceptance to the extent determined by the Commission, importers who can demonstrate the genuine nature of their business, and who apply for quantities of some significance should be granted access to the quota; whereas verification of the latter criterion requires that applications from a particular trader are to be submitted in the same Member State;

Whereas, in order to avoid speculation, operators who at 1 January 1989 were no longer engaged in activity in the beef sector should be excluded from access to the quota;

Whereas Commission Regulation (EEC) No 3719/88 ⁽⁴⁾, as amended by Regulation (EEC) No 1903/89 ⁽⁵⁾, lays down common detailed rules for the application at the system of import and export licences and advance-fixing certificates for agricultural products; whereas Commission Regulation (EEC) No 2377/80 ⁽⁶⁾, as last amended by Regulation (EEC) No 3182/88 ⁽⁷⁾, lays down special detailed rules on the system of import licences to the beef sector;

Whereas provision should be made for the Member States to forward information on the import arrangement in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the administration of the 5 300 tonnes of frozen meat of bovine animals referred to Article 2 (1) of Regulation (EEC) No 4076/88.

Article 2

1. The quantity referred to in Article 1 shall be divided into two parts as follows:

- (a) the first equalling 80 % of the total, i.e. 4 240 tonnes shall be reserved for importers who can furnish proof of having imported frozen meat covered by CN code 0202 and products covered by CN code 0206 29 91 covered by the quota referred to in Council Regulations (EEC) No 3928/86 ⁽⁸⁾ and (EEC) No 234/88 ⁽⁹⁾ during the last two years;
- (b) the second, equalling 20 % of the total, i.e. 1 060 tonnes, shall be reserved for importers who can furnish proof of having imported during 1988 at least 50 tonnes of beef not subject to the quota referred to in Regulation (EEC) No 234/88.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ No L 184, 30. 6. 1989, p. 22.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁵⁾ OJ No L 365, 24. 12. 1986, p. 2.

⁽⁶⁾ OJ No L 24, 29. 1. 1988, p. 4.

⁽⁷⁾ OJ No L 359, 28. 12. 1988, p. 5.

⁽⁸⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁹⁾ OJ No L 61, 4. 3. 1989, p. 43.

2. The proof referred to in paragraph 1 shall be provided by means of the customs document of release for free circulation. Member States may provide that such proof may be furnished by the holder whose name appears in box 4 of import licences.

3. The 4 240 tonnes shall be allocated between the various importers in proportion to their imports during the reference years.

4. The 1 060 tonnes shall be allocated in proportion to the quantities applied for by importers.

5. The quantities referred to in paragraph 1 (a) and (b) may be increased proportionately by the quantities specified in Article 2 (3) of Regulation (EEC) No 4076/88.

Article 3

1. Operators referred to in Article 2 (1) who, at 1 January 1989 were no longer engaged in any activity in the beef sector shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers each having rights under Article 2 (1), shall benefit from the same rights as the companies from which they were formed.

Article 4

1. Eligibility under the import arrangements provided for in Article 1 shall be subject to presentation of an application for an import licence.

2. Licence applications and licences shall contain:

(a) in section 20, one of the following endorsements:

- Carne de vacuno congelada [Reglamento (CEE) n° 4076/88]
- frosset kød af hornkvæg (forordning (EØF) nr. 4076/88)
- Gefrorenes Rindfleisch (Verordnung (EWG) Nr. 4076/88)
- Κατεψυγμένο βόειο κρέας (κανονισμός (ΕΟΚ) αριθ. 4076/88)
- frozen meat of bovine animals (Regulation (EEC) No 4076/88)
- Viande bovine congelée (règlement (CEE) n° 4076/88)
- Carni bovine congelate (regolamento (CEE) n. 4076/88)
- Bevroren rundvlees (Verordening (EEG) nr. 4076/88)
- Carne de bovino congelada [Reglamento (CEE) n° 4076/88];

(b) in section 8, the country of origin;

(c) in section 24, one of the following endorsements:

- exacción reguladora suspendida para ... (cantidad para la que se haya extendido el certificado) kg
- suspension af importafgift for ... (den mængde licensen er udstedt for) kg
- Aussetzung der Abschöpfung für ... kg (Menge, für die die Lizenz erteilt wurde)
- αναστέλλεται η εισφορά για ... (ποσότητα για την οποία χορηγήθηκε το πιστοποιητικό) kg
- levy suspended for ... (quantity for which the licence was issued) kg
- prélèvement suspendu pour ... (quantité pour laquelle le certificat a été délivré) kg
- prelievo sospeso per ... (quantitativo per il quale è stato rilasciato il certificato) kg
- Heffing geschorst voor ... (hoeveelheid waarvoor het certificaat is afgegeven) kg
- Direito nivelador suspenso para ... kg (quantidade para a qual foi emitido o certificado).

3. For the purposes of applying the arrangements, where the quantities are imported under the terms of Article 8 (4) of Regulation (EEC) No 3719/88, the levy fixed in accordance with Article 12 of Regulation (EEC) No 805/68 and the Common Customs Tariff duty of 20 % shall be charged on the quantities exceeding those indicated in the import licence.

Article 5

1. For the purposes of applying Article 2 (1) (a) importers shall present to the competent authorities the application for an import licence together with the proof referred to in Article 2 (2), by 1 September 1989 at the latest. The Member States shall forward to the Commission by 15 September 1989 at the latest, a list of importers containing in particular the importers' names and the addresses and the quantities of meat imports under the quota referred to in Regulation (EEC) No 4076/88, during each of the years in question.

2. For the purposes of applying Article 2 (1) (b) applications together with the proof referred to in Article 2 (2) from importers may be lodged up to 1 September 1989.

The application or applications lodged by the same party may relate to an overall quantity not exceeding 50 tonnes of frozen meat, product weight.

Member States shall forward to the Commission by 15 September 1989 at the latest a list of applicants including in particular the quantities applied for and the countries of origin indicated.

Article 6

Licence applications referred to in Article 5 (2) shall be admissible only where the applicant declares in writing that he has not lodged and undertakes not to lodge any application under the same special arrangements in any Member State other than that in which application is lodged; if an applicant lodges applications in respect of the same special arrangements in two or more Member States, none of three applications shall be admissible.

All applications from the same applicant shall be regarded as a single application.

Article 7

1. The Commission shall decide to what extent applications may be accepted.

Subject to the Commission having decided that applications be accepted, import licences shall be issued on 10 October 1989.

2. As regards the applications referred to in Article 5 (2), if the quantities for which licences are applied for

exceed the quantities available, the Commission shall reduce the amounts applied for by a fixed percentage.

3. If the reduction referred to in paragraph 2 results in a quantity of less than three tonnes per application, the allocation shall be by drawing lots.

Article 8

1. Regulation (EEC) No 2377/80 shall apply.

2. However, notwithstanding Articles 3 and 6 of Regulation (EEC) No 2377/80, the security for import licences shall be ECU 10 per 100 kilograms net weight, and the term of validity of the licences shall expire on 31 December 1989.

3. Import licences issued under this Regulation shall not be transferable.

Article 9

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

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2328/89

of 28 July 1989

introducing a countervailing charge on fresh lemons originating in Uruguay

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 2161/89⁽³⁾ introduced a countervailing charge on fresh lemons originating in Uruguay;

Whereas for fresh lemons originating in Uruguay there were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of fresh lemons originating in Uruguay can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2161/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.⁽³⁾ OJ No L 207, 19. 7. 1989, p. 36.

COMMISSION REGULATION (EEC) No 2329/89

of 28 July 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1882/89⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1219/89⁽⁴⁾, and in particular Article 12 (4) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1882/89⁽⁷⁾, as last amended by Regulation (EEC) No 2274/89⁽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:

— 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 27 July 1989;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1882/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 29 July 1989.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 182, 29. 6. 1989, p. 10.

⁽⁸⁾ OJ No L 216, 27. 7. 1989, p. 73.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

Done at Brussels, 28 July 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 28 July 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

| CN code | Import levies | | |
|---------------------------|---------------|--|-----------------------|
| | Portugal | Third countries (other than ACP or OCT) | ACP or OCT |
| 0714 10 10 ⁽¹⁾ | 33,66 | 110,55 | 105,72 |
| 0714 10 91 | 30,64 | 107,53 | 105,72 |
| 0714 10 99 | 33,66 | 110,55 | 105,72 |
| 0714 90 11 | 30,64 | 107,53 | 105,72 ⁽²⁾ |
| 0714 10 19 | 33,66 | 110,55 | 105,72 ⁽²⁾ |
| 1102 90 10 | 61,19 | 199,59 | 193,55 |
| 1102 90 30 | 45,71 | 169,57 | 163,53 |
| 1103 12 00 | 45,71 | 169,57 | 163,53 |
| 1103 19 30 | 61,19 | 199,59 | 193,55 |
| 1103 29 20 | 61,19 | 199,59 | 193,55 |
| 1103 29 30 | 45,71 | 169,57 | 163,53 |
| 1104 11 10 | 34,27 | 112,70 | 109,68 |
| 1104 11 90 | 67,32 | 221,10 | 215,06 |
| 1104 12 10 | 25,50 | 95,69 | 92,67 |
| 1104 12 90 | 50,12 | 187,74 | 181,70 |
| 1104 21 10 | 52,04 | 175,07 | 172,05 |
| 1104 21 30 | 52,04 | 175,07 | 172,05 |
| 1104 21 50 | 82,64 | 274,87 | 268,83 |
| 1104 21 90 | 34,27 | 112,70 | 109,68 |
| 1104 22 10 | 42,69 | 166,55 | 163,53 |
| 1104 22 30 | 42,69 | 166,55 | 163,53 |
| 1104 22 50 | 38,28 | 148,38 | 145,36 |
| 1104 22 90 | 25,50 | 95,69 | 92,67 |
| 1106 20 10 | 33,66 | 110,55 | 103,90 ⁽²⁾ |
| 1107 10 91 | 65,42 | 202,28 ⁽²⁾ | 191,40 |
| 1107 10 99 | 51,63 | 153,89 | 143,01 |
| 1107 20 00 | 58,37 | 177,55 ⁽²⁾ | 166,67 |

⁽¹⁾ 6 % *ad valorem*, subject to certain conditions.

⁽²⁾ In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

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

COMMISSION REGULATION (EEC) No 2330/89**of 28 July 1989****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1921/89 ⁽³⁾, as last amended by Regulation (EEC) No 2273/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1921/89 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1921/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 1989.

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

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 16.

⁽⁴⁾ OJ No L 216, 27. 7. 1989, p. 71.

ANNEX

to the Commission Regulation of 28 July 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

| CN code | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question | Amount of levy per 100 kg of dry matter |
|------------|--|---|
| 1702 20 10 | 0,2352 | — |
| 1702 20 90 | 0,2352 | — |
| 1702 30 10 | — | 23,52 |
| 1702 40 10 | — | 23,52 |
| 1702 60 10 | — | 23,52 |
| 1702 60 90 | 0,2352 | — |
| 1702 90 30 | — | 23,52 |
| 1702 90 60 | 0,2352 | — |
| 1702 90 71 | 0,2352 | — |
| 1702 90 90 | 0,2352 | — |
| 2106 90 30 | — | 23,52 |
| 2106 90 59 | 0,2352 | — |

COUNCIL REGULATION (EEC) No 2331/89**of 26 July 1989****amending Regulation (EEC) No 3667/83 relating to the continuing of the import
of New Zealand butter into the United Kingdom on special terms**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Denmark, Ireland and the United Kingdom and in particular Article 5(2) of Protocol 18 thereto,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3667/83⁽¹⁾ gave the United Kingdom temporary authorization to import a quantity of New Zealand butter on special terms during the period from 1 January 1984 to 31 December 1988;

Whereas the Council was unable to agree in good time on new import arrangements for a longer term; whereas, in order to prevent an interruption of the imports, it granted, by Regulation (EEC) No 1856/89⁽²⁾, a further temporary authorization for the period from 1 January to 31 July 1989;

Whereas it is appropriate, for the same reasons, to extend the temporary authorization up to 30 September 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3667/83 is hereby amended as follows:

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

'1. These arrangements shall apply during the period 1 January 1984 to 30 September 1989.

The quantities which may be imported shall be as follows:

- 83 000 tonnes in 1984,
- 81 000 tonnes in 1985,
- 79 000 tonnes in 1986,
- 76 500 tonnes in 1987,
- 74 500 tonnes in 1988,
- 55 875 tonnes for the period 1 January to 30 September 1989.'

2. Article 2(3) is replaced by the following:

'3. Before 30 September 1989 the Council, acting unanimously on a proposal from the Commission, shall take a decision on the maintenance of exceptional arrangements.'

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, 26 July 1989.

For the Council

The President

H. NALLET

⁽¹⁾ OJ No L 366, 28. 12. 1983, p. 16.

⁽²⁾ OJ No L 181, 28. 6. 1989, p. 1.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES

DECISION
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES OF THE EUROPEAN COMMUNITIES

of 18 July 1989

appointing the members of the Court of First Instance of the European
Communities

(89/452/EEC, Euratom, ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COMMUNI-
TIES,

Having regard to the Treaty establishing the Economic
and Social Committee, and in particular Article 32d (3)
thereof,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 168a (3)
thereof,

Having regard to the Treaty establishing the European
Atomic Energy Community, and in particular Article
140a (3) thereof,

Having regard to Council Decision 88/591/ECSC, EEC,
Euratom of 24 October 1988 establishing a Court of First
Instance of the European Communities ⁽¹⁾,

Whereas the Governments of the Member States should
appoint the 12 members of the Court of First Instance of
the European Communities by common accord,

The Hon. Mr Justice Donal P. M. Barrington
Mr Jacques Biancarelli
Mr Cornelis Paulus Briët
Mr David Alexander Ogilvy Edward
Mr Rafael García-Valdecasas y Fernández
Mr Christos G. Geraris
Mr Heinrich Kirschner
Mr Koenraad Lenaerts
Mr Antonio Saggio
Mr Romain Schintgen
Mr Bo Vesterdorff
Mr José Luis da Cruz Vilaça

The terms of office of six of these members shall be for
six years until 31 August 1995; the terms of office of the
other six members shall be for three years until 31 August
1992.

The members whose terms of office are to expire at the
end of the first three years shall be appointed in accor-
dance with Article 12 of Decision 88/591/ECSC, EEC,
Euratom:

HAVE DECIDED AS FOLLOWS:

Done at Brussels, 18 July 1988

Sole Article

The following are hereby appointed members of the
Court of First Instance as from 1 September 1989:

The President
R. DUMAS

⁽¹⁾ OJ No L 319, 25. 11. 1988, p. 1.

**DECISION
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES OF THE EUROPEAN COMMUNITIES**

of 18 July 1989

appointing the President of the Court of First Instance of the European
Communities

(89/453/EEC, Euratom, ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COMMUNI-
TIES,

HAVE DECIDED AS FOLLOWS:

Sole Article

Having regard to Council Decision 88/591/ECSC, EEC,
Euratom of 24 October 1988 establishing a Court of First
Instance of the European Communities (¹),

Mr José Luis da Cruz Vilaça is hereby appointed Presi-
dent of the Court of First Instance for a period of three
years as from 1 September 1989.

Having regard to the first paragraph of Article 11 of that
Decision, which provides that the first President of the
Court of First Instance shall be appointed for three years
in the same manner as its members,

Done at Brussels, 18 July 1989.

The President

R. DUMAS

⁽¹⁾ OJ No L 319, 25. 11. 1988, p. 1.

COUNCIL

COUNCIL DECISION

of 24 July 1989

appointing a member of the Economic and Social Committee

(89/454/EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 15 September 1986 appointing the members of the Economic and Social Committee for the period ending on 20 September 1990⁽¹⁾,

Whereas a seat has become vacant on the above Committee following the resignation of Mr Jean-Claude Clavel, notified to the Council on 19 May 1989,

Having regard to the nominations submitted by the Permanent Representation of France on 23 May 1989,

Having obtained the favourable opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Charles Pelletier is hereby appointed member of the Economic and Social Committee in place of Mr Jean-Claude Clavel for the remainder of his term of office, which runs until 20 September 1990.

Done at Brussels, 24 July 1989.

For the Council

The President

H. NALLET

⁽¹⁾ OJ No C 244, 30. 9. 1986, p. 2.