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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3939/89
of 18 December 1989**

laying down for 1990 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French department of Guiana

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 2 of Regulation (EEC) No 170/83 it is incumbent upon the Council to formulate, in the light of the available scientific advice the conservation measures necessary to achieve the aims set out in Article 1 of that Regulation;

Whereas, since 1977, the Community has operated a system of conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200 nautical mile zone off the coast of the French department of Guiana most recently laid down by Council Regulation (EEC) No 3903/88 ⁽²⁾; whereas the latter Regulation expires on 31 December 1989;

Whereas the continuity of the system should be assured, in particular by maintaining the restriction on some fish stocks in the zone in order to conserve the stock and ensure adequate profitability for the fishermen concerned;

Whereas the processing industry based in the French department of Guiana depends on landings from vessels of non-member countries operating in the fishing zone off that department;

Whereas, therefore, it is necessary to ensure that those vessels which are under contract to land their catches in the French department of Guiana can continue to fish;

Whereas shrimp fishing licences calculated on the basis of scientific advice have been issued to non-member

countries whose vessels fish in the zone of the said department; whereas, therefore, a number of those licences are subject to changes on the basis of that scientific advice;

Whereas the technical and control measures applicable pursuant to Regulation (EEC) No 3903/88 should be maintained and should this prove necessary, supplemented,

HAS ADOPTED THIS REGULATION:

Article 1

Vessels flying the flag of one of the countries listed in Annex I shall be authorized, during the period from 1 January to 31 December 1990, to fish for the species listed in the said Annex in the part of the 200 nautical mile fishing zone off the coast of the French department of Guiana that lies more than 12 nautical miles from the base lines, in conformity with the conditions laid down in this Regulation.

Article 2

1. Fishing in the fishery zone referred to in Article 1 shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the observance of the conditions set out in that licence and the control measures and other provisions regulating fishing activities in that zone.

2. Applications for licences shall be submitted by the authorities of the non-member countries concerned to the Commission's services at least 15 working days before the desired date of commencement of validity. Licences will be issued to the authorities of the third countries concerned.

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 347, 16. 12. 1988, p. 1.

3. Where no application for the grant of a licence, as referred to in point 1 of Annex I, has been submitted within 15 working days of the date of entry into force of this Regulation, the Commission, at the request of the French authorities, may issue licences, via the French authorities, to the shipowners of the relevant non-member countries.

4. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both sides of the prow and on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be obliterated, altered, covered or masked in any other way.

Article 3

1. The maximum number of licences, as well as the maximum number of temporary renewable licences, that may be issued for shrimp fishing on the basis of scientific advice to vessels flying the United States' flag and which are under contract to land all their catches in the French department of Guiana is specified in point 1 of Annex I.

2. The licences referred to in paragraph 1 shall cease to be valid when the contract stipulating the obligation to land the catches comes to an end, and in any event not later than 31 December 1990.

3. The duration of the validity of temporary licences shall be limited to three-month periods. To provide for a possible increase in the number of vessels flying the flag of a Member State in the zone referred to in Article 1, some temporary licences may not be renewed. In the event of such increase, the Member State concerned shall inform the Commission services at the latest one month before the expiry of the validity of the temporary licences.

4. The number of licences referred to in paragraph 1 may be revised if the scientific advice states that there has been a substantial change in stocks.

Article 4

1. Licences may be issued for shrimp fishing to vessels which fly the flag of one of the countries listed in point 2 of Annex I. The catch quantities authorized under such licences, the maximum number of licences and the maximum number of days at sea during which such licences are valid shall be as specified for each country in point 2 of Annex I.

2. The licences referred to in paragraph 1 shall be issued on the basis of a fishing plan submitted by the authorities of the country concerned, approved by the Commission and not exceeding the limits for the country concerned specified in point 2 of Annex I.

3. The period of validity of each of the licences referred to in paragraph 1 shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.

4. All licences referred to in paragraph 1 issued to vessels of a non-member country shall cease to be valid as soon as it is established that the quota laid down in point 2 of Annex I for that country has been used up.

Article 5

1. Licences may be issued for the fishing of species other than shrimps to vessels flying the flag of one of the countries listed in point 3 of Annex I. The maximum number of such licences for each country shall be as specified in point 3 of Annex I.

2. Snapper fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 75 % of the catches in the French department of Guiana.

3. Shark fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 50 % of the catches in the French department of Guiana.

Article 6

1. The following information shall accompany applications for licences submitted to the Commission :

- (a) name of the vessel ;
- (b) registration number ;
- (c) external identification letters and numbers ;
- (d) port of registration ;
- (e) name and address of the owner or charterer ;
- (f) gross tonnage and overall length ;
- (g) engine power ;
- (h) call sign and radio frequency ;
- (i) intended method of fishing ;
- (j) species intended to be fished ;
- (k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. Where several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

Article 7

1. To obtain a licence as referred to in Article 3, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a shrimp-processing undertaking situated in the French department of Guiana and that it includes an obligation to land all catches of shrimps from the vessel concerned in that department so that they may be processed, packed and stored in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy, as well as with the entry into service of shrimp fishing vessels registered in Guiana. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 8

1. To obtain a fishing licence for snapper or shark, as referred to in Article 5, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a processing undertaking situated in the French department of Guiana and that it includes an obligation to land at least 75 % of all snapper catches, or 50 % of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 9

Licences may be cancelled with a view to issuing new licences. Such cancellation shall take effect on the date of issuance of the new licence by the Commission.

Article 10

Fishing for shrimps of the species *Penaeus subtilis* and *Penaeus brasiliensis* shall be forbidden in waters of a depth less than 30 metres. During these fishing activities carried out by vessels using trawls, by-catches shall be permitted.

2. Tuna fishing shall be authorized only for vessels using long lines.

3. Snapper fishing shall be authorized only for vessels using long lines or traps.

4. Shark fishing shall be authorized only for vessels using long lines or mesh nets having a minimum mesh of 100 mm and shall be forbidden in waters of a depth less than 30 metres.

Article 11

A log-book, a model of which appears in Annex II, shall be completed after each fishing operation. A copy of this log-book shall be sent to the Commission within 30 days of the last day of each fishing trip via the French authorities.

Article 12

1. The master of each vessel in possession of a licence referred to in Articles 4 and 5 (1), as concerns tuna fishing, shall observe the special conditions set out in Annex III, and in particular forward the information specified in the Annex. These conditions shall form an integral part of the licence.

2. The master of each vessel in possession of a licence as referred to in Articles 3 and 5 (2) and (3) shall, on landing the catch after each trip, submit to the French authorities a declaration, for whose accuracy the master alone is responsible, stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be made using the form of which a model appears in Annex IV.

Article 13

1. The French authorities shall take all appropriate measures to verify the accuracy of the declarations referred to in Article 12 (2), by checking them in particular against the log-book referred to in Article 11. The declaration shall be signed by the competent official after it has been verified.

2. The French authorities shall ensure that all landings of shrimps in the French department of Guiana by vessels in possession of a licence as referred to in Articles 3 and 5 (2) and (3) shall be the subject of a declaration as referred to in Article 12 (2).

3. Before the end of each month, the French authorities shall send to the Commission all the declarations referred to in paragraph 2 relating to the preceding month.

Article 14

The granting of licences to vessels from third countries shall be subject to the undertaking by the owner of the vessel concerned to permit an observer to come on board at the Commission's request.

Article 15

1. The French authorities shall take appropriate measures to ensure that the obligations set out in this Regulation are complied with, including the regular inspection of vessels.

2. Where an infringement is formally ascertained, the French authorities shall, without delay, and in any event not later than 30 days from the date on which the infringement was ascertained, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 16

1. Licences for vessels which have not complied with the obligations provided for in this Regulation, including the obligation to land all or part of the catches laid down in a contract as referred to in Articles 7 and 8 shall be withdrawn.

No licence shall be issued to such vessels for a period of four to 12 months from the date on which the infringement was committed.

2. Where a vessel fishes without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner or is managed by a natural or legal person who has or exercises the management of one or more other vessels to which licences have been issued, one of those licences may be withdrawn.

3. The granting of a licence may be refused during the period referred to in paragraph 1 to one or more vessels belonging to a shipowner who owns a vessel whose licence has been withdrawn under this Article or which has fished without a licence in the zone referred to in Article 1.

Article 17

1. If, for a period of one month, the Commission receives no communication as referred to in Article 12 (1)

concerning a vessel in possession of a licence referred to in Articles 4 and 5, the licence of such vessel shall be withdrawn.

2. If, for a period of one month, a vessel in possession of a licence as referred to in Article 3 has made no use of it, the licence of such vessel shall be withdrawn, except

— if the vessel is under repair,

— in cases of *force majeure*.

Article 18

The period of validity of licences valid on 31 December 1989 pursuant to Article 1 of Regulation (EEC) No 3903/88 may be extended, at the request of the authorities of the country concerned, until 31 January 1990. Licences thus extended shall be counted against the number of corresponding licences laid down in Annex 1 for the duration of the extension, without that total being exceeded.

Article 19

This Regulation shall enter into force on 1 January 1990.

It shall apply until 31 December 1990.

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

Done at Brussels, 18 December 1989.

For the Council

The President

J. MELLICK

ANNEX I

1. Licences referred to in Article 3

Vessels flying the flag of	Maximum number of licences	Of which maximum number of renewable licences
USA	10	10

2. Licences referred to in Article 4

Vessels flying the flag of	Quantity of authorized catches in tonnes	Maximum number of vessels with a licence	Maximum number of days at sea
Barbados	24	5	200
Guiana	24	5	200
Surinam	p.m.	p.m.	p.m.
Trinidad and Tobago	60	8	350

3. Licences referred to in Article 5

Species	Vessels flying the flag of	Maximum number of licences
(a) Tuna	Japan Korea	p.m. p.m.
(b) Snappers	Venezuela Barbados	35 5
(c) Shark	Venezuela	4

ANNEX III

Special conditions

1. Vessels in possession of a licence referred to in Articles 4 and 5 (1) (Thunnidae) must communicate information to the Commission of the European Communities in Brussels (telex 24189 FISEU-B) via the French authorities at the following times:
 - (a) on each entry into zones extending up to 200 nautical miles off the coast of the French department of Guiana, hereinafter called 'the zone';
 - (b) whenever leaving the zone;
 - (c) whenever entering a port of a Member State;
 - (d) whenever leaving a port of a Member State;
 - (e) every week in respect of the previous week from the date of entry into the zone referred to in (a) or from the date of leaving the port referred to in (d).
2. Communications transmitted in accordance with the conditions of the licence at the times specified in 1 above should include the following particulars, where appropriate and should be transmitted in the following order:
 - name of vessel,
 - radio call sign,
 - licence number,
 - chronological number of the transmission for the trip in question,
 - indication of which of the types of transmission, as set out in paragraph 1, is involved,
 - date,
 - time,
 - geographical position,
 - quantity of each species caught during the fishing operation (in kilograms),
 - quantity of each species caught since the previous transmission of information (in kilograms),
 - the geographical coordinates of the position where the catches were made,
 - quantities of catches, by species, transferred to other vessels (in kilograms) since the previous information,
 - the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred,
 - the master's name.
3. The following code must be used in reporting species caught in accordance with paragraph 2:
 - PEN: Brown shrimp (Penaeidae);
 - BOB: Atlantic sea bob shrimp (*Xybobopenaeus kroyeri*);
 - TUN: Tunny;
 - SKH: Shark;
 - XXX: Other.
4. In cases where, for reasons of *force majeure*, the communication cannot be transmitted by the vessel in possession of a licence, the message may be transmitted by another vessel on behalf of the former.

ANNEX IV

Declaration pursuant to Article 12 (2)

LANDING DECLARATION ⁽¹⁾

Name of vessel :

Name of master :

Master's signature :

Registration No :

Name of agent :

Voyage made from the

to the

Port of landing :

Quantity of shrimps landed (in live weight)			
'Head-off' shrimp :		kg	
or (× 1,6) =		kg (head-on-shrimp)	
'Head-on' shrimp :		kg	
Thunnidae :	kg	Snapper (Lutjanidae) :	kg
Shark :	kg	Other :	kg

⁽¹⁾ One copy is kept by the master, one copy is kept by the control officer, and one copy is to be sent to the Commission of the European Communities.

COMMISSION REGULATION (EEC) No 3940/89

of 27 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 ⁽¹⁾, as last amended by Regulation (EEC) No 3707/89 ⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 22 December 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 28 December 1989.

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

Done at Brussels, 27 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 27 December 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	29,73	125,84 ⁽²⁾ ⁽³⁾
0712 90 19	29,73	125,84 ⁽²⁾ ⁽³⁾
1001 10 10	35,83	169,65 ⁽¹⁾ ⁽²⁾
1001 10 90	35,83	169,65 ⁽¹⁾ ⁽²⁾
1001 90 91	30,33	122,84
1001 90 99	30,33	122,84
1002 00 00	55,87	122,99 ⁽⁴⁾
1003 00 10	46,96	117,06
1003 00 90	46,96	117,06
1004 00 10	38,36	118,84
1004 00 90	38,36	118,84
1005 10 90	29,73	125,84 ⁽²⁾ ⁽³⁾
1005 90 00	29,73	125,84 ⁽²⁾ ⁽³⁾
1007 00 90	46,96	134,53 ⁽⁴⁾
1008 10 00	46,96	17,89
1008 20 00	46,96	65,86 ⁽⁴⁾
1008 30 00	46,96	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	46,96	0,00
1101 00 00	56,20	185,71
1102 10 00	91,95	185,92
1103 11 10	70,12	277,54
1103 11 90	59,91	199,78

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 3941/89

of 27 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⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 22 December 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 28 December 1989.

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

Done at Brussels, 27 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 27 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	0,53
0712 90 19	0	0	0	0,53
1001 10 10	0	0	0	0,74
1001 10 90	0	0	0	0,74
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	0,53
1005 90 00	0	0	0	0,53
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	14,84
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 3942/89

of 27 December 1989

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from

cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Council Regulation (EEC) No 2742/75⁽⁹⁾, as last amended by Regulation (EEC) No 1009/86⁽¹⁰⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹¹⁾, as amended by Regulation (EEC) No 967/89⁽¹²⁾;

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 90 and 0714 90 10 originating in certain third countries⁽¹³⁾, as amended by Regulation (EEC) No 3837/88⁽¹⁴⁾, and Council Regulation (EEC) No 885/89 of 5 April 1989 on the arrangements applying to imports for

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹⁰⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽¹²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽¹³⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽¹⁴⁾ OJ No L 340, 10. 12. 1988, p. 1.

1989 of products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in third countries which are not members of the GATT, other than China⁽¹⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽²⁾, as amended by Regulation (EEC) No 222/88⁽³⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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 Council Regula-

tion (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,

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

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

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, 27 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 94, 7. 4. 1989, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽³⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 27 December 1989 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
0714 10 10 (*)	49,75	114,07	118,90
0714 10 91	46,73	114,07	115,88
0714 10 99	49,75	114,07	118,90
0714 90 11	46,73	114,07 (*)	115,88
0714 90 19	49,75	114,07 (*)	118,90
1102 20 10	58,85	227,61	233,65
1102 20 90	32,95	128,98	132,00
1102 30 00	3,02	176,44	179,46
1102 90 10	90,15	208,58	214,62
1102 90 30	74,67	212,38	218,42
1102 90 90	50,68	136,99	140,01
1103 12 00	74,67	212,38	218,42
1103 13 11	58,85	227,61	233,65
1103 13 19	58,85	227,61	223,65
1103 13 90	32,95	128,98	132,00
1103 14 00	3,02	176,44	179,46
1103 19 10	106,32	219,92	225,96
1103 19 30	90,15	208,58	214,62
1103 19 90	50,68	136,99	140,01
1103 21 00	59,63	217,85	223,89
1103 29 10	106,32	219,92	225,96
1103 29 20	90,15	208,58	214,62
1103 29 30	74,67	212,38	218,42
1103 29 40	58,85	227,61	233,65
1103 29 50	3,02	176,44	179,46
1103 29 90	50,68	136,99	140,01
1104 11 10	50,68	118,20	121,22
1104 11 90	99,50	231,76	237,80
1104 12 10	41,91	120,35	123,37
1104 12 90	82,30	235,98	242,02
1104 19 10	59,63	217,85	223,89
1104 19 30	106,32	219,92	225,96
1104 19 50	58,85	227,61	233,65
1104 19 91	6,04	299,61	305,65
1104 19 99	90,15	241,74	247,78
1104 21 10	77,79	185,41	188,43
1104 21 30	77,79	185,41	188,43
1104 21 50	122,87	289,70	295,74
1104 21 90	50,68	118,20	121,22
1104 22 10 10 (*)	41,91	120,35	123,37
1104 22 10 90 (*)	71,65	212,38	215,40
1104 22 30	71,65	212,38	215,40
1104 22 50	64,03	188,78	191,80
1104 22 90	41,91	120,35	123,37
1104 23 10	49,96	202,32	205,34
1104 23 30	49,96	202,32	205,34

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 23 90	32,95	128,98	132,00
1104 29 11	42,61	160,97	163,99
1104 29 15	77,11	162,50	165,52
1104 29 19	77,79	214,88	217,90
1104 29 31	50,65	193,65	196,67
1104 29 35	92,16	195,49	198,51
1104 29 39	77,79	214,88	217,90
1104 29 91	33,39	123,45	126,47
1104 29 95	59,84	124,62	127,64
1104 29 99	50,68	136,99	140,01
1104 30 10	28,37	90,77	96,81
1104 30 90	28,05	94,84	100,88
1106 20 10	49,75	112,25 ^(*)	118,90
1106 20 91	67,79	199,95 ^(*)	224,13
1106 20 99	67,79	199,95 ^(*)	224,13
1107 10 11	63,87	215,43	226,31
1107 10 19	50,47	160,97	171,85
1107 10 91	94,06	206,27	217,15 ^(*)
1107 10 99	73,03	154,12	165,00
1107 20 00	83,31	179,61	190,49 ^(*)
1108 11 00	86,04	266,27	286,82
1108 12 00	67,79	203,58	224,13
1108 13 00	67,79	203,58	224,13
1108 14 00	67,79	101,79	224,13
1108 19 10	30,83	253,00	283,83
1108 19 90	67,79	101,79 ^(*)	224,13
1109 00 00	300,42	484,12	665,46
1702 30 51	158,33	265,55	362,27
1702 30 59	113,73	203,58	270,07
1702 30 91	158,33	265,55	362,27
1702 30 99	113,73	203,58	270,07
1702 40 90	113,73	203,58	270,07
1702 90 50	113,73	203,58	270,07
1702 90 75	161,27	278,19	374,91
1702 90 79	111,38	193,47	259,96
2106 90 55	113,73	203,58	270,07
2302 10 10	20,82	50,87	56,87
2302 10 90	37,75	109,01	115,01
2302 20 10	20,82	50,87	56,87
2302 20 90	37,75	109,01	115,01
2302 30 10	20,82	50,87	56,87
2302 30 90	37,75	109,01	115,01
2302 40 10	20,82	50,87	56,87
2302 40 90	37,75	109,01	115,01
2303 10 11	240,02	252,90	434,24

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

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

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

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

(⁴) TARIC code : clipped oats.

(⁵) TARIC code : CN code 1104 22 10, other than 'clipped oats'.

COMMISSION REGULATION (EEC) No 3943/89

of 27 December 1989

fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regula-

tion (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁵⁾, as last amended by Regulation (EEC) No 967/89⁽⁶⁾;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁷⁾, as last amended by Regulation (EEC) No 1806/89⁽⁸⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁹⁾, as last amended by Regulation (EEC) No 3296/88⁽¹⁰⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC⁽¹¹⁾, as last amended by Regulation (EEC) No 31/76⁽¹²⁾, and taking into account the situation with regard to market prices in Portugal; whereas, in the case of imports into Spain, the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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 Council Regulation (EEC) No 1676/85⁽¹³⁾, as last amended by Regulation (EEC) No 1636/87⁽¹⁴⁾,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 61, 26. 2. 1985, p. 4.

⁽⁶⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽⁷⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁸⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽¹⁰⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽¹¹⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹²⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

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, 27 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 December 1989 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	ACP and OCT	Third countries (other than ACP and OCT)
2309 10 11	10,88	20,23	31,11
2309 10 13	10,88	452,48	463,36
2309 10 31	10,88	63,23	74,11
2309 10 33	10,88	495,48	506,36
2309 10 51	10,88	126,45	137,33
2309 10 53	10,88	558,70	569,58
2309 90 31	10,88	20,23	31,11
2309 90 33	10,88	452,48	463,36
2309 90 41	10,88	63,23	74,11
2309 90 43	10,88	495,48	506,36
2309 90 51	10,88	126,45	137,33
2309 90 53	10,88	558,70	569,58

COMMISSION REGULATION (EEC) No 3944/89

of 20 December 1989

laying down detailed rules for applying the supplementary trade mechanism to fresh fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables ⁽¹⁾, and in particular Article 9 thereof,

Whereas Regulation (EEC) No 3210/89 lays down general rules for the application, as from 1 January 1990, of the supplementary trade mechanism provided for in Article 81 of the Act of Accession to consignments, from Spain to the rest of the Community excluding Portugal of the fruit and vegetables listed in the Annex to Commission Regulation (EEC) No 816/89 ⁽²⁾; whereas the detailed rules relating in particular to the statistical monitoring mechanism, the issue of the exit document and the communications required for the proper administration of the system should be adopted;

Whereas, to ensure that the mechanism provided for by the Act of Accession fulfils its purpose, which is to avert risks of disturbance or, as necessary, to allow prompt and appropriate action in response to market disturbances, statistical monitoring must be based, throughout the marketing year and for each of the products concerned, on systematic checking of the quantities consigned from Spain to the rest of the Community;

Whereas, with a view to the same objective, the national exit document issued by the authorities of the country of export during periods II and III, when the market situation is sensitive and very sensitive respectively, must contain the necessary particulars and constitute an appropriate instrument with which to monitor precisely and reliably the rate and trend of consignments of the Spanish products concerned; whereas, during period III, in order to monitor consignments more closely and be in a better to control the trend thereof, provision should be made for the exit document to be issued on application and within a specified time where Article 6 of Regulation (EEC) No 3210/89 is applied;

Whereas, should it be decided to restrict the issue of exit documents on account of market disturbances, it is

reasonable, in order to leave trade patterns undisturbed, to take account of traditional consignments from the Spanish market; whereas, furthermore, the criteria to be applied for allocation the issue of exit documents within quantitative limits should be defined;

Whereas the content and frequency of the communications to be sent by the Member States to the Commission should be laid down in order to ensure the satisfactory administration of the supplementary trade mechanism;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation applies to consignments from Spain to the rest of the Community excluding Portugal of the fruit and vegetable products listed in the Annex to Regulation (EEC) No 816/89 and subject to the supplementary trade mechanism, hereinafter referred to as the 'STM', from 1 January 1990 onwards.

Article 2

1. Consignments of products as referred to in Article 1 shall be subject to a statistical monitoring system set up by the Spanish authorities. Such monitoring shall be based on systematic checking of the quantities consigned.
2. The Spanish authorities shall notify the Commission periodically, in respect of each of the products concerned, of the quantities consigned to the rest of the Community excluding Portugal, specifying the probable destinations. The frequency of such notification shall be laid down for each product and may vary according to the periods defined in Article 2 of Regulation (EEC) No 3210/89. The figures shall be communicated at least once a month and not later than the fifth day of the month for products consigned in the preceding month.

Article 3

1. During periods II and III, consignments from Spain shall be subject to the presentation of a specific exit document, the 'Documento de salida', issued on application from the exporter by the authorized bodies listed in the Annex hereto.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

2. The exit document shall bear:

- the heading 'Document de Salida — Regulation (EEC) No 3944/89',
- the name of the product being consigned and the corresponding Combined Nomenclature code,
- the name of the consignor,
- the net weight of the product,
- the probable destination,
- an identification number, the date of issue and the week of validity.

The exit document shall be sent to the Commission for publication in the 'C' Series of the *Official Journal of the European Communities*.

3. Exit documents shall be detached from a counterfoil book. They shall comprise three sheets; the counterfoil or top copy shall be kept by the issuing authority; the second and third sheets shall be given to the consignor, who shall have them endorsed by the competent inspection departments prior to exit Spanish territory; those departments shall keep the second sheet; the third sheet shall be kept by the consignor.

4. Any unused documents shall be returned to the issuing authority without delay.

5. On consignment, a maximum tolerance of 2 % in excess of the quantity declared on the exit document shall be allowed.

Article 4

During period II and period III except where Article 6 of Regulation (EEC) No 3210/89 applies, the exit document shall be issued immediately to any applicant, regardless of his place of establishment within the Community, by the authorities listed in the Annex hereto.

Article 5

During period III, where Article 6 of Regulation (EEC) No 3210/89 applies,

- (a) applications for exit documents shall be made in writing, including any form of written telecommunication, by 12 noon on Thursdays;
- (b) exit documents shall be issued not later than 5 p.m. on the following Friday
 - for the quantity applied for, if the aggregate quantities applied for do not exceed the indicative ceiling laid down for the period concerned,
 - for a smaller quantity in accordance with Article 7, if the aggregate quantities applied for exceed the indicative ceiling.

Article 6

The exit document shall be valid for a specific calendar week, notwithstanding any special measures. The colour of the document may vary according to the week of validity.

Article 7

1. Where, during period III, restrictions are placed on the issue of documents pursuant to Article 6 of Regulation (EEC) No 3210/89, at least 90 % of the quantities making up the indicative ceiling shall be reserved for traditional operators. Operators shall be deemed to be traditional if they consigned the product concerned to the Community market during the preceding marketing year. The remainder shall be reserved for non-traditional operators.

The quantities referred to in the preceding subparagraph not applied for by non-traditional operators shall be allocated to other operators, and vice versa.

2. Where quantitative restrictions are applied, individual exit documents shall be issued as follows:

- (a) within the aggregate quantity reserved for the traditional operators, by applying one or more than one of the following procedures:
 - by applying a standard rate of reduction to the quantity applied for,
 - in proportion to the quantity applied for,
 - on the basis of the quantities consigned during the corresponding period of the preceding marketing year and, as applicable, since the start of the current marketing year; furthermore, if the traditional operator is a group of consignors, an increase in the number of members may be taken into account.

(b) within the quantity reserved for non-traditional exporters, by applying a standard rate of reduction to the quantity applied for, or in proportion to the quantity applied for.

3. During the period of application of the mechanisms laid down in paragraphs 1 and 2, the competent authorities may refuse exit documents to operators who, on several occasions since the start of period III for the product concerned, have failed to use the document issued for a significant percentage of at least 20 % of the quantities granted to them or who have repeatedly failed to comply with Article 3(4).

4. In cases of fraudulent utilization, consignors shall forfeit the right to obtain an exit document for the remainder of the marketing year.

Article 8

The Spanish authorities shall communicate the following information to the Commission by written telecommunication:

- 1. forward estimates of consignments to the rest of the Community market excluding Portugal for the following week, indicating as far as possible the probable destinations of the exports; this information shall be communicated not later than 12 noon every Thursday (Brussels time); except where special provisions apply in period I, the information shall be communicated once a month by the 25th day at the latest, in respect of consignments in the following month.

2. the quantities in respect of which exit documents have been issued

- during period II, by 12 noon at the latest on the Tuesday in respect of the preceding week,
- during period III, by 5 p. m. at the latest each day in respect of the preceding day.

3. during periods II and III, the quantities in respect of which exit documents have been used, specifying, for period III, the week of validity of the documents and the quantities in respect of which exit documents have been returned pursuant to Article 3(4).

- quantities produced,
- quantities marketed on their markets,
- quantities coming from Spain and released for consumption on their markets,
- price quotations on production and import markets and, where applicable, on wholesale markets, broken down by quality class.

This information shall be forwarded by written telecommunication once a month. More accurate information to be forwarded at more frequent intervals shall be required as the need arises in respect of each product, in particular for periods II and III.

Article 10

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

It shall apply from 1 January 1990.

Article 9

Member States shall notify the Commission of the following in respect of products subject to the STM:

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

Done at Brussels, 20 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

1. Authorities responsible for issuing of the 'documento de salida' in case of application of period II

CENTROS DEL SOIVRE

Algeciras
Muelle del Navío
Tel.: 956/65 66 21, 65 48 06

Alicante
Orense 4
03003
Tel.: 22 71 39

Almería
General Ramayo 9
04004
Tel.: 951/23 79 11, 23 36 07

Badajoz
Ronda del Pilar 4
06002
Tel.: 924/23 31 46

Barcelona
Torreón Estación Marítima Internacional 1
08004
Tel.: 93/3 01 66 40, 3 01 61 38, 3 17 09 99

Bilbao
Mazarrero 31
48009
Tel.: 94/4 23 54 21, 4 23 53 91

Burgos
Aduana de Burgos C.N. 1
Tel.: 947/21 97 52

Cádiz
Plaza 3 carabelas 5
11004
Tel.: 956/22 11 61, 22 11 52

Canfranc
Fernando el Católico 9
Tel.: 974/37 33 95

Cartagena
Alfonso XIII 3
30801
Tel.: 966/50 17 48

Cartagena
Muelle
Tel.: 966/50 53 78

Castellón
Puerto de Has 1
12002
Tel.: 964/22 39 86, 22 38 12

Castellón
Muelle
Tel.: 964/21 54 38, 21 20 10

Gandía
Estación de Camiones
Tel.: 96/2 89 03 26

Gandía
FF. CC. (Ferrocaril)
Tel.: 96/2 86 58 69

Gandía
Germanías 38
46700
Tel.: 96/2 86 46 83

Gijón
Libertad 10
33206
Tel.: 985/35 43 43

Granada
Mercogranada
Tel.: 958/26 43 33

Granada
Recogidas 12
18002
Tel.: 958/26 14 52

Huelva
Hernán Cortés 1
21001
Tel.: 955/24 81 85, 25 99 26

Irún
Estaciones de Camiones
Tel.: 943/62 57 83

Irún
Iparralde — Edificio Kostorbe — 20300 —
Tel.: 943/62 02 66

Irún
Laboratorio
Tel.: 943/63 01 71

Laboratorio Soivre Madrid
Edificio Gefidoks c/. Alcarria
Coslada (Madrid)
Tel.: 91/2 05 57 24, 6 72 76 20

La Coruña
San Andrés 143
15003
Tel.: 981/22 54 34, 22 69 18

La Jonquera
Tel.: 972/54 06 45

Málaga
Estación marítima del Puerto 1
Tel.: 952/21 34 27

Motril
Estaciones de Camiones
Tel.: 958/60 50 58

Murcia
Puerta Nueva 16
30001
Tel.: 968/24 44 12, 24 44 16

Noáin
Edificio de la Aduana
Tel.: 948/31 84 62

Palamós
Fito
Tel.: 972/52 25 26

Palma de Mallorca
Muelle Visio 19
07000
Tel.: 971/72 31 67

Port-Bou
Tel.: 972/39 03 33

Salamanca — Ciudad Rodrigo
Administración de Hacienda
Carretera de Béjar
37800
Tel.: 923/46 23 62, 46 02 05

Santander
Antonio López 24
39009
Tel.: 942/22 87 82

Sevilla
República Argentina 14
41011
Tel.: 954/27 35 43, 27 67 97

Tarragona
Rambla Nueva 3
43003
Tel.: 977/23 24 32

Valencia
Muelle
Tel.: 96/3 23 08 29

Valencia
Pintor Sorolla 3
46002
Tel.: 96/3 51 98 01

Vigo
Estación Marítima Muelle
Trasatlánticos-Puerto
Tel.: 986/22 26 61, 22 26 62

Vilamalla
Edificio SEDFISA
17469
Tel.: 972/54 06 44, 52 54 11, 52 54 19

Zaragoza
Bretón 9
50005
Tel.: 976/35 06 30

2. Authorities responsible for issuing of the 'documento de salida' in case of application of period III

Alicante
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Almería
c/ Hermanos Machado, s/n (04071)
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Fax 951/25 85 48

Barcelona
Avda Diagonal, 631 (08071)
Tel.: 93/3 39 75 00, 3 39 50 00
Fax 93/4 11 19 96

Bilbao
Pº Federico Moyua, 3-1 edif. Hda.
Tel.: 94/4 15 53 00, 4 15 53 05
Fax 94/4 16 52 97

Castellón
Trinidad, 14 (12071)
Tel.: 964/21 58 08, 24 17 33
Fax 964/20 60 56

Dirección general de comercio exterior
Pº de la Castellana, 162 Plantas 4a, 5a y 6a
Secretaría de estado de comercio
Ministerio de economía y hacienda
Tel.: 91/2 59 15 72
Fax 91/4 57 07 38

Madrid
Orense, 4-3 dcha. (28071)
Tel.: 91/4 55 28 68, 4 56 44 12

Málaga
Avda de la Aurora, 467 (29071)
Tel.: 952/33 42 58, 33 42 62
Fax 952/34 63 89

Murcia
Pº Alfonso X, 6 (30071)
Tel.: 968/23 94 58, 23 93 62
Fax 968/23 46 53

Oviedo
Pza. de España s/n (33071)
Tel.: 985/24 20 42, 24 20 28
Fax 985/27 24 10

Palma de Mallorca
c/ Ciudad de Queretaro, edif. múltiple
Tel.: 971/46 50 12, 46 62 61, 46 53 62
Fax 971/46 69 35

San Sebastián
c/ Guetaria, 2 triplicado (20071)
Tel.: 943/41 12 03, 42 07 99, 42 37 12
Fax 943/42 68 36

Santander
Rodríguez, 5 (39071)
Tel.: 942/22 06 01
Fax 942/31 04 64 (manual)

Sevilla
Pza. de España-Puerta Navarra (41071)
Tel.: 954/23 35 84, 23 52 57, 23 34 23
Fax 954/23 21 38

Valencia
Pascual y Genis, 1 (46071)
Tel.: 96/3 51 90 47, 3 51 99 60, 3 51 30 70
Fax 96/3 51 18 24

Valladolid
Jesús Rivero Menesas, 2 (47071)
Tel.: 983/33 75 48, 33 93 21
Fax 983/34 37 67

Vigo
Pza. de Compostela, 29 (36071)
Tel.: 986/43 34 00, 43 40 83
Fax 986/43 20 48

Zaragoza
Coso, 42 (50071)
Tel.: 976/22 61 61, 22 22 70
Fax 976/21 63 67

COMMISSION REGULATION (EEC) No 3945/89

of 20 December 1989

fixing certain indicative ceilings and certain additional detailed rules for the application of the supplementary trade mechanism to fruit and vegetables as regards broad-leaf endives

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables⁽¹⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89⁽²⁾ establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas those products include broad-leaf endives;

Whereas Commission Regulation (EEC) No 3944/89⁽³⁾ lays down the detailed rules for the application of the supplementary trade mechanism, hereinafter referred to as the 'STM', to fresh fruit and vegetables;

Whereas the indicative ceilings provided for in Article 83 of the Act of Accession should be fixed for broad-leaf endives from the beginning of the period of application of the STM since those products are marketed on the Community market on that date; whereas those indicative ceilings are established on the basis of a forward estimate of production and consumption on that market, with the exception of Portugal, and of a forward timetable of trade; whereas those ceilings are established taking account of a gradual increase in the pattern of trade between Spain and the rest of the Community;

Whereas, however, the indicative ceilings should be established and the periods provided for in Article 2 of Regulation (EEC) No 3210/89 should be determined only in respect of that part of marketing year for which statistical data on intra-Community trade and forecasts of the market trend are sufficiently accurate; whereas the part of the marketing year in question corresponds for broad-leaf endives to a period when the market is sensitive within the meaning of the abovementioned Regulation;

Whereas it should be pointed out that the provisions of Regulation (EEC) No 3944/89 on statistical monitoring

and on the use of extil documents for Spanish consignments and on the various communications of the Member States apply in order to ensure the functioning of the STM;

Whereas the need for precise information particularly during the starting-up phase of the STM justifies short intervals between communications to the Commission regarding the statistical monitoring of trade;

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

HAS ADOPTED THIS REGULATION:

Article 1

For broad-leaf endives covered by CN code ex 0705 29 00:

1. the indicative ceilings provided for in Article 83 (1) of the Act of Accession and
2. the periods referred to Article 2 of Regulation (EEC) No 3210/89

shall be as fixed in the Annex hereto.

Article 2

The provisions of Regulation (EEC) No 3944/89, with the exception of Articles 5 and 7 thereof, shall apply to consignments of the products referred to Article 1 from Spain to the rest of the Community market with the exception of Portugal.

However, the notification provided for in Article 2 (2) of that Regulation shall be made each Tuesday at the latest in respect of quantities consigned during the preceding week.

The information on quantities marketed as referred to in the second and third indents of the first paragraph of Article 9 of Regulation (EEC) No 3944/89 and the price quotations recorded on the production, import and wholesale markets shall be forwarded to the Commission each Thursday at the latest in respect of the seven-day period ending on the previous Wednesday.

Article 3

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

It shall apply from 1 January 1990.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽³⁾ See page 20 of this Official Journal.

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

Done at Brussels, 20 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Indicative ceilings and periods referred to in Article 2 of Regulation (EEC) No 3210/89

Description of product	CN code	Indicative ceiling	Period
Broad-leaf endives	ex 0705 29 00	1 to 14 January 1990 : 2 200 tonnes 15 to 31 January 1990 : 2 200 tonnes	II II

COMMISSION REGULATION (EEC) No 3946/89

of 20 December 1989

fixing certain additional detailed rules for the application of the supplementary trade mechanism to fruit and vegetables as regards artichokes, carrots, strawberries, lettuce, melons, table grapes and tomatoes

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables⁽¹⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89⁽²⁾ established the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas those products include artichokes, carrots, strawberries, lettuce, melons, table grapes and tomatoes;

Whereas Commission Regulation (EEC) No 3944/89⁽³⁾ lays down the detailed rules for the application of the supplementary trade mechanism, hereinafter referred to as the 'STM', to fresh fruit and vegetables;

Whereas the periods provided for in Article 2 (1) of Regulation (EEC) No 3210/89 should be fixed for the abovementioned products from the beginning of the period of application of the STM since products from Spain are marketed on the Community market at that date;

Whereas the small quantities of Spanish consignments of such products traditionally despatched in January do not justify the determination of a period 1 within the meaning of Article 2 (1) of Regulation (EEC) No 3210/89;

Whereas it should be stressed that Regulation (EEC) No 3944/89 applies to ensure that the STM functions; whereas, however, the small quantities of Spanish consignments to the other Member States during the period concerned mean that the application of Article 9 of the abovementioned Regulation should be waived;

Whereas the need for precise information particularly during the starting-up phase of the STM justifies short intervals between notifications; to the Commission regarding the statistical monitoring of trade;

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

HAS ADOPTED THIS REGULATION:

Article 1

For:

tomatoes, covered by CN code 0702 00 10, cabbage lettuce, covered by CN code 0705 11 90, lettuce other than cabbage lettuce, covered by CN code 0705 19 00, carrots, covered by CN code ex 0706 10 00, artichokes, covered by CN code 0709 10 00, table grapes, covered by CN code 0806 10 15, melons, covered by CN code 0807 10 90, strawberries, covered by CN code 0810 10 90, the periods referred to Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto for January 1990.

Article 2

The provisions of Regulation (EEC) No 3944/89, with the exception of Article 9 thereof, shall apply from 1 January 1990 to consignments of the products mentioned in Article 1 from Spain to the rest of the Community market with the exception of Portugal.

However, the notification provided for in Article 2 (2) of that Regulation shall be made twice a month, on Tuesdays at the latest, in respect of quantities consigned during the preceding fortnight.

Article 3

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

It shall apply from 1 January 1990.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽³⁾ See page 20 of this Official Journal.

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

Done at Brussels, 20 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Periods referred to in Article 2 of Regulation (EEC) No 3210/89

Description of product	CN code	Period
tomatoes	0702 00 10	I
cabbage lettuce	0705 11 90	I
lettuce other than cabbage lettuce	0705 19 00	I
carrots	ex 0706 10 00	I
artichokes	0709 10 00	I
table grapes	0806 10 15	I
melons	0807 10 90	I
strawberries	0810 10 90	I

COMMISSION REGULATION (EEC) No 3947/89
of 20 December 1989

amending Regulation (EEC) No 3665/87 as regards the grant of export refunds in the case of transshipment or transit operations within the Community of products deemed to have left the customs territory of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3707/89 ⁽²⁾, and in particular Article 16 (6) thereof, and to the corresponding provisions of the other Regulations on the common organization of the markets in agricultural products,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular the second subparagraph of Article 8 (2) and Article 8 (3) thereof, and to the corresponding provisions of the other Regulations laying down general rules on the grant of export refunds for agricultural products,

Whereas in some instance a refund may be claimed in respect of products which have been exported and which have left the customs territory of the Community, but which are returned for the purposes of transshipment or a transit operation before reaching a final destination outside the said territory; whereas such returns may conceivably also occur for reasons other than transport requirements, and more particularly for the purpose of speculation from the customs territory of the Community; whereas in such cases the purpose of the time limit specified in Article 4 and Article 32 (1) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾, as last amended by Regulation (EEC) No 3993/88 ⁽⁵⁾, is undermined; whereas, in order to avoid such situations, there is a need to define clearly the conditions under which such returns may take place;

Whereas the Management Committees concerned have not delivered an opinion within the limit laid down by their chairmen,

Article 1

The following Article is inserted in Regulation (EEC) No 3665/87:

Article 6a

1. For the purpose of the granting of a refund in the case of export by sea, the following special provisions shall apply:

- (a) When the control copy referred to in Article 6 or the national document showing that the product has left the customs territory of the Community has been endorsed by the competent authorities, the product may not, except in cases of *force majeure*, remain for the purposes of transshipment in one or more other ports located within the customs territory of the Community for more than 28 days.
- (b) The 28-day time limit in subparagraph (a) shall not apply in cases where the products left the last port within the customs territory of the Community within the initial 60-day period.
- (c) The refund shall be paid subject to:
 - a declaration by the exporter that the product is not to be transhipped in another port, or
 - the production of proof to the paying agency of compliance with the provisions of subparagraph (a). This proof shall include the transport document(s), or a copy or photocopy thereof covering the products from its departure from the first port at which the said documents were endorsed up to its arrival in the third country in which the product is to be unloaded.

The declarations referred to in the first indent shall be subject to appropriate spot checks by the paying agency, for the purpose of which the means of proof referred to in the second indent shall be required.

- (d) As an alternative to the conditions in subparagraph (c), the Member State of departure may stipulate that the control copy referred to in Article 6 or the national document showing that the product has left the customs territory of the Community is to be accepted only on production of a transport document indicating a final destination outside the customs territory of the Community.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 354, 22. 12. 1988, p. 22.

In that case the box headed "Control of use and/or destination" of the control copy shall be completed under the heading "Remarks" or in the corresponding box of the national document with the following entry by the competent authority in the Member State of departure :

- Documento de transporte con destino fuera de la CEE presentado
- Transportdokument med destination uden for EØF forelagt
- Beförderungspapier mit Bestimmung außerhalb der EWG wurde vorgelegt
- Υποβαλλόμενο έγγραφο μεταφοράς με προορισμό εκτός ΕΟΚ
- Transport document indicating a final destination outside the customs territory of the Community has been presented
- Document de transport avec destination hors CEE présenté
- Documento di trasporto con destinazione fuori CEE presentato
- Vervoerdocument voor bestemming buiten EEG voorgelegd
- Documento de transporte com destino fora da CEE apresentado

- (e) The provisions of this paragraph shall be the subject of suitable spot checks by the paying agency.

In cases where it is found that the conditions set out in subparagraph (a) have not been complied with, for the purposes of Articles 33 and 48, the day/days by which the 28-day limit is exceeded shall be deemed to be days by which the time limit laid down in Articles 4 and 32 is exceeded.

2. For the purposes of granting a refund in the case of export by road, by inland waterway or by railway, the following special provisions shall apply :

- (a) When the control copy referred to in Article 6 or the national document showing that the product has left the customs territory of the Community has been endorsed by the competent authorities, the products may not, except in cases of *force majeure*, be returned to such territory other than for the purpose of a transit operation and for not more than 28 days.
- (b) The 28-day time limit in subparagraph (a) shall not apply in cases where the product concerned has left the customs territory of

the Community definitively within the initial 60-day period.

- (c) The application of the provisions of subparagraph (a) shall be the subject of suitable spot checks by the paying agency. In such cases the transport documents covering the product up to its arrival in the third country in which it is to be unloaded shall be required.

In cases where it is found that the conditions set out in subparagraph (a) have not been complied with, for the purposes of Articles 33 and 48, the day/days by which the 28-day time limit is exceeded shall be deemed to be days by which the time limit laid down in Articles 4 and 32 is exceeded.

3. For the purposes of granting a refund in the case of export by air, the following special provisions shall apply :

- (a) The control copy referred to in Article 6 or the national document showing that the product has left the customs territory of the Community may be endorsed by the competent authorities only on production of a transport document indicating a final destination outside the customs territory of the Community.
- (b) In cases where it is found that, after completion of the formalities referred to in subparagraph (a), the product has remained for the purpose of transshipment in one or more other airport within the customs territory of the Community for more than 28 days, except in cases of *force majeure*, for the purposes of Articles 33 and 48, the day/days by which the 28-day time limit is exceeded shall be deemed to be days by which the time limit laid down in Articles 4 and 32 is exceeded.
- (c) The application of the provisions of this paragraph shall be subject of suitable spot checks by the paying agency.
- (d) The 28-day limit laid down in subparagraph (b) shall not apply in cases where the product concerned has left the customs territory of the Community definitively within the initial 60-day period.

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 to transactions the export declaration for which is accepted as from 1 February 1990.

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

Done at Brussels, 20 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 3948/89**of 20 December 1989****laying down detailed rules for the application of the import arrangements provided for by Council Regulations (EEC) No 3891/89 and (EEC) No 3892/89 in the beef and veal sectors**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3891/89 of 11 December 1989 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1990) (1), and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 3892/89 of 11 December 1989 opening a Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90 (2), and in particular Article 2 thereof,

Whereas Regulations (EEC) No 3891/89 and (EEC) No 3892/89 opened quotas for high-quality beef and veal and for buffalo meat; whereas the rules for the application of these arrangements must be established;

Whereas the exporting non-member countries have undertaken to issue certificates of authenticity guaranteeing the origin of these products; whereas the form and layout of these certificates and the procedures for using them must be specified; whereas the certificate of authenticity must be issued by an appropriate authority in a non-member country, the standing of which is such as to ensure that the special arrangements are properly applied;

Whereas, pursuant to Article 2 of Commission Regulation (EEC) No 2377/80 (3), as last amended by Regulation (EEC) No 3182/88 (4), a licence is required for all imports into the Community of beef and veal products; whereas some of the non-member countries exporting meat under this Regulation have undertaken to restrict their exports of such products; whereas the licence must be endorsed as required by the provisions in Article 12 of Regulation (EEC) No 2377/80;

Whereas in order to ensure that the importing of these meats is managed efficiently it is appropriate to provide for the non-transferability of certificates;

Whereas provision must be made for the Member States to transmit relevant information in connection with these special imports;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quota for fresh, chilled or frozen beef and veal provided for in Article 1 (1) of Regulation (EEC) No 3891/89 shall be allocated as follows:

(a) 17 000 tonnes of chilled, boned or boneless meat, falling within CN codes 0201 30 and 0206 10 95, and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals aged between 22 and 24 months, having two permanent incisors and presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef", cuts of which may bear the letters "sc" (special cuts)';

(b) 5 000 tonnes product weight of meat, falling within CN codes 0201 20 90, 0201 30, 0202 20 90, 0202 30, 0206 10 95 and 0206 29 91, and answering the following definition:

'Selected cuts of fresh, chilled or frozen beef derived from bovine animals which do not have more than four permanent incisor teeth, the carcasses of which have a dressed weight of not more than 327 kilograms (720 pounds), a compact appearance with a good eye of meat of light and uniform colour, and adequate but not excessive fat cover. The meat shall be certified "high-quality beef EEC";

(c) 2 300 tonnes of boned or boneless meat, falling within CN codes 0201 30, 0202 30 90, 0206 10 95 and 0206 29 91, and answering the following definition:

'Special or good-quality beef cuts obtained from exclusively pasture-grazed animals presenting a slaughter liveweight not exceeding 460 kilograms, referred to as "special boxed beef". These cuts may bear the letters "sc" (special cuts)';

(1) OJ No L 378, 27. 12. 1989, p. 19.

(2) OJ No L 378, 27. 12. 1989, p. 20.

(3) OJ No L 241, 13. 9. 1980, p. 5.

(4) OJ No L 283, 18. 10. 1988, p. 13.

- (d) 10 000 tonnes product weight of meat, falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91, and answering the following definition :

'Carcases of any cuts from cattle not over 30 months of age which have been fed for 100 days or more on a nutritionally balanced, high-energy-feed concentration ration containing no less than 70 % grain and at least 20 pounds total feed per day. Beef graded USDA "choice" or "prime" automatically meets the definition above. Meat graded A2, A3 and A4 under the standards of the Canadian Ministry of Agriculture automatically meets the definition above'.

2. The tariff quota for frozen buffalo meat provided for in Article 1 (1) of Regulation (EEC) No 3892/89 shall be administered in accordance with the provisions of this Regulation.

Article 2

1. The total suspension of the import levy for the meat referred to in Article 1 shall be subject to the presentation, at the time it is put into free circulation, of a certificate of authenticity and, in respect of the meat referred to in Article 1 (1) (d), to the presentation of the import licence referred to in Article 12 of Regulation (EEC) No 2377/80.

The import certificates requested for the meats under Article 1 (1) (d) shall not be transferable.

2. The certificate of authenticity shall be made out in one original and not less than one copy on a form corresponding to the model in Annex I.

The form shall measure approximately 210 × 297 mm.

The paper shall weigh not less than 40 g/m² and shall be white.

3. The forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language or one of the official languages of the exporting country.

The appropriate definition under Article 1 (1) relative to the meat originating from the exporting country shall be shown on the back of the form.

4. The particulars on the original and the copies shall be either typewritten or handwritten. In the latter case they must be printed in block capitals.

5. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

Article 3

1. The certificate of authenticity shall be valid for three months from the date it was issued.

The original certificate of authenticity and one copy shall be presented to the customs authority when the product covered by the certificate is put into free circulation.

However, the certificate may not be presented after 31 December of its year of issue.

2. The copy of the certificate of authenticity referred to in paragraph 1 shall be sent by the customs authorities of the Member State in which the product is placed in free circulation to the designated authorities of that Member State responsible for the communication under Article 6 (1).

Article 4

1. A certificate of authenticity shall be valid only if it is duly completed and endorsed, in accordance with the instruction in Annexes I and II, by one of the issuing authorities listed in Annex II.

2. The certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the person or persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authorities listed in Annex II shall:
- (a) be recognized as competent by the exporting country;
 - (b) undertake to check the particulars set out in the certificates of authenticity;
 - (c) undertake to communicate to the Commission and to the Member States, on request, any useful information enabling the particulars set out in the certificates of authenticity to be evaluated.

2. The list shall be amended if the requirement in paragraph 1 (a) is no longer met or if an issuing authority fails to fulfil one of the obligations incumbent on it.

Article 6

1. The Member States shall communicate to the Commission, in respect of each period of 10 days, not later than 15 days after that period, the quantities of products referred to in Article 1 that have been put into free circulation, broken down by their country of origin and combined nomenclature code.

2. Under this Regulation the period of 10 days means :

- from the first to 10th of the month inclusive,
- from the 11th to 20th of the month inclusive,
- from the 21st to the last day of the month inclusive.

Article 7

The lodging of licence applications and the issuing of import licences for the meat referred to in Article 1 (1) (d) shall be effected in accordance with the provisions of Articles 12 and 15 of Regulation (EEC) No 2377/80.

Article 8

In all Community instruments in which reference is made to Commission Regulation (EEC) No 263/81 ⁽¹⁾, or to Articles of that Regulation, such references shall be treated as references to this Regulation or to the corresponding Articles hereof.

Article 9

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, 20 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 27, 31. 1. 1981, p. 52.

ANNEX 1

1 Exporter 	2 Certificate No 	ORIGINAL	
4 Consignee 	3 Issuing authority 		
6 Means of transport 	5 CERTIFICATE OF AUTHENTICITY BEEF AND VEAL		
7 Marks, numbers, number and kind of packages ; description of goods 		8 Gross weight (kg) 	9 Net weight (kg)
10 Net weight (in words)			
11 CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the beef described in this certificate complies with the specification shown overleaf : (a) for high-quality beef (''); (b) for buffalo meat (''). Place: — Date Signature and stamp (or printed seal)			

DEFINITIONS

**High-quality beef originating in
(appropriate definition)**

Buffalo meat originating in Australia

*ANNEX II***LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY****— JUNTA NACIONAL DE CARNES**

for meat originating in Argentina, answering the definition in Article 1 (1) (a).

— AUSTRALIAN MEAT AND LIVESTOCK CORPORATION

for meat originating in Australia :

(a) answering the definition in Article 1 (1) (b);

(b) referred to in Article 1 (2).

— INSTITUTO NACIONAL DE CARNES (INAC)

for meat originating in Uruguay, answering the definition in Article 1 (1) (c).

— FOOD SAFETY AND INSPECTION SERVICE (FSIS) OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

for meat originating in the United States of America, answering the definition in Article 1 (1) (d).

— FOOD PRODUCTION AND INSPECTION BRANCH-AGRICULTURE CANADA, DIRECTION GÉNÉRALE PRODUCTION ET INSPECTION DES ALIMENTS-AGRICULTURE CANADA

for meat originating in Canada, answering the definition in Article 1 (1) (d).

COMMISSION REGULATION (EEC) No 3949/89

of 22 December 1989

on a special intervention measure for common wheat in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3707/89 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas production of common wheat in Spain exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the Spanish market can be relieved by the export of part of this surplus quantity of common wheat to non-member countries; whereas, in view of world market prices for common wheat, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of common wheat from Member States where the market situation is different from that in Spain;

Whereas, in the absence of adequate measures, massive quantities of common wheat may be expected to enter intervention storage in Spain during the marketing year in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the Spanish market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Spain, would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on common wheat of the quality

required for acceptance for intervention, as defined in Commission Regulation (EEC) No 1569/77 ⁽³⁾, as last amended by Regulation (EEC) No 1663/89 ⁽⁴⁾; whereas the competent agency must make certain common wheat exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽⁵⁾, and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application on the system of tendering for export refunds on cereals ⁽⁶⁾, as last amended by Regulation (EEC) No 2788/86 ⁽⁷⁾;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

⁽¹⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽²⁾ OJ No L 163, 14. 6. 1989, p. 13.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 250 000 tonnes of common wheat produced in Spain.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The Spanish intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of common wheat referred to in Article 1 (1) for export to the countries in zones I to VIII listed in Annex I to Commission Regulation (EEC) No 1124/77⁽¹⁾, the German Democratic Republic and the Canary Islands.

3. The invitation shall remain open until 29 March 1990. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 4 January 1990.

4. Tenders must be submitted to the Spanish intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
 - advance fixing of the Spanish monetary compensatory amount valid on each closing date for the submission of tenders,
 - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in Spain.

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be ECU 12 per tonne.

Article 5

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽²⁾, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the third month following that of the issue.

Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the common wheat exported is of at least intervention quality as defined in Article 2 (2) of Regulation (EEC) No 1569/77.

The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

Article 7

Tenders submitted must reach the Commission through the intervention of the Spanish intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

If no tenders are received, the Spanish intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

⁽¹⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 22 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

Weekly tender for the refund for the export of common wheat to countries in zones I to VIII, the German Democratic Republic and the Canary Islands

(Regulation (EEC) No 3949/89)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 3950/89

of 22 December 1989

on a special intervention measure for common wheat in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 8 (3) thereof,

Whereas production of common wheat in Germany exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the German market can be relieved by the export of part of this surplus quantity of common wheat to third countries; whereas, in view of world market prices for common wheat, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also encourage the export of common wheat from Member States where the market situation is different from that in Germany;

Whereas, in the absence of adequate measures, massive quantities of common wheat may be expected to enter intervention storage in Germany in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to third countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the German market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from Germany would be an appropriate measure for this purpose;

Whereas the objective of the measure justifies the granting of full refunds in respect only of common wheat with a protein content of at least 13,3 %; whereas, however, the common wheat exported must be at least of the

quality required for acceptance into intervention as defined in Commission Regulation (EEC) No 1569/77⁽³⁾, as last amended by Regulation (EEC) No 1663/89⁽⁴⁾; whereas the competent agency must ensure that the quality of the common wheat exported conforms to requirements;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽⁵⁾ and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals⁽⁶⁾, as last amended by Regulation (EEC) No 2788/86⁽⁷⁾;

Whereas, since the concerned parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

⁽¹⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽²⁾ OJ No L 163, 14. 6. 1989, p. 13.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 257, 10. 9. 1986, p. 32.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 150 000 tonnes of common wheat exported from the German market;

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The German intervention agency shall be responsible for implementing the measure provided for in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of common wheat referred to in Article 1 (1) for export to the countries of zones I, II, III, IV, V, VI, VII and VIII, and the Canary Islands as defined in Annex I to Commission Regulation (EEC) No 1124/77⁽¹⁾.

3. The invitation shall remain open until 31 May 1990. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 4 January 1990.

4. Tenders must be submitted to the German intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
 - advance fixing of the German monetary compensatory amount valid on each closing date for the submission of tenders,
 - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in Germany.

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be ECU 12 per tonne.

Article 5

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3183/80⁽²⁾, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the third month following that of issue.

Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. Export refunds awarded may be granted only if the common wheat exported has a protein content of at least 13,3 %. A reduction of ECU 10 per tonne in the refund awarded shall apply where the wheat exported has a protein content of less than 13,3 %. However, the quality of wheat exported must at least comply with the conditions laid down for common wheat in the Annex to Regulation (EEC) No 1569/77 with the exception of the maximum moisture content, which is hereby altered to 15 %. No refund shall be granted if the quality does not meet those conditions.

To that end, the competent agency shall have an analysis made, by an approved body or company, of the loaded goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the successful tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

Article 7

Tenders submitted must reach the Commission through the intermediary of the German intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in the Annex.

⁽¹⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

If no tenders are received, the German intervention agency shall inform the Commission of this by the time limit indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 22 December 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Weekly tender for the refund for the export of common wheat to the countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands

(Regulation (EEC) No 3950/89)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

COMMISSION REGULATION (EEC) No 3951/89

of 27 December 1989

re-establishing the levying of customs duties on maleic anhydride, falling within CN code 2917 14 00, originating in Brazil, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

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

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 4257/88, duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 14;

Whereas, as provided for in Article 14, where the increase of preferential imports of these products, originating in one or more beneficiary countries, threatens to cause economic difficulties in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 6 % of the total importations into the Community, originating from their countries in 1987;

Whereas, in the case of maleic anhydride, falling within CN code 2917 14 00, originating in Brazil, the reference base is fixed at ECU 434 000; whereas, on 27 April 1989,

imports of these products into the Community originating in Brazil, reached the reference base in question after being charged there-against; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 31 December 1989, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in Brazil:

CN code	Description
2917 14 00	Maleic anhydride

Article 2

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

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

Done at Brussels, 27 December 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 3952/89**of 27 December 1989****re-establishing the levying of customs duties on camping goods, products of category 111 (order No 40.1110), originating in Brazil, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4259/88 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of camping goods, products of category 111 (order No 40.1110), originating in Brazil, the relevant ceiling amounts to four tonnes;

Whereas on 8 July 1989 imports of the products in question into the Community, originating in Brazil, a country covered by preferential tariff arrangements, reached and were charged against the ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Brazil:

HAS ADOPTED THIS REGULATION:

Article 1

As from 31 December 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Brazil:

Order No	Category (Unit)	CN code	Description
40.1110	111 (tonnes)	6309 91 00 6306 99 00	Camping goods, woven, other than pneumatic mattresses and tents

Article 2

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

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

Done at Brussels, 27 December 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 3953/89

of 27 December 1989

re-establishing the levying of customs duties on nets, products of category 97 (order No 40.0970), originating in Mexico, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4259/88 apply

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

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of nets, products of category 97 (order No 40.0970), originating in Mexico, the relevant ceiling amounts to 21 tonnes;

Whereas on 8 July 1989 imports of the products in question into the Community, originating in Mexico, a country covered by preferential tariff arrangements, reached and were charged against the ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Mexico:

HAS ADOPTED THIS REGULATION:

Article 1

As from 31 December 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Mexico:

Order No	Category (Unit)	CN code	Description
40.0970	97 (tonnes)	5608 11 11 5608 11 19 5608 11 91 5608 11 99 5608 19 11 5608 19 19 5608 19 31 5608 19 39 5608 19 91 5608 19 99 5608 90 00	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope

Article 2

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

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

Done at Brussels, 27 December 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 3954/89

of 27 December 1989

re-establishing the levying of customs duties on trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, products of category 28 (order No 40.0280), originating in the Philippines, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4259/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, products of category 28 (order No 40.0280), originating in the Philippines, the relevant ceiling amounts to 104 000 pieces;

Whereas on 8 July 1989 imports of the products in question into the Community, originating in the Philippines, a country covered by preferential tariff arrangements, reached and were charged against the ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to the Philippines,

HAS ADOPTED THIS REGULATION:

Article 1

As from 31 December 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in the Philippines:

Order No	Category (Unit)	CN code	Description
40.0280	28 (1 000 pieces)	6103 41 10	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, of wool, of cotton or man-made fibres
		6103 41 90	
		6103 42 10	
		6103 42 90	
		6103 43 10	
		6103 43 90	
		6103 49 10	
		6103 49 91	
		6104 61 10	
		6104 61 90	
		6104 62 10	
		6104 62 90	
		6104 63 10	
		6104 63 90	
		6104 69 10	
		6104 69 91	

Article 2

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

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

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

Done at Brussels, 27 December 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 3955/89**of 27 December 1989****re-establishing the levying of customs duties on woven fabrics, sacks and bags, products of category 33 (order No 40.0330), originating in the Philippines, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4259/88 apply**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 to textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of woven fabrics, sacks and bags, products of category 33 (order No 40.0330), originating in the Philippines, the relevant ceiling amounts to 230 tonnes;

Whereas on 11 October 1989 imports of the products in question into the Community, originating in the Philippines, a country covered by preferential tariff arrangements, reached and were charged against the ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to the Philippines,

HAS ADOPTED THIS REGULATION:

Article 1

As from 31 December 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in the Philippines:

Order No	Category (Unit)	CN code	Description
40.0330	33 (tonnes)	5407 20 11 6305 31 91 6305 31 99	Woven fabrics of synthetic filament yarn obtained from strip or the like of polypropylene, less than 3 m wide; sacks and bags, of a kind used for the packing of goods, not knitted or crocheted obtained from strip or the like

Article 2

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

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

Done at Brussels, 27 December 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 3956/89

of 27 December 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3707/89⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 3548/89⁽⁷⁾, as last amended by Regulation (EEC) No 3935/89⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 363, 13. 12. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 348, 29. 11. 1989, p. 8.

⁽⁸⁾ OJ No L 375, 23. 12. 1989, p. 92.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 22 December 1989;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 3548/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 28 December 1989.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 27 December 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 27 December 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1103 21 00	55,36	220,79	226,83
1104 19 10	55,36	220,79	226,83
1104 29 10*10 (*)	39,46	163,14	166,16
1104 29 30*10 (*)	46,86	196,26	199,28
1104 29 91	30,97	125,11	128,13
1104 30 10	26,59	92,00	98,04
1107 10 11	59,65	218,33	229,21
1107 10 19	47,32	163,14	174,02
1108 11 00	80,83	269,85	290,40
1109 00 00	290,94	490,64	671,98

(*) TARIC code : clipped oats.