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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 3610/89**

**of 1 December 1989**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 30 November 1989;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 2 December 1989.

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

<sup>(2)</sup> OJ No L 274, 23. 9. 1989, p. 41.

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

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

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

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX

to the Commission Regulation of 1 December 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	27,61	124,29 <sup>(1)</sup>
0712 90 19	27,61	124,29 <sup>(1)</sup>
1001 10 10	32,83	169,97 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	32,83	169,97 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	27,99	121,88
1001 90 99	27,99	121,88
1002 00 00	54,03	119,37 <sup>(3)</sup>
1003 00 10	45,03	112,73
1003 00 90	45,03	112,73
1004 00 10	36,43	115,39
1004 00 90	36,43	115,39
1005 10 90	27,61	124,29 <sup>(1)</sup> <sup>(2)</sup>
1005 90 00	27,61	124,29 <sup>(1)</sup> <sup>(2)</sup>
1007 00 90	45,03	131,06 <sup>(4)</sup>
1008 10 00	45,03	9,91
1008 20 00	45,03	67,84 <sup>(4)</sup>
1008 30 00	45,03	0,00 <sup>(2)</sup>
1008 90 10	(7)	(7)
1008 90 90	45,03	0,00
1101 00 00	52,92	183,53
1102 10 00	89,37	180,85
1103 11 10	65,47	277,06
1103 11 90	56,37	197,43

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

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

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

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

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

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

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

## COMMISSION REGULATION (EEC) No 3611/89

of 1 December 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 2860/89<sup>(2)</sup>, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 30 November 1989;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 2 December 1989.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 274, 23. 9. 1989, p. 41.

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

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

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

## ANNEX

to the Commission Regulation of 1 December 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 12	1st period 1	2nd period 2	3rd period 3
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	3,85	3,85	3,85
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

CN code	(ECU/tonne)				
	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

**COMMISSION REGULATION (EEC) No 3612/89**  
**of 29 November 1989**  
**on the supply of various lots of butteroil 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1750/89 <sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 350 tonnes of butteroil;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 29 November 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 172, 20. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX I

## LOT A

1. **Operation Nos** <sup>(1)</sup>: 702 to 709/89 and 754 to 758/89 — Commission Decision of 3. 3. 1989
2. **Programme**: 1988
3. **Recipient**: Euronaid PO Box 77, NL-2340 Oegstgeest
4. **Representative of the recipient** <sup>(2)</sup>: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex III
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(4)</sup> <sup>(5)</sup>: to be manufactured from intervention butter, see OJ No C 216, 14. 8. 1987, p. 7 (I.3.1 and I.3.2)
8. **Total quantity**: 350 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 20 kg <sup>(6)</sup> <sup>(7)</sup> and OJ No C 216, 14. 8. 1987, pp. 7 and 8 (I.3.3 and I.3.4)  
Supplementary markings on the packaging:  
see Annex III  
and OJ No C 216, 14. 8. 1987, p. 8 (I.3.4)
11. **Method of mobilization**: purchase of butter from:  
Voedselvoorzieningsin- en verkoopbureau (VIB),  
Burg. Kessenplein 3, 6431 KM Hoensbroek,  
Postbus 960, 6430 AZ Hoensbroek;  
(tel. 045-23 83 83;  
telex 56396+;  
telefax 045-222735)  
The addresses of the places of storage are given in Annex II  
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76 (OJ No L 261, 25. 9. 1976, p. 12), as last amended by Regulation (EEC) No 343/89 (OJ No 39, 11. 2. 1989, p. 20)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 10 to 18. 1. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** <sup>(8)</sup>: 18. 12. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 8. 1. 1990 at 12 noon
  - (b) period for making the goods available at the port of shipment: 1. to 10. 2. 1990
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:  
Bureau de l'aide alimentaire,  
à l'attention de Monsieur N. Arend,  
Bâtiment Loi 120, bureau 7/58,  
200, rue de la Loi, 200  
B-1049 Bruxelles,  
(telex: AGREC 22037 B or 25670 B)
25. **Refund payable on request by the successful tenderer** <sup>(9)</sup>: refund applicable on 17. 11. 1989 fixed by Commission Regulation (EEC) No 3449/89 (OJ No L 333, 17. 11. 1989, p. 8)



*Notes :*

- (<sup>1</sup>) The operation number is to be quoted in all correspondence.
- (<sup>2</sup>) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (<sup>3</sup>) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (<sup>4</sup>) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
  - or by telecopier on one of the following numbers in Brussels :
    - 235 01 32
    - 236 10 97
    - 235 01 30
    - 236 20 05.
- (<sup>5</sup>) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (<sup>6</sup>) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate for each action number/shipping number.
- (<sup>7</sup>) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin for each action number/shipping number.
- (<sup>8</sup>) The supplier should send a duplicate of the original invoice to :
- MM De Keyzer & Schütz BV,  
Postbus 1438,  
Blaak 16,  
NL-3000 KB Rotterdam.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of boxes belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer, number of which to be provided to the beneficiary's forwarder.
- (<sup>9</sup>) Shipment to take place in 20-foot containers, condition FCL/LCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
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*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II*

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Cantidad Mængde Menge Τόνοι Quantity Quantité Quantità Hoeveelheid Quantidade	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e endereço do armazenista
A	427 000 kg	200 000 kg : Vriesoord BV Larenweg 102 5234 KC 's-Hertogenbosch  227 000 kg : Daalimpex BV Veilingweg 9 1747 HG Tuitjenhorn

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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	350	15	Caritas B	Haïti	Action n° 702/89 / <i>Butteroil</i> / 90282 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		20	Protos	Haïti	Action n° 703/89 / <i>Butteroil</i> / 91504 / Port-au-Prince / Don de la Communauté économique européenne / Pour distribution gratuite
		15	Cinterad	Burkina Faso	Action n° 704/89 / <i>Butteroil</i> / 93415 / Ouagadougou via Lomé / Don de la Communauté économique européenne / Pour distribution gratuite
		75	Caritas I	Sénégal	Action n° 705/89 / <i>Butteroil</i> / 90656 / Dakar / Don de la Communauté économique européenne / Pour distribution gratuite
		15	AATM	Sénégal	Action n° 706/89 / <i>Butteroil</i> / 91751 / Saint-Louis via Dakar / Don de la Communauté économique européenne / Pour distribution gratuite
		15	AATM	République Centrafricaine	Action n° 707/89 / <i>Butteroil</i> / 91754 / Bangui via Douala / Don de la Communauté économique européenne / Pour distribution gratuite
		15	AATM	Madagascar	Action n° 708/89 / <i>Butteroil</i> / 91752 / Toamasina / Don de la Communauté économique européenne / Pour distribution gratuite
		15	OPEM (AFSE)	Moçambique	Acção n° 709/89 / <i>Butteroil</i> / 94215 / Matola via Maputo / Donativo da Comunidade Económica Europeia / Destinado a distribuição
		15	Caritas N	Lebanon	Action No 754/89 / <i>Butteroil</i> / 90318B / Saida / Gift of the European Economic Community / For free distribution

Designación del lote	Cantidad total del lote (en toneladas)	Cantidades parciales (en toneladas)	Beneficiario	País destinatario	Inscripción en el embalaje
Parti	Totalmængde (tons)	Delmængde (tons)	Modtager	Modtagerland	Emballagens påtegning
Bezeichnung der Partie	Gesamtmenge der Partie (in Tonnen)	Teilmengen (in Tonnen)	Empfänger	Bestimmungsland	Aufschrift auf der Verpackung
Χαρακτηρισμός της παρτίδας	Συνολική ποσότητα της παρτίδας (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δικαιούχος	Χώρα προορισμού	Ένδειξη επί της συσκευασίας
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Beneficiary	Recipient country	Markings on the packaging
Désignation du lot	Quantité totale du lot (en tonnes)	Quantités partielles (en tonnes)	Bénéficiaire	Pays destinataire	Inscription sur l'emballage
Designazione della partita	Quantità totale della partita (in tonnellate)	Quantitativi parziali (in tonnellate)	Beneficiario	Paese destinatario	Iscrizione sull'imballaggio
Aanduiding van de partij	Totale hoeveelheid van de partij (in ton)	Deelhoeveelheden (in ton)	Begunstigde	Bestemmingsland	Aanduiding op de verpakking
Designação do lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Beneficiário	País destinatário	Inscrição na embalagem
		15	Caritas N	Lebanon	Action No 755/89 / Butteroil / 90321B / Jounieh / Gift of the European Economic Community / For free distribution
		60	Caritas G	Lebanon	Action No 756/89 / Butteroil / 90436B / Jounieh / Gift of the European Economic Community / For free distribution
		60	SPF	Lebanon	Action No 757/89 / Butteroil / 93301B / Saida / Gift of the European Economic Community / For free distribution
		15	Caritas G	Chile	Acción nº 758/89 / Butteroil / 90427 / Anto Fagasta / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita

**COMMISSION REGULATION (EEC) No 3613/89**  
**of 1 December 1989**  
**on the supply of whole milk powder as food aid**

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to the Tunisian Republic 3 000 tonnes of whole milk powder to be supplied;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 172, 21. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX

## LOTS A, B and C

1. **Operation Nos<sup>(1)</sup>:** 609 to 611/89 — Commission Decision of 20. 7. 1989
2. **Programme:** 1989
3. **Recipient:** Republic of Tunisia
4. **Representative of the recipient<sup>(2)</sup>:**  
STIL, 25 rue Belhassen Ben, Chaabane, 1005 El Omrane, Tunis; (tel. 216-1/260 117, telex: 15322, telefax: 216-1/261 882)
5. **Place or country of destination:** Tunisia
6. **Product to be mobilized:** whole milk powder
7. **Characteristics and quality of the goods<sup>(3)</sup> (4):** —
8. **Total quantity:** 3 000 tonnes
9. **Number of lots:** three (lot A: 1 000 tonnes; lot B: 1 000 tonnes; lot C: 1 000 tonnes)
10. **Packaging and marking:** 25 kg and OJ No C 216, 14. 8. 1987, pp. 4 and 5 (I.1.B.4. and I.1.B.4.3)  
Supplementary markings on the packaging:  
'ACTION N° 609/89, 610/89 et 611/89 / LAIT ENTIER EN POUDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE À LA RÉPUBLIQUE TUNISIENNE'  
and OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization:** the Community market  
The manufacture of the whole milk powder must be carried out after the award of the tender
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 1 to 15. 2. 1990
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders<sup>(5)</sup>:** 18. 12. 1989 at 12 noon
21. **In the case of a second invitation to tender:**
  - (a) deadline for the submission of tenders: 8. 1. 1990 at 12 noon —
  - (b) period for making the goods available at the port of shipment: 15 to 28. 2. 1990
  - (c) deadline for the supply: —
22. **Amount of the tendering security:** ECU 20 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders:**  
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer<sup>(6)</sup>:** refund applicable on 13. 10. 1988 fixed by Commission Regulation (EEC) No 3080/89 (OJ No L 294, 13. 10. 1989, p. 22)

*Notes :*

- (1) The operation number is to be quoted in all correspondence.
- (2) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (3) Commission delegate to be contacted by the successful tenderer :  
M. Klaus von Helldorf, 21 avenue Jugurtha, Tunis.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :  
— either by porter at the office referred to in point 24 of this Annex,  
— or by telecopier on one of the following numbers in Brussels :  
— 235 01 32  
— 236 10 97  
— 235 01 30  
— 236 20 05
- (5) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) The whole milk powder with 26 % minimum fat content must be obtained by the spray method and must be manufactured not more than one month before the date of shipment. The quality must be extra grade and the milk powder must have the following characteristics :
- |  |   |
|--|---|
| (a) fat content :                                  | 26,0 % minimum ;  |
| (b) water content :                                | 2,5 % maximum ;   |
| (c) titratable acidity (in solids, non-fat) : ADMI |   |
| — as ml of decinormal sodium hydroxide solution :  | 3,0 % maximum ;   |
| — as lactic acid :                                 | 0,15 % maximum ;  |
| (d) lactate content (in solids, non-fat) :         | 150 mg/100 g maximum ;  |
| (e) additives :                                    | none ;  |
| (f) phosphatase test :                             | negative, i.e. not more than 4 µg of phenol per g of reconstituted milk ; |
| (g) solubility index :                             | 0,5 ml maximum ;  |
| (h) burnt :  | 15,0 mg maximum, i.e. at least disc B ;                                   |
| (i) micro-organism content :                       | 50 000 per g maximum ;  |
| (k) coliform test :                                | negative in 0,1 g ;   |
| (l) buttermilk test :                              | negative ;  |
| (m) whey test :                                    | negative ;  |
| (n) odour and flavour :                            | clean ;   |
| (o) appearance :                                   | white or slightly yellowish, no impurities or coloured particles.         |
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**COMMISSION REGULATION (EEC) No 3614/89**  
**of 1 December 1989**  
**concerning the stopping of fishing for herring by vessels flying the flag of**  
**Ireland**

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

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

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

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

Whereas, according to the information communicated to  
the Commission, catches of herring in the waters of ICES  
division VII a by vessels flying the flag of Ireland or

registered in Ireland have reached the quota allocated for  
1989,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of herring in the waters of ICES division VII a by  
vessels flying the flag of Ireland or registered in Ireland  
are deemed to have exhausted the quota allocated to  
Ireland for 1989.

Fishing for herring in the waters of ICES division VII a  
by vessels flying the flag of Ireland or registered in  
Ireland is prohibited, as well as the retention on board,  
the transshipment and the landing of such stock captured  
by the abovementioned vessels after the date of entry into  
force of this Regulation.

*Article 2*

This Regulation shall enter into force on the day  
following 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, 1 December 1989.

*For the Commission*

Manuel MARÍN

*Vice-President*

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<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 1.

<sup>(2)</sup> OJ No L 306, 11. 11. 1988, p. 2.

<sup>(3)</sup> OJ No L 369, 31. 12. 1988, p. 3.

<sup>(4)</sup> OJ No L 218, 28. 7. 1989, p. 5.



**COMMISSION REGULATION (EEC) No 3615/89**  
**of 1 December 1989**

**amending Regulation (EEC) No 3782/88 authorizing Germany and France not to apply in certain areas the measures provided for in Regulation (EEC) No 1442/88 on the granting, for the 1989/90 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas<sup>(1)</sup>, and in particular Article 12 (1) thereof,

Whereas, in accordance with Article 11a of Commission Regulation (EEC) No 2729/88 of 31 August 1988 laying down detailed rules for the application of Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas<sup>(2)</sup>, as last amended by Regulation (EEC) No 678/89<sup>(3)</sup>, before 1 October 1989 France submitted an amendment to the request for certain areas to be excluded from the scope of the measures provided for in Regulation (EEC) No 1442/88 from the 1990/91 wine year; whereas that amendment falls within the categories justified in the previous request which resulted in Commission Regulation (EEC) No 3782/88<sup>(4)</sup>, as amended by Regulation (EEC) No 1326/89<sup>(5)</sup>, authorizing Germany and France not to apply the measures provided for in

Regulation (EEC) No 1442/88 in certain areas; whereas the corrected wine-growing potential of those areas as a whole is less than 10 % of French national wine-growing potential;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 3782/88 is hereby amended as follows:

'Coteaux d'Aix-en-Provence' is added to the second indent of point 2.

*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 from the 1990/91 wine year.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 132, 28. 5. 1988, p. 3.

<sup>(2)</sup> OJ No L 241, 1. 9. 1988, p. 108.

<sup>(3)</sup> OJ No L 73, 17. 3. 1989, p. 23.

<sup>(4)</sup> OJ No L 332, 3. 12. 1988, p. 25.

<sup>(5)</sup> OJ No L 133, 17. 5. 1989, p. 7.

**COMMISSION REGULATION (EEC) No 3616/89  
of 1 December 1989**

**amending Regulation (EEC) No 1328/89 authorizing Italy not to apply in certain areas the measures provided for in Council Regulation (EEC) No 1442/88 as regards the granting of permanent abandonment premiums in respect of wine-growing areas for the 1989/90 to 1995/96 wine years**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas<sup>(1)</sup>, and in particular Article 12 (1) thereof,

Whereas, pursuant to Article 11a of Commission Regulation (EEC) No 2729/88 of 31 August 1988 laying down detailed rules for the application of Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas<sup>(2)</sup>, as last amended by Regulation (EEC) No 678/89<sup>(3)</sup>, Italy lodged an amendment before 1 October 1989 to the request for certain areas to be excluded from the scope of the measures provided for in Regulation (EEC) No 1442/88 from the 1990/91 wine year; whereas that amendment falls within the categories justified in the previous request resulting in a Commission Regulation (EEC) No 1328/89<sup>(4)</sup> authorizing Italy not to apply the measures provided for in Regulation (EEC) No 1442/88 in certain areas; whereas a new request relates to certain areas which have qualified for restructuring premiums; whereas that request complies with the criteria laid down in Article 12 (1) of Regulation (EEC) No 1442/88; whereas the corrected wine-growing potential of those areas as a whole is less than 10 % of Italian national wine-growing potential;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 1328/89 is hereby amended as follows:

1. in point 3, 'Marche' and the relevant designations of origin are deleted; the designation of origin 'Colli del Trasimeno' is added opposite 'Umbria';
2. in point 4, 'Umbria' and the relevant designation of origin are deleted;
3. the following point is added:  
  
    '5. Areas which have qualified for a vineyard restructuring premium and have required an authorization for new planting or replanting from the 1984/85 wine year in the following regions:  
  
        — Marche.'

*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 from the 1990/91 wine year.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 132, 28. 5. 1988, p. 3.

<sup>(2)</sup> OJ No L 241, 1. 9. 1988, p. 108.

<sup>(3)</sup> OJ No L 73, 17. 3. 1989, p. 23.

<sup>(4)</sup> OJ No L 133, 17. 5. 1989, p. 10.

## COMMISSION REGULATION (EEC) No 3617/89

of 1 December 1989

concerning the quantities of sheepmeat and goatmeat products which may be imported from Romania during 1989

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

Having regard to Council Decision 84/633/EEC of 11 December 1984 authorizing the Commission, within the context of the voluntary restraint agreements on trade in the sheepmeat and goatmeat sector between the Community and 12 non-member States, to convert, for the purposes of the smooth operation of trade and within the limits agreed, live animal quantities into fresh or chilled meat quantities or such latter quantities into the former<sup>(1)</sup>, and in particular Article 1 (1) thereof;

Whereas, under an Agreement concluded with the Community, Romania has undertaken to restrict its exports of sheepmeat and goatmeat to the Community to annual quantities of 475 tonnes of live animals, expressed as carcase weight bone-in, and of 75 tonnes of fresh and chilled meat;

Whereas Romania has asked the Community to convert the 75 tonnes of fresh and chilled meat that may be exported to the Community in 1989 into 75 tonnes of live animals expressed as carcase weight bone-in; whereas the extremely limited quantity covered by the request will not disturb the Community market; whereas the market situation is such that the application can be granted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity of live sheep and goats falling within CN codes 0104 10 90 and 0104 20 90 that may be imported from Romania in 1989, under the Agreement concluded with that country, shall be 550 tonnes expressed as carcase weight bone-in.

The quantity of fresh and chilled sheepmeat and goatmeat falling within CN code ex 0204, that may be imported from Romania in 1989 under the Agreement concluded with that country, shall be nil.

*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, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 331, 19. 12. 1984, p. 32.

## COMMISSION REGULATION (EEC) No 3618/89

of 1 December 1989

on the application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1990 marketing year

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 3013/89 introduces arrangements for the limitation of the guarantee applicable for each marketing year; whereas Article 25 (1) and (3) of that Regulation provides that where the United Kingdom applies the variable premium arrangements transitionally, the guarantee limitation arrangements are to apply separately in Great Britain on the one hand and in the other regions as a whole on the other hand; whereas, however, Article 25 (4) of that Regulation provides that the reductions in the basic price in respect of Great Britain on the one hand and the rest of the Community on the other are to be gradually merged into a single reduction in proportion to the actual dismantling of the variable premium during each marketing year;

Whereas Commission Regulation (EEC) No 1310/88<sup>(2)</sup> lays down the detailed rules for the application of these arrangements;

Whereas for the 1990 marketing year estimated ewe numbers exceed the maximum guaranteed level and result in the fixing of a reduction coefficient;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1990 marketing year:

- (a) the coefficient referred to in the first indent of Article 8 (2) of Regulation (EEC) No 3013/89 shall be as follows:
  - Great Britain: 12,0,
  - rest of the Community: 7,0;
- (b) in view of the alignment provided for in Article 25 (4) of Regulation (EEC) No 3013/89, the coefficient actually applicable shall be as follows:
  - Great Britain: 11,0,
  - rest of the Community: 7,25;
- (c) the weekly amounts of the guide level shall be as set out in the Annex in accordance with Article 25 (2) of Regulation (EEC) No 3013/89.

*Article 2*

This Regulation shall enter into force on 1 January 1990.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 122, 12. 5. 1988, p. 69.

## ANNEX

## 1990 marketing year

(in ECU/100 kg carcase weight)

Week beginning	Week No	Guide level
1 January 1990	1	337,20
8 January	2	343,63
15 January	3	349,03
22 January	4	353,38
29 January	5	359,81
5 February	6	364,84
12 February	7	367,66
19 February	8	369,69
26 February	9	371,89
5 March	10	373,74
12 March	11	374,88
19 March	12	374,88
26 March	13	374,18
2 April	14	373,70
9 April	15	373,31
16 April	16	371,59
23 April	17	369,02
30 April	18	366,01
7 May	19	362,96
14 May	20	358,04
21 May	21	353,12
28 May	22	343,63
4 June	23	334,83
11 June	24	326,19
18 June	25	317,47
25 June	26	308,74
2 July	27	301,34
9 July	28	294,18
16 July	29	291,24
23 July	30	289,81
30 July	31	289,27
6 August	32	289,27
13 August	33	289,27
20 August	34	289,27
27 August	35	289,27
3 September	36	289,27
10 September	37	289,27
17 September	38	289,27
24 September	39	289,66
1 October	40	289,67
8 October	41	289,90
15 October	42	290,27
22 October	43	291,16
29 October	44	293,41
5 November	45	295,69
12 November	46	299,96
19 November	47	304,23
26 November	48	308,50
3 December	49	312,65
10 December	50	318,34
17 December	51	323,27
24 December	52	328,96
31 December	53	333,86

**COMMISSION REGULATION (EEC) No 3619/89****of 1 December 1989****concerning the quantities of sheepmeat and goatmeat products which may be imported from Poland during 1989**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 84/633/EEC of 11 December 1984 authorizing the Commission, in the context of the voluntary restraint agreements on trade in the sheepmeat and goatmeat sector between the European Economic Community and 12 non-member States, to convert for the purposes of the smooth operation of trade, live animals into fresh or chilled meat or fresh or chilled meat into live animals within the quantities agreed<sup>(1)</sup>, and in particular Article 1 (1) thereof,

Whereas, under an Agreement concluded with the Community, Poland has undertaken to restrict its exports of sheepmeat and goatmeat to the Community to annual quantities of 5 800 tonnes of live animals, expressed as carcase weight bone-in, and of 200 tonnes of fresh and chilled meat;

Whereas Poland has asked the Community to convert the 200 tonnes of fresh and chilled meat that may be exported to the Community in 1989 into 200 tonnes of live animals expressed as carcase weight bone-in; whereas the limited quantity covered by the request will not disturb the Community market; whereas the market situation is such that the application can be granted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity of live sheep and goats other than pure-bred breeding animals falling within CN codes 0104 10 90 and 0104 20 90 that may be imported from Poland in 1989, under the Agreement concluded with that country, shall be 6 000 tonnes expressed as carcase weight bone-in.

The quantity of fresh and chilled sheepmeat and goatmeat falling within CN code ex 0204 that may be imported from Poland in 1989, under the Agreement concluded with that country, shall be nil.

*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, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 331, 19. 12. 1984, p. 32.

## COMMISSION REGULATION (EEC) No 3620/89

of 1 December 1989

on transitional measures concerning non-recovery of the variable slaughter premium for sheepmeat and goatmeat products exported from the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, and in particular Article 34 thereof,

Whereas Article 24 (5) of Regulation (EEC) No 3013/89 provides that an amount equivalent to the variable slaughter premium for sheep is to be charged on products referred to in Article 1 of that Regulation when those products leave the territory of the Member State concerned;

Whereas it has been found that this provision could give rise to appreciable difficulties for export of the products in question from the Community; whereas it seems necessary, on a transitional basis to continue to provide that the variable slaughter premium not be recovered in respect of sheepmeat products exported from the Community;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Notwithstanding Article 24 (5) of Regulation (EEC) No 3013/89 the amount referred to therein shall not be charged on export of the products in question from the Community.

2. For the products referred to in paragraph 1 the security referred to in Article 4 (2) of Commission Regulation (EEC) No 2661/80<sup>(2)</sup> shall be released when proof that these products have been put on the market in a third country is presented.

*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 from 1 January 1990 until 31 December 1992.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 276, 20. 10. 1980, p. 19.

## COMMISSION REGULATION (EEC) No 3621/89

of 1 December 1989

withdrawing certain milk products from the list of products subject to the supplementary trade mechanism

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, and in particular Article 81 (3) thereof,

Whereas the aim of the supplementary trade mechanism is to monitor the trend in trade in products between the Community as constituted at 31 December 1985 and Spain for a period determined in the Act; whereas, however, Article 81 (3) (c) of the Act provides for the possibility of withdrawing certain milk products from the list of products subject to the STM from the fifth year following accession if the list no longer appears necessary having regard in particular to the level of imports of the products concerned and the structural situation of production and marketing; whereas this is the case of the milk products listed in the Annex hereto;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the *ad hoc* Committee on the STM,

HAS ADOPTED THIS REGULATION:

*Article 1*

The milk products listed in the Annex hereto are hereby withdrawn from the list of products subject to the supplementary trade mechanism.

*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 from 1 January 1990.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*



## ANNEX

CN code	Description
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :
	— In powder, granules or other solid forms, not containing added sugar or other sweetening matter :
	— Intended for human consumption
ex 0402 10 11	
ex 0402 10 19	
ex 0402 21	
	— In powder, granules or other solid forms, containing added sugar or other sweetening matter
0402 29 11	— Special milk, for infants, in hermetically sealed containers of a net capacity of 500 g or less and of a fat content, by weight, exceeding 10 % but not exceeding 27 %
ex 0404 90 53	
ex 0404 90 93	
0406 90 13	Emmental
ex 0406 90 15	Gruyère
0406 40 00	Blue-veined cheese
0406 90 61	Grana padano, Parmigiano reggiano

## COMMISSION REGULATION (EEC) No 3622/89

of 1 December 1989

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 2396/89<sup>(3)</sup> opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 3327/89<sup>(4)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88<sup>(5)</sup>, as amended by Regulation (EEC) No 3556/88<sup>(6)</sup>, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(7)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(8)</sup>,
- for the other currencies, a conversion rate based on the arithmetic mean of the spot market rates for the currency, as recorded over a given period, against the Community currencies referred to in the preceding indent, and the abovementioned factor;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 2396/89 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

*Article 2*

This Regulation shall enter into force on 5 December 1989.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 227, 4. 8. 1989, p. 9.

<sup>(4)</sup> OJ No L 321, 4. 11. 1989, p. 41.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(7)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(8)</sup> 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, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 3623/89  
of 1 December 1989**

**amending certain levies on imports of live bovine animals and beef and veal  
other than frozen**

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 805/68 of  
27 June 1968 on the common organization of the market  
in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC)  
No 571/89 <sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas levies must be fixed having regard to the  
obligations arising from international agreements  
concluded by the Community; whereas account should  
also be taken of Council Regulation (EEC) No 314/83 of  
24 January 1983 on the conclusion of the Cooperation  
Agreement between the European Economic Community  
and the Socialist Federal Republic of Yugoslavia <sup>(3)</sup> and of  
Council Decision 87/605/EEC of 21 December 1987 on  
the conclusion of the additional Protocol to the  
Cooperation Agreement between the European Economic

Community and the Socialist Federal Republic of  
Yugoslavia <sup>(4)</sup>;

Whereas the second quota provided for in the said  
Protocol has been exhausted; whereas the levy applicable  
to other third countries should accordingly be reinstated  
vis-à-vis the Socialist Federal Republic of Yugoslavia;  
whereas the levies fixed by Commission Regulation (EEC)  
No 3510/89 <sup>(5)</sup> should therefore be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 3510/89 is hereby  
replaced by the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 4 December  
1989.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 41, 14. 2. 1983, p. 1.

<sup>(4)</sup> OJ No L 389, 31. 12. 1987, p. 72.

<sup>(5)</sup> OJ No L 342, 24. 11. 1989, p. 20.

## ANNEX

to the Commission Regulation of 1 December 1989 altering certain import levies on live cattle and on beef and veal other than frozen <sup>(1)</sup>

(ECU/100 kg)

CN code	Yugoslavia <sup>(2)</sup>	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	12,314	123,302
0102 90 31	123,302	12,314	123,302
0102 90 33	—	12,314	123,302
0102 90 35	123,302	12,314	123,302
0102 90 37	123,302	12,314	123,302
— Net weight —			
0201 10 10	—	23,397	234,275
0201 10 90	234,275	23,397	234,275
0201 20 21	—	23,397	234,275
0201 20 29	234,275	23,397	234,275
0201 20 31	—	18,718	187,419
0201 20 39	187,419	18,718	187,419
0201 20 51	281,130	28,077	281,130
0201 20 59	281,130	28,077	281,130
0201 20 90	—	35,096	351,412
0201 30 00	—	40,145	401,966
0206 10 95	—	40,145	401,966
0210 20 10	—	35,096	351,412
0210 20 90	—	40,145	401,966
0210 90 41	—	40,145	401,966
0210 90 90	—	40,145	401,966
1602 50 10	—	40,145	401,966
1602 90 61	—	40,145	401,966

<sup>(1)</sup> In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

<sup>(2)</sup> This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

## COMMISSION REGULATION (EEC) No 3624/89

of 1 December 1989

amending Regulation (EEC) No 3105/87 as regards the admissibility of applications for and the term of validity of licences issued under the special arrangements for imports of maize and grain sorghum into Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1799/87 of 25 June 1987 on special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 <sup>(1)</sup>, and in particular Article 8 thereof,

Whereas Commission Regulation (EEC) No 3105/87 of 16 October 1987 laying down detailed rules for the application of the special arrangements for imports of maize and sorghum into Spain from 1987 to 1990 <sup>(2)</sup>, as last amended by Regulation (EEC) No 3106/88 <sup>(3)</sup>, defines in particular the conditions of admissibility for and the term of validity of licences; whereas, in order to ensure implementation in accordance with the international undertakings entered into by the Community, the conditions of admissibility of applications for and the term of validity of the said licences should be amended;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following two paragraphs are hereby added to Article 3 of Regulation (EEC) No 3105/87:

'5. Applications shall only be admissible if:

- they do not exceed the maximum quantity available for each closing date for the submission of applications,

— they are accompanied by evidence that the applicant engages in commercial activity in import-export in cereals into and from Spain. Such evidence shall, in accordance with this Article, consist in the presentation to the competent agency of a copy of a certificate of payment of the value added tax and a copy of a customs clearance certificate in Spain in respect of an import or export licence in the applicant's name for an operation effected during the last three years.

6. By way of derogation from Article 9 of Commission Regulation (EEC) No 3719/88 <sup>(4)</sup>, rights accruing from the licences referred to in this Regulation shall not be transmissible.

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

*Article 2*

Article 5 (1) of Regulation (EEC) No 3105/87 is hereby replaced by the following:

'1. Import licences issued under this Regulation shall be valid from their date of issue within the meaning in Article 21 (1) of Commission Regulation (EEC) No 3719/88, until 31 May 1990 for maize and until 31 March 1990 for grain sorghum.'

*Article 3*

This Regulation shall enter into force on 2 December 1989.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 170, 30. 6. 1987, p. 1.

<sup>(2)</sup> OJ No L 294, 17. 10. 1987, p. 15.

<sup>(3)</sup> OJ No L 277, 8. 10. 1988, p. 28.

**COMMISSION REGULATION (EEC) No 3625/89**  
**of 1 December 1989**  
**fixing the import levies on white sugar and raw sugar**

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3599/89 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 2 December 1989.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

<sup>(4)</sup> OJ No L 350, 1. 12. 1989, p. 70.

**ANNEX**

**to the Commission Regulation of 1 December 1989 fixing the import levies on white sugar and raw sugar**

(ECU/100 kg)

CN code	Levy
1701 11 10	28,69 <sup>(1)</sup>
1701 11 90	28,69 <sup>(1)</sup>
1701 12 10	28,69 <sup>(1)</sup>
1701 12 90	28,69 <sup>(1)</sup>
1701 91 00	34,85
1701 99 10	34,85
1701 99 90	34,85 <sup>(2)</sup>

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

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



**COMMISSION REGULATION (EEC) No 3626/89****of 1 December 1989****altering the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 2860/89 <sup>(2)</sup>, and in particular the fifth subparagraph of Article 16 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 3602/89 <sup>(3)</sup>;

Whereas, it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3602/89 to the information 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 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3602/89 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

*Article 2*

This Regulation shall enter into force on 2 December 1989.

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

Done at Brussels, 1 December 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 274, 23. 9. 1989, p. 41.

<sup>(3)</sup> OJ No L 350, 1. 12. 1989, p. 78.

## ANNEX

to the Commission Regulation of 1 December 1989 altering the export refunds on cereals  
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	06	95,00
	07	95,00
	02	0
1001 10 90 000	01	10,00
1001 90 91 000	08	42,00
	02	0
1001 90 99 000	04	42,00
	05	42,00
	02	10,00
1002 00 00 000	03	45,00
	05	45,00
	02	10,00
1003 00 10 000	09	57,00
	02	0
1003 00 90 000	04	57,00
	02	10,00
1004 00 10 000	08	57,00
	02	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	72,50
1101 00 00 120	01	72,50
1101 00 00 130	01	66,50
1101 00 00 150	01	63,50
1101 00 00 170	01	60,50
1101 00 00 180	01	57,50
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	72,50
1102 10 00 200	01	72,50
1102 10 00 300	01	72,50
1102 10 00 500	01	72,50
1102 10 00 900	—	—
1103 11 10 100	01	182,00
1103 11 10 200	01	172,00
1103 11 10 500	01	154,00
1103 11 10 900	01	145,00
1103 11 90 100	01	72,50
1103 11 90 900	—	—

(<sup>1</sup>) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II b),
- 06 Turkey,
- 07 Algeria,
- 08 Zone I,
- 09 Zone VI, Zone I.

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*NB:* The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE

of 21 November 1989

**on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters**

(89/608/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas, in the agricultural sector, far-reaching rules have been introduced in the veterinary and zootechnical area ;

Whereas the smooth functioning of the common agricultural policy and of the common market for agricultural products, and also the prospect of the abolition of veterinary checks at frontiers with a view to achieving the internal market for products subject to such checks, render it necessary to reinforce cooperation between the authorities responsible in each Member State for the application of veterinary and zootechnical rules ;

Whereas it is therefore appropriate to establish rules according to which the competent authorities of the Member States must mutually provide each other with assistance and cooperate with the Commission so as to ensure the proper application of veterinary and zootechnical rules, in particular by the prevention and detection of infringements of such rules and detection of any activity which is or seems to be contrary thereto ;

Whereas, in order to establish these rules, inspiration should be sought, as far as possible, from the Community provisions established by Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters <sup>(4)</sup>, as amended by Regulation (EEC) No 945/87 <sup>(5)</sup> ; whereas account should also be taken of the specificity of health rules,

HAS ADOPTED THIS DIRECTIVE :

*Article 1*

The Directive lays down the ways in which the competent authorities responsible in the Member States for monitoring legislation on veterinary and zootechnical matters shall cooperate with those in the order Member States and with the relevant Commission departments in order to ensure compliance with such legislation.

*Article 2*

1. For the purposes of this Directive :

— 'legislation on veterinary matters' shall mean all Community provisions and provisions which contribute to the application of Community rules governing animal health, public health as related to

<sup>(1)</sup> OJ No C 225, 31. 8. 1988, p. 4.

<sup>(2)</sup> OJ No C 326, 19. 12. 1988, p. 28.

<sup>(3)</sup> OJ No C 56, 6. 3. 1989, p. 7.

<sup>(4)</sup> OJ No L 144, 2. 6. 1981, p. 1.

<sup>(5)</sup> OJ No L 90, 2. 4. 1987, p. 3.

the veterinary sector, health inspection of animals, meat and other products of animal origin, and animal protection.

- 'legislation on zootechnical matters' shall mean all Community provisions and provisions which contribute to the application of Community rules on zootechnical matters,
- 'applicant authority' shall mean the competent authority of a Member State which makes a request for assistance,
- 'requested authority' shall mean the competent authority of a Member State to which a request for assistance is made.

2. Each Member State shall communicate to the other Member States and to the Commission a list of the competent authorities referred to in Article 1.

### *Article 3*

The obligation to provide assistance laid down by this Directive shall not concern the provision of information or documents obtained by the competent authorities referred to in Article 1 under powers exercised by them at the request of the judicial authority.

However, in the case of an application for assistance, such information or documents shall be provided, without prejudice to Article 14, in all cases where the judicial authority, which must be consulted to that effect, gives its consent.

## **TITLE I**

### **Assistance on request**

#### *Article 4*

1. At the request, which shall be duly reasoned, of the applicant authority, the requested authority shall
  - communicate to the applicant authority all information, attestations, documents or certified copies thereof in its possession or which it can obtain as prescribed in paragraph 2 and which are such as to enable it to check that the provisions laid down in legislation on veterinary and zootechnical matters have been complied with,
  - carry out any relevant inquiry into the accuracy of the facts notified by the applicant authority and inform it of the outcome of such inquiries including the information that was necessary for such inquiries.
2. In order to obtain this information, the requested authority or the administrative authority which it has addressed shall proceed as though it were acting on its own account or at the request of another authority in its own country.

#### *Article 5*

1. At the request of the applicant authority, the requested authority shall, while observing the rules in force in the Member State in which it is situated, notify the applicant authority or have it notified of all instruments or decisions which emanate from the competent authorities and concern the application of legislation on veterinary or zootechnical matters.

2. Requests for notification, mentioning the subject of the act or decision to be communicated, shall, at the request of the requested authority, be accompanied by a translation in the official language or one of the official languages of the Member State in which the requested authority is situated.

### *Article 6*

At the request of the applicant authority, the requested authority shall keep a watch or arrange for a watch to be kept or to be reinforced within its operational area where such irregularities are suspected, in particular:

- (a) on establishments;
- (b) on places where stocks of goods have been assembled;
- (c) on notified movements of goods;
- (d) on means of transport.

### *Article 7*

At the request of the applicant authority, the requested authority shall supply to it any relevant information in its possession or which it obtains in accordance with Article 4 (2), in particular in the form of reports and other documents or certified copies of or extracts from such reports or documents, concerning operations actually detected which appear to the applicant authority to be contrary to legislation on veterinary or zootechnical matters.

## **TITLE II**

### **Spontaneous assistance**

#### *Article 8*

1. The competent authorities of each Member State shall, as laid down in paragraph 2, spontaneously assist the competent authorities of the other Member States without prior request of the latter.
2. Where they consider it useful in connection with compliance with the legislation on veterinary or zootechnical matters, the competent authorities of each Member State shall:
  - (a) as far as possible keep the watch referred to in Article 6 or arrange for such watch to be kept;
  - (b) communicate to the competent authorities of the other Member States concerned as soon as possible all available information, in particular in the form of reports and other documents or copies of or extracts from such reports or documents, concerning operations which are or appear to them to be contrary to legislation on veterinary or zootechnical matters, and particularly the means or methods used to carry out such operations.

## **TITLE III**

### **Final provisions**

#### *Article 9*

1. The competent authorities of each Member State shall communicate to the Commission as soon as it is available to them:

(a) any information they consider useful concerning :

- goods which have been or are suspected of having been the subject of transactions contrary to legislation on veterinary or zootechnical matters,
- the methods or processes used or suspected of having been used to contravene such legislation ;

(b) any information on deficiencies of, or lacunae in, the said legislation which application thereof has revealed or suggested.

2. The Commission shall communicate to the competent authorities of each Member State, as soon as it is available to it, any information which is such as to enable compliance with legislation on veterinary or zootechnical matters to be enforced.

#### *Article 10*

1. Where the competent authorities of a Member State become aware of operations which are, or appear to be, contrary to the rules on veterinary or zootechnical matters and which are of particular interest at Community level, and in particular :

- where they have, or might have, ramifications in other Member States, or
- where it appears to the said authorities likely that similar operations have been also carried out in other Member States,

those authorities shall communicate to the Commission as quickly as possible, either on their own initiative or at the reasoned request of the Commission, all relevant information, where appropriate in the form of documents or copies or extracts from documents, necessary to determine the facts so as to enable the Commission to coordinate the action undertaken by the Member States.

The Commission shall pass this information on to the competent authorities of the other Member States.

2. Where the communications referred to in paragraph 1 concerning cases likely to create risks for human health, and in the absence of other methods of prevention, the information in question may, after contact between the parties and the Commission, be the object of a reasoned notice to the public.

3. Information relating to natural or legal persons shall be communicated as provided for in paragraph 1 only to the extent strictly necessary to enable operations which are contrary to legislation on veterinary or zootechnical matters to be noted.

4. Where the competent authorities of a Member State make use of paragraph 1, they need not communicate information as provided in Articles 8 (2) (b) and 9 to the competent authorities of the other Member States concerned.

#### *Article 11*

The Commission and the Member States meeting within the Standing Veterinary Committee or the Standing Zootechnical Committee shall :

- examine, in general terms, the operation of the mutual assistance arrangements provided for in this Directive,
- examine the relevant information communicated to the Commission pursuant to Articles 9 and 10 — and the procedures for such communication — with a view to drawing conclusions.

In the light of that examination the Commission shall, if necessary, suggest amendments to existing Community provisions or the drawing-up of additional ones.

#### *Article 12*

For the purposes of applying this Directive, Member States shall take all the necessary steps to :

- (a) ensure smooth internal coordination between the competent authorities referred to in Article 1 ;
- (b) establish, in their mutual relations and as required, direct cooperation between the authorities they specially empower to this end.

#### *Article 13*

1. This Directive shall not oblige the competent authorities of the Member States to grant each other assistance where to do so would be likely to prejudice public policy or any other fundamental interests of the State in which they are situated.

2. Reasons shall be stated for any refusal to grant assistance.

#### *Article 14*

The supply of documents provided for in this Directive may be replaced by the supply of computerized information produced in any form for the same purpose.

#### *Article 15*

1. Any information communicated in whatever form pursuant to this Directive shall be of a confidential nature. It shall be covered by the obligation of professional secrecy and shall enjoy the protection extended to like information under both the national law of the Member State which received it and the corresponding provisions applying to Community bodies.

The information referred to in the first subparagraph may not, in particular, be sent to persons other than those in the Member States or within the Community institutions whose duties require that they have access to it. Nor may it be used for purposes other than those provided for in this Directive, unless the authority supplying it has

expressly agreed and insofar as the provisions in force, in the Member State where the authority which received it is situated do not object to such communication or use.

The information provided for under this Directive shall not only be communicated to the applicant authority to the extent there is nothing to the contrary in the provisions in force in the Member State or requested authority.

Member States shall ensure that information obtained under the mutual assistance scheme remains confidential, even after a matter has been closed.

2. Paragraph 1 shall not impede the use of information obtained pursuant to this Directive in any legal actions or proceedings subsequently instituted for failure to comply with legislation on veterinary or zootechnical matters on or in the prevention and discovery of irregularities detrimental to Community funds.

The competent authority of the Member State which supplied this information shall be informed forthwith of such utilization.

#### *Article 16*

Member States shall communicate to the Commission and to the other Member States the bilateral mutual assistance agreements between veterinary administrations concluded with third countries.

The Commission shall, for its part, communicate to the Member States agreements of the same nature that it concludes with third countries.

#### *Article 17*

Member States shall mutually waive claims for the reimbursement of expenses incurred pursuant to this Directive except, where appropriate, in respect of fees paid to experts.

#### *Article 18*

This Directive shall not affect the application in the Member States of the rules on mutual assistance in criminal matters.

#### *Article 19*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1991. They shall forthwith inform the Commission thereof.

#### *Article 20*

This Directive is addressed to the Member States.

Done at Brussels, 21 November 1989.

*For the Council*

*The President*

H. NALLET

**COUNCIL DECISION****of 27 November 1989****amending Decision 87/279/EEC on Community financial participation with regard to the facilities for the monitoring and supervision of fishing activities in waters falling under the sovereignty or within the jurisdiction of Portugal****(89/609/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas, in a declaration attached to the Act of Accession of Spain and Portugal, the Community declared that Community support for monitoring and supervising waters falling under the sovereignty or within the jurisdiction of Portugal might be envisaged;

Whereas Decision 87/279/EEC <sup>(3)</sup> provides that the Community will participate in the financing of expenditure incurred by Portugal between 1 January 1988 and 31 December 1989 in respect of operations to conclude, modernize and improve its facilities for monitoring and supervision with a view to proper enforcement of the relevant provisions of the common fisheries policy in waters falling under its sovereignty or jurisdiction;

Whereas the said operations include the building of patrol vessels, the purchase of equipment for surveillance aircraft and the purchase and installation of technical and electronic equipment;

Whereas implementation of the said operations has been delayed because of the complexity of designing equipment which must be particularly sophisticated to ensure true effectiveness in the inspection and surveillance of very large fishing areas;

Whereas the investments planned by Portugal cannot therefore be fully implemented before 1 January 1990; whereas the time limit laid down should be deferred in

the Community interest to enable the planned work to be completed and to ensure Community financial participation in the expenditure involved;

Whereas the estimates of eligible expenditure must be adjusted on the basis of the observed trend of costs; whereas, therefore, provision should be made for the Commission decision relating to the eligibility of expenditure to be amended,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 87/279/EEC is hereby amended as follows:

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

'2. The Community shall reimburse, at a rate of 50 % and subject to a maximum of ECU 12 million, the eligible expenditure incurred by Portugal from 1 January 1988 to 31 December 1991.'

2. The following sentence is added to point 4 of the Annex:

'The Commission may amend its decision as to the eligibility of expenditure on the basis of the observed trend of costs.'

*Article 2*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 27 November 1989.

*For the Council*

*The President*

J. MELLICK

<sup>(1)</sup> OJ No C 269, 21. 10. 1989, p. 10.

<sup>(2)</sup> Opinion delivered on 24 November 1989 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No L 135, 23. 5. 1987, p. 33.



# COMMISSION

## COMMISSION DECISION

of 14 November 1989

laying down the reference methods and the list of national reference laboratories  
for detecting residues

(89/610/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat<sup>(1)</sup>, as last amended by Directive 88/657/EEC<sup>(2)</sup>, and in particular Article 4 (1) (b) and the second subparagraph of Article 8 (3) thereof,

Having regard to Council Directive 85/397/EEC of 5 August 1985 on health and animal-health problems affecting intra-Community trade in heat-treated milk<sup>(3)</sup>, as amended by Regulation (EEC) No 3768/85<sup>(4)</sup>, and in particular the second subparagraph of Article 5 (3) and the third subparagraph of Article 11 (4) thereof,

Having regard to the opinion of the Scientific Veterinary Committee,

Whereas, in accordance with Article 4 (1) (b) of Directive 64/433/EEC, and Article 11 (4) of Directive 85/397/EEC, reference methods should be laid down for assessing the results of the examination for residues;

Whereas, in accordance with Article 5 (3) of Council Directive 85/358/EEC of 16 July 1985, supplementing Directive 81/602/EEC concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action<sup>(5)</sup>, as last amended by Directive 88/146/EEC<sup>(6)</sup>, and the second subparagraph of Article 8 (3) of Council Directive 86/469/EEC of 16 September 1986 concerning the examination of animals

and fresh meat for the presence of residues<sup>(7)</sup>, all positive findings must, if challenged, be confirmed using the reference methods established pursuant to Article 4 (1) (b) of Directive 64/433/EEC;

Whereas the second subparagraph of Article 8 (3) of Directive 64/433/EEC and the second subparagraph of Article 5 (3) of Directive 85/397/EEC provide that a solution should be sought on the basis of a reference method in the event of a dispute concerning the detection of residues; whereas a single reference method should apply in the event of disputes concerning the substances in groups A I and II of Annex I to Directive 86/469/EEC;

Whereas the determination of reference methods includes the definition of the analytical reference procedures to be followed and the criteria to be applied when carrying out the analyses;

Whereas for technical reasons reference methods should be laid down initially for the detection of certain residues only, excluding residues of chemical elements;

Whereas Article 4 (1) (b) of Directive 64/433/EEC provides for the designation in each Member State of at least one reference laboratory for carrying out the examination for residues in the event of a dispute;

Whereas in accordance with Article 8 (1) (b) of Directive 86/469/EEC the national reference laboratories designated pursuant to Article 4 (1) (b) of Directive 64/433/EEC are to be responsible for coordinating the standards and methods of analysis for each residue or group of residues concerned, including the arrangement of periodic comparative tests of split samples by approved laboratories, and of compliance with the limits laid down;

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

<sup>(1)</sup> OJ No 121, 29. 7. 1964, p. 2012/64.

<sup>(2)</sup> OJ No L 382, 31. 12. 1988, p. 3.

<sup>(3)</sup> OJ No L 226, 24. 8. 1985, p. 13.

<sup>(4)</sup> OJ No L 362, 31. 12. 1985, p. 8.

<sup>(5)</sup> OJ No L 191, 23. 7. 1985, p. 46.

<sup>(6)</sup> OJ No L 70, 16. 3. 1988, p. 16.

<sup>(7)</sup> OJ No L 275, 26. 9. 1986, p. 36.

HAS ADOPTED THIS DECISION :

*Article 1*

The analytical reference procedures to be applied for confirmation of the presence of residues of the substances listed in Annex I to Directive 86/469/EEC with the exception of chemical elements such as heavy metals and arsenic, shall be the following :

- immunoassay,
- thin-layer chromatography,
- high-performance liquid chromatography,
- gas chromatography,
- mass spectrometry,
- spectrometry.

*Article 2*

The analytical reference procedure of choice must be based :

- (a) preferably on molecular spectroscopy providing direct information concerning the molecular of the substance under examination ; or
- (b) on a combination of procedures providing indirect information concerning the molecular structure of the substance under examination,

and must have a limit of detection which is equal to or lower than that of the procedure used for routine analyses.

*Article 3*

The criteria applicable to the analytical reference procedures are set out in Annex I.

*Article 4*

In the event of a dispute between Member States concerning the detection of the residues in groups A I and II of Annex I to Directive 86/469/EEC, the analytical reference procedure to be used is gas chromatography on-line with mass spectrometry.

*Article 5*

The reference laboratories in the Member States responsible for carrying out the reference analyses are listed in Annex II.

*Article 6*

This Decision shall be re-examined before 1 January 1991 in order to take account of developments in scientific and technical knowledge.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 14 November 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

## ANNEX I

## 1. DEFINITIONS AND GENERAL CRITERIA

## 1.1. Criteria

The criteria set out or in the Annex to Council Directive 85/591/EEC shall apply to the examination of the reference methods of analyses.

## 1.2. Definitions

1.2.1. *Analyte*: a component of a test sample the presence of which has to be demonstrated. The term 'analyte' includes where appropriate derivatives formed from the analyte during the analyses.

1.2.2. *Standard material*: a well-defined substance in its highest attainable purity to be used as a reference substance in the analyses.

1.2.3. *Reference material*: a sample of a substance or a straightforward manufactured product, one or more of the properties of which is determined with sufficient accuracy for it to be used to calibrate an apparatus or to verify a method of measurement. The certification must be based on a technically valid procedure. If no reference material is available, relevant parameters may be evaluated by analysing fortified sample material.

1.2.4. *Specificity*: the ability of a method to distinguish between the analyte being measured and other substances. This characteristic is predominantly a function of the measuring principle used, but can vary according to class of compound or matrix.

Details concerning specificity must relate at least to any substances which might be expected to give rise to a signal when the measuring principle described is used, e.g. homologues, analogues, metabolic products of the residue of interest. From the details concerning specificity it must be possible to derive quantitatively the extent to which the method can distinguish between the analyte and the other substances under the experimental conditions.

As far as possible, reference methods must provide unambiguous information on the chemical structure of the analyte, i.e. the result of the analysis should exclude all chemical compounds but one. When more than one compound gives the same response, then the method cannot discriminate between these compounds.

If a single technique lacks sufficient specificity, the desired specificity may be achieved by an analytical procedure consisting of a combination of clean-up, chromatographic separation and spectrometric determination, e.g. GC-MS, LC-MS, GC-IR spectrometry, LC/IR spectrometry.

1.2.5. *Accuracy*: in this document this refers to accuracy of the mean. The definition which shall be used is laid down in ISO 3534-1977 under 2.83 (accuracy of the mean: the closeness of agreement between the true value and the mean result which would be obtained by applying the experimental procedure a very large number of times).

The principal limitations on accuracy are:

- (a) random errors;
- (b) systematic errors.

For a very large number of experiments, the accuracy of the mean approaches the systematic error.

For desk review of a method, the number of experiments must be specified.

The measure of accuracy is the difference between the mean value measured for a reference material and its true value expressed as a percentage of the true value.

In cases where neither absolute defining methods nor certified reference materials are available, the analyte content of a sample may temporarily be defined by the results obtained with the aid of the reference method itself. In such cases the method shall exhibit the highest degree of specificity and the highest recovery of the analyte of all known methods.

- 1.2.6. *Precision* : repeatability intra-laboratory (within laboratory) and reproducibility inter-laboratory (within and between laboratories) variabilities.

The general statistical term 'precision' shall be used as defined in ISO 3534-1977 2.84 (precision : the closeness of agreement between the results obtained by applying the experimental procedure several times under prescribed conditions).

According to the Annex to Directive 85/591/EEC the precision values for methods of analysis which are to be considered for adoption under the provisions of that Directive shall be obtained from a collaborative trial which has preferably been conducted in accordance with ISO 5725-1986. For this purpose, the terms repeatability and reproducibility are defined in ISO 5725-1986. For conducting such trials sample materials of known analyte content ranging around the tolerance level to be enforced shall be used.

Until such time as the reproducibility of a method has been established by a collaborative trial, then for the purpose of preselection of candidate methods by desk review, it is sufficient that data on repeatability are available. For this purpose the term repeatability is used here as defined in ISO 3534-1977 under 2.85 (a) (repeatability : the closeness of agreement between successive results obtained with the same method on identical test material, under the same conditions (same operator, same apparatus, same laboratory and short intervals of time)).

The measure of repeatability to be used is the coefficient of variation as defined in ISO 3534-1977, 2.35 (coefficient of variation : the ratio of the standard deviation to the absolute value of the arithmetic mean).

- 1.2.7. *Limit of detection* : the smallest measured content from which it is possible to deduce the presence of the analyte with reasonable statistical certainty. It is equal to the mean of the measured content of representative blank samples ( $n \geq 20$ ) plus three times the standard deviation of the mean.

*NB* : If it is to be expected that factors such as species, sex, age, etc. may influence the characteristics of a method, then a set of blank samples is required for each individual homogeneous population to which the method is to be applied.

- 1.2.8. *Sensitivity* : a measure of the ability of a method to discriminate between small differences in analyte content. In this document, sensitivity is defined as the slope of the calibration curve at the level of interest.
- 1.2.9. *Practicability* : a non-standard characteristic of an analytical procedure. It is dependent on the scope of the method and is determined by requirements such as sample throughput and costs. For reference methods, most aspects of practicability are of minor significance compared with the other criteria defined in this document. It is usually sufficient that the required reagents and equipment are commercially available.
- 1.2.10. *Applicability* : a list of the commodities to which the candidate method can be applied as presented or with minor modifications.
- 1.2.11. *Other criteria which may be selected as required*
- 1.2.11.1. *Limit of decision* : the lowest analyte content which, if actually present, will be detected with reasonable statistical certainty and can be identified according to the identification criteria of the method. If both accuracy and precision are constant over a concentration range around the limit of detection, then the limit of decision is equal to the mean of the measured content of representative blank samples ( $n \geq 20$ ) plus six times the standard deviation of the mean.

## 1.2.11.2. Quantification

## 1.2.11.2.1. Limit of quantification : the smallest measured content above which a determination of the analyte is possible with the following degree of accuracy and repeatability (within laboratory) :

Accuracy : in the case of repeated analysis of the reference sample, the deviation of the mean from the true value, expressed as a percentage of the true value, shall not lie outside the limits - 20 to + 10 %.

Repeatability : in the case of repeated analysis of the reference sample, the coefficient of variation (CV) (1.2.6) of the mean shall not exceed the following values :

	CV
— mean up to $\mu\text{g/kg}$ :	0,30
— mean over 1 $\mu\text{g/kg}$ and up to 10 $\mu\text{g/kg}$ :	0,20
— mean over 10 $\mu\text{g/kg}$ :	0,15

## 1.2.11.2.2. Calibration curves

If the method depends on a calibration curve then the following information must be given :

- the mathematical formula which describes the calibration curve,
- numerical values of the parameters of the calibration curve with 95 % tolerance intervals,
- acceptable ranges within which the parameters of the calibration curve may vary from day to day,
- the working range of the calibration curve,
- details of the variance of the variables which is valid at least for the working range of the calibration curve.

Whenever possible, suitable internal standards shall be used for establishing calibration curves of reference methods.

## 1.2.11.3. Susceptibility to interference

For all experimental conditions which could in practice be subject to fluctuation (e.g. stability of reagents, composition of the sample, pH, temperature) any variations which could affect the analytical result should be indicated. The method description shall include means of overcoming any foreseeable interference. If necessary, alternative detection principles suited for confirmation shall be described. It is of prime importance that interference which might arise from matrix components should be investigated. Therefore, at least the largest amount of sample of the blank population which has no interfering effect on the determination of the analyte (after any specified sample 'clean-up') shall be indicated.

## 1.2.11.4. Relationship between tolerance values and analytical limits

For substances with a zero tolerance, the limit of decision of the analytical method must be sufficiently low that residue levels which would be expected after illegal use will be detected with at least 95 % probability. Typical residue levels in various sample materials shall be listed in a handbook of experimental data for reference methods to be established by the Commission services.

For substances with an established tolerance level, the limit of quantification shall not exceed that tolerance minus three times the standard deviation which the method produces for a sample at the tolerance level.

## 2. CRITERIA FOR THE IDENTIFICATION OF RESIDUES

## 2.1. General requirement

Laboratories carrying out analyses for the final confirmation of the presence of residues of low molecular weight organic substances, especially those having hormonal or thyrostatic action, shall ensure that the criteria for the interpretation of results are fulfilled in accordance with the requirements of this section. The criteria are designed for the identification of the analyte and aim to prevent false positive results. For a positive conclusion, the analytical results have to fulfil the criteria laid down for the particular analytical procedure.

**2.2. Definitions regarding the presence of an analyte**

2.2.1. *Positive result*: the presence of the analyte in the sample is proved, according to the analytical procedure, when the general criteria, and the criteria specified for the individual detection method, are fulfilled. The result of the analysis is 'positive'.

2.2.2. *Negative result*: the result of the analysis is regarded as 'negative' if the criteria specified for the procedure are not fulfilled or the analysis does not indicate the presence of the analyte in the sample above the limit of detection.

*NB*: A negative result does not prove that the analyte is absent from the sample.

2.2.3. *Co-chromatography*: the purified test solution prior to the chromatographic step(s) is divided into two parts.

(a) One part is chromatographed as such.

(b) The standard material that is to be identified is added to the other part, and this mixed solution of analyte and standard material is chromatographed.

The amount of added standard material has to be similar to the estimated amount of the analyte

**2.3. General considerations for the whole analytical procedure****2.3.1. Preparation of the sample**

The sample should be obtained and handled in such a way that there is a maximum chance of detecting the analyte, if present.

**2.3.2. Susceptibility to interference**

Information as detailed under 1.2.11.3 (Susceptibility to interference) should be submitted.

**2.3.3. General criteria for the whole procedure**

2.3.3.1. The specificity (1.2.4) and the limit of detection (1.2.7) of the procedure for the analyte and matrix under investigation have to be known.

*NB*: This information can be obtained from experimental data and/or theoretical considerations.

2.3.3.2. For a positive result, the physical and chemical behaviour of the analyte during the analysis should be indistinguishable from those of the corresponding standard material in the appropriate matrix.

2.3.3.3. The positive or negative result of the analysis will hold only within the borders of specificity and limit of detection of the procedure for the analyte and matrix under investigation.

**2.3.4. General criteria for separation techniques**

Reference samples containing known amounts of analyte must be carried through the entire procedure simultaneously with each batch of test samples analysed. Alternatively, an internal standard may be added to test samples.

**2.3.5. Criterion for off-line physical and/or chemical preconcentration, purification, and separation**

The analyte should be in the fraction which is characteristic for the corresponding standard material in the appropriate matrix material.

Retention data for standards, control samples and test portions should be submitted together with the final result: positive or negative.

**2.4. Criteria for the identification of an analyte by HPLC/IA-Img**

2.4.1. The analyte peak in the Img should be constructed from at least 5 to 11 HPLC fractions.

Retention data for standards, control samples and test portions should be submitted together with the final result: positive or negative.

**2.4.2.     *Reagents***

The source and quality of the antibody and labelled compound should be specified.

**2.4.3.     *Calibration curve***

As the method depends on calibration curves, the information itemized under 1.2.11.2.2 (Calibration curves) must be given.

The working range of the calibration curve has to be specified and has in general to cover a concentration range of at least one decade.

A minimum of six calibration points is required, adequately distributed along the calibration curve.

All raw data used to derive the calibration curve should be submitted together with the final result: positive or negative.

**2.4.4.     Control samples have to be included in each assay. Concentration levels: zero and at lower, middle and upper parts of the working range. Results for these have to be in line with those of previous assays.**

All raw data for the control samples and for the test portion should be submitted together with the final result: positive or negative.

**2.4.5.     The recovery must be checked and specified.****2.4.6.     Adequate quality control parameters have to be in line with those of preceding assays, e.g. Bo/T, NSB, slope and intercept of the calibration curve.****2.4.7.     For confirmation, two-dimensional HPLC or two immunograms using different antibodies are preferred.****2.5.       Criteria for the identification of an analyte by TLC or HPTLC****2.5.1.     The  $R_f$  (value(s) of the analyte should agree with the  $R_f$  value(s) characteristic for the standard material. This requirement is fulfilled when the  $R_f$  value(s) of the analyte is (are) within  $\pm 3\%$  of the  $R_f$  value(s) of the standard material under the same conditions.****2.5.2.     The visual appearance of the analyte should be indistinguishable from that of the standard material.****2.5.3.     The centre of the spot nearest to that due to the analyte should be separated from it by at least half the sum of the spot diameters.****2.5.4.     For identification, additional co-chromatography in the TLC step is mandatory. As a result, the spot presumed to be due to the analyte should be intensified only; a new spot should not appear, and the visual appearance should not change.****2.5.5.     For confirmation, two-dimensional TLC is mandatory.****2.6.       Criteria for the identification of an analyte by HPLC-SP****2.6.1.     The maximum absorption wavelength in the spectrum of the analyte should be the same as that of the standard material within a margin determined by the resolution of the detection system. For diode array detection this is typically within  $\pm 2$  nm.****2.6.2.     The spectrum of the analyte should not be visually different from the spectrum of the standard material for those parts of the two spectra with a relative absorbance  $> 10\%$ . This criterion is met when the same maxima are present and at no observed point is the difference between the two spectra more than  $10\%$  of the absorbance of the standard material.****2.6.3.     For identification, co-chromatography in the HPLC step is mandatory. As a result, the peak presumed to be due to the analyte should be intensified only.**

**2.7. Criteria for the identification of an analyte by GC-MS****2.7.1. *GC criteria***

- 2.7.1.1. An internal standard should be used if a material suitable for this purpose is available. It should preferably be a stable isotope labelled form of the analyte.
- 2.7.1.2. The ratio of the retention time of the analyte on GC to that of the internal standard, i.e. the relative retention time of the analyte, should be the same as that of the standard analyte, within a margin of  $\pm 0,5\%$ .
- 2.7.1.3. If requirement 2.7.1.2 is not fulfilled, or if no internal standard is used, then identification of the analyte must be proved by using co-chromatography.
- 2.7.1.4. In the case of co-chromatography, the retention time of the analyte added to the sample must coincide with the retention time of the analyte already present in the sample.

**2.7.2. *Criteria for GC-LRMS***

- 2.7.2.1. The intensities of at least four diagnostic ions must be measured. If the compound does not yield four diagnostic ions with the method used, then identification of the analyte should be based on the results of at least two independent GC-LRMS methods with different derivatives and/or ionization techniques, each producing two or three diagnostic ions.
- 2.7.2.2. The molecular ion should preferably be one of the four diagnostic ions selected.
- 2.7.2.3. The relative abundances of all diagnostic ions monitored from the analyte should match those of the standard analyte.
- 2.7.2.4. The relative intensities of the diagnostic ions detected, expressed as a percentage of the intensity of the base peak, must be the same as those for the standard analyte within a margin of  $\pm 10\%$  (EI mode) or  $\pm 20\%$  (CI mode).

**2.7.3. *Criteria for GC-HRMS; fragmentography***

- 2.7.3.1. To be classified as high-resolution measurements, the accuracy of mass setting should be equal to or better than 3 parts per million.
- 2.7.3.2. The relative abundance of three or more diagnostic ions must be the same as for the standard analyte within a margin of  $\pm 10\%$  (EI mode).

**2.7.4. *Criteria for GC-HRMS; accurate mass plus low-resolution natural isotope.***

- 2.7.4.1. To be classified as high-resolution measurement, the accuracy of mass determination must be equal to or better than 3 parts per million.
- 2.7.4.2. The  $m/z$  value of the diagnostic ion should be equal to the theoretical value of the corresponding standard analyte.
- 2.7.4.3. If measurement of a single diagnostic ion does not fulfil the criterion for specificity (1.2.4), then the natural isotope abundance ratio of the diagnostic ion should be measured with low resolution. This ratio should be equal to the theoretical value within a specified margin (typically 5%).
- 2.7.4.4. If an unambiguous elemental composition cannot be derived according to 2.7.4.1, 2.7.4.2 and 2.7.4.3. an additional diagnostic ion should be measured accordingly

**2.8. Criteria for the identification of an analyte by IR spectrometry****2.8.1. *Definition of adequate peaks***

Adequate peaks are absorption maxima in the IR spectrum of a standard material, fulfilling the following requirements:

- 2.8.1.1. The absorption maximum is in the wavenumber range 1 800 to 500  $\text{cm}^{-1}$ .



- 2.8.1.2. The intensity of the absorption is not less than :
- (a) a specific molar absorbance of 40 with respect to zero absorbance and 20 with respect to peak base line, or
  - (b) a relative absorbance of 12,5 % of the absorbance of the most intense peak in the region 1 800 to 500  $\text{cm}^{-1}$  when both are measured with respect to zero absorbance, and 5 % of the absorbance of the most intense peak in the region 1800 to 500  $\text{cm}^{-1}$  when both are measured with respect to their peak base line.

*NB:* Although adequate peaks according to (a) may be preferred from a theoretical point of view, those according to (b) are easier to determine in practice.

- 2.8.2. A minimum of six adequate peaks is required in the IR spectrum of the standard material. If there are less than six adequate peaks, then the IR spectrum at issue cannot be used as a reference spectrum.

- 2.8.3. The number of peaks in the IR spectrum of the analyte whose frequencies correspond with an adequate peak in the IR spectrum of the standard material, within a margin of  $\pm 1 \text{ cm}^{-1}$  is determined.

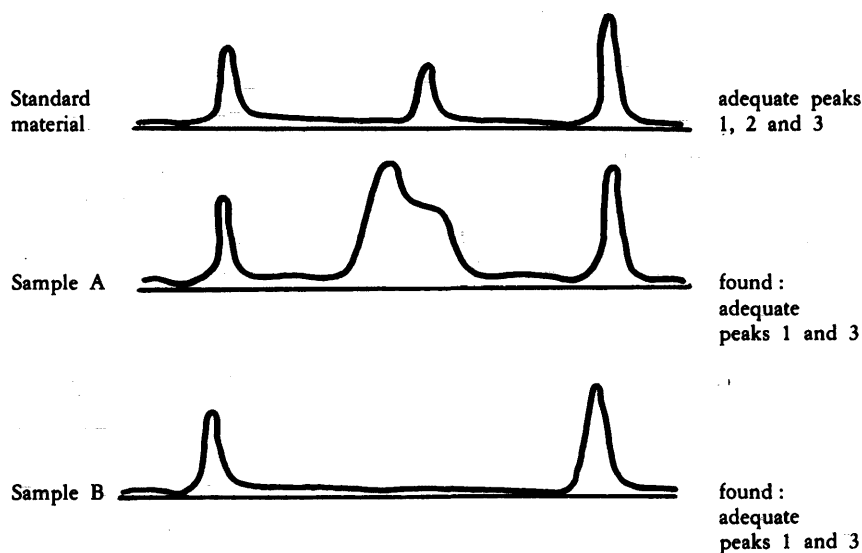
2.8.4. *IR criteria*

- 2.8.4.1. Absorption must be present in all regions of the analyte spectrum which correspond with an adequate peak in the reference spectrum of the standard material.

- 2.8.4.2. The 'score', i.e. the percentage of the adequate peaks found in the IR spectrum of the analyte, shall be at least 50.

- 2.8.4.3. Where there is no exact match for an adequate peak, the relevant region of the analyte spectrum must be consistent with the presence of a matching peak (see Figure 1).

Figure 1



The spectrum of sample A does not exclude the presence of adequate peak 2; hence criterion 2.8.4.3 is fulfilled.

The spectrum of sample B excludes the presence of adequate peak 2; hence criterion 2.8.4.3 is not fulfilled.

- 2.8.4.4. The procedure is only applicable to absorption peaks in the sample spectrum with an intensity of at least three times the peak-to-peak noise.

*Appendix to Annex I***List of abbreviations and symbols**

Bo	= radioactivity of the bound fraction of a blank sample
Bo/T	= fraction of the radioactivity of the bound fraction of a blank with respect to the added activity (fraction of zero binding with respect to total)
CI	= chemical ionization
cpm	= counts per minute
dpm	= disintegrations per minute
EI	= electron impact ionization
GC	= gas chromatography
HPLC	= high-performance liquid chromatography
HP TLC	= high-performance thin-layer chromatography
HRMS	= high-resolution mass spectrometry
IA	= immunoassay
Img	= immunogram
IR	= infrared
LC	= liquid chromatography
LRMS	= low-resolution mass spectrometry
m	= mass
MS	= mass spectrometry
NSB	= non-specific binding = aspecific binding (ASB)
R	= distance moved relative to the solvent front
SP	= spectrometry, e.g. diode array
T	= total radioactivity (cpm or dpm) added to a sample
TLC	= thin-layer chromatography
z	= charge
/	= off-line hyphenated techniques
-	= on-line hyphenated techniques

e.g. HPLC/GC-MS = HPLC off-line followed by GC with on-line MS

## ANNEX II

## NATIONAL REFERENCE LABORATORIES

Member State	Reference laboratory	Residue groups
Belgium	Instituut voor Hygiëne en Epidemiologie J. Wijtsmanstraat 14 B-1050 Brussel	All groups
Denmark	Veterinærdirektoratets Laboratorium Kongensgade 16 DK-4100 Ringsted	Group A
	Levnedsmiddelstyrelsens Centrallaboratorium Mørkhøj Bygade 19 DK-2860 Søborg	Group B
Germany	Bundesgesundheitsamt Thielallee 88-92 D-1000 Berlin 33	Group A III (a) (antibiotics) and (b)
	Staatliches Tierärztliches Untersuchungsamt Stuttgart Azenberg Straße 16 D-7000 Stuttgart 1	Group A I (b)
	Tierhygienisches Institut Freiburg Am Moosweiher 2 D-7800 Freiburg	Group A I (a)
	Landesuntersuchungsamt für das Gesundheitswesen Südbayern Veterinärstraße 2 D-8042 Oberschleißheim	Group A II
	Staatliches Veterinäruntersuchungsamt Arnsberg Zur Traubeneiche 10/12 D-5760 Arnsberg 2	Group A I (a), (b) and (c)
	Chemische Landesuntersuchungsanstalt Stuttgart Breitscheidstraße 4 Postfach 100824 D-7000 Stuttgart 1	Group A III (a) (nitrofuranen)
	Chemische Landesuntersuchungsanstalt Offenburg Gerberstraße 24 D-7600 Offenburg	Group B II (b) (chlorinated hydrocarbons PCB and PCT)
	Centre of the Veterinary Institutions of Athens : — Institute of Infectious and Parasitic Diseases Laboratory of Biochemistry 25, Neapoleos Street GR-153 10 Aghia Paraskevi Athens — Institute of Animal Toxicology 25, Neapoleos Street GR-153 10 Aghia Paraskevi Athens — Institute of Food Hygiene Iera Odos, 75 Botanikos GR-118 55 Athens	Groups A I (b); A III (a) (sulphon amides); A I (c) (natural hormones) B (pesticides) Groups A I (a); A I (c) (zeranol, trenbolon); A III (b) Groups A III (a)
Spain	Centro Nacional de Alimentación y Nutrición c/Pozuelo Km 2 Majadahonda (Madrid)	All groups
	Laboratorio de Sanidad y Producción Animal Santa Fe (Granada)	All groups
	Laboratorio de Sanidad y Producción Animal Algete (Madrid)	All groups

Member State	Reference laboratory	Residue groups
France	Laboratoire de dosages hormonaux École nationale vétérinaire de Nantes CP 3018 F-44087 Nantes Cedex 03	Groups A I and II
	Laboratoire central d'hygiène alimentaire (LCHA) 43, rue de Dantzig F-75015 Paris	Groups B I (a); B II (a), (b), and (c)
	Laboratoire des médicaments vétérinaires (LMV) La haute Marche-Javene F-35133 Fougères	Groups A, III, (a) and (b); B, I, (b) and (c)
Ireland	Central Meat Control Laboratory Abbotstown, Castleknock IRL-Dublin 15	Groups A I, II, and III Group B I except organo- chlorine and organophospho- rus compounds Group B II except polychlori- nated biphenyls
	State Laboratory Abbotstown, Castleknock IRL-Dublin 15	Group A I, II and III Group B I and II
Italy	Istituto Superiore di Sanità Viale Regina Elena 299 I-00161 Roma	All groups
Luxembourg	Rijksinstituut voor Volksgezondheid en Milieuhygiëne Antonie van Leeuwenhoeklaan 9 NL-3720 BA Bilthoven	All groups
	Institut d'hygiène et d'épidémiologie Rue J. Wijtsman 14 B-1050 Bruxelles	All groups
Netherlands	Rijksinstituut voor Volksgezondheid en Milieuhygiëne Antonie van Leeuwenhoeklaan 9 NL-3720 BA Bilthoven	All groups
	Rijkskwaliteitsinstituut voor land- en tuinbouwpro- dukten Bornesteeg 45 NL-6708 PD Wageningen	All groups
Portugal	Laboratório Nacional de Investigação Veterinária Estrada de Benfica 701 P-1500 Lisboa	All groups
United Kingdom	Central Veterinary Laboratory New Haw, Weybridge UK-Surrey KT15 3NB	Groups A I, II and III Group B I
	Food Science Laboratory Colney Lane UK-Norwich NR4 7UA	Group A III Groups B I and II
	Veterinary Research Laboratories Stormont UK-Belfast BT4 3SD	Groups A I (a), I (c), II and III Groups B I and II
	Food and Agricultural Chemistry Research Division Department of Agriculture for Northern Ireland Newforge Lane UK-Belfast BT9 SPX	Groups A I (b) and III Groups B I and II

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 3509/89 of 23 November 1989 fixing the amount of the subsidy on oil seeds**

*(Official Journal of the European Communities No L 342 of 24 November 1989)*

On page 19 in Annex III against '3. Compensatory aids in Spain (Pta)' in the column headed '4th period':

*for:* '3 928,65',

*read:* '3 928,85'.

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