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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 46/89

of 11 January 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 2221/88⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

Whereas these exchange rates being those recorded on 10 January 1989;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 January 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 11 January 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal...

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	19,20	119,58
0712 90 19	19,20	119,58
1001 10 10	51,30	181,25 ⁽¹⁾ ⁽²⁾
1001 10 90	51,30	181,25 ⁽¹⁾ ⁽²⁾
1001 90 91	13,64	115,68
1001 90 99	13,64	115,68
1002 00 00	57,33	111,91 ⁽³⁾
1003 00 10	47,89	119,78
1003 00 90	47,89	119,78
1004 00 10	38,94	73,83
1004 00 90	38,94	73,83
1005 10 90	19,20	119,58 ⁽²⁾ ⁽³⁾
1005 90 00	19,20	119,58 ⁽²⁾ ⁽³⁾
1007 00 90	42,54	130,65 ⁽⁴⁾
1008 10 00	47,89	24,96
1008 20 00	47,89	94,80 ⁽⁵⁾
1008 30 00	47,89	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	47,89	0,00
1101 00 00	33,11	175,97
1102 10 00	94,28	170,69
1103 11 10	92,90	294,32
1103 11 90	34,68	189,73

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 47/89

of 11 January 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 2221/88⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 10 January 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 12 January 1989.

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

Done at Brussels, 11 January 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 197, 26. 7. 1988, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 11 January 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 1	1st period 2	2nd period 3	3rd period 4
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	12,97	12,97	12,97
1001 90 99	0	12,97	12,97	12,97
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	18,16	18,16	18,16

B. Malt

CN code	(ECU/tonne)				
	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	23,09	23,09	23,09	23,09
1107 10 19	0	17,25	17,25	17,25	17,25
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 48/89

of 11 January 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, following the taking of a decision on the allocation of food aid, the Commission has allocated to WFP 2 883 tonnes of skimmed-milk powder;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the day 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, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation No (1):** 1192/88 to No 1205/88 — Commission Decision of 26. 7. 1988
2. **Programme:** 1988
3. **Recipient:** World Food Programme, via Cristoforo Colombo 426, I-00145 Roma; telex: 626675 WFP I
4. **Representative of the recipient (2):** see OJ No C 103, 16. 4. 1987
5. **Place or country of destination:** see Annex II
6. **Product to be mobilized:** vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods (3) (4) (5):** See OJ No C 216, 14. 8. 1987, p. 4 (I.1.B.1 to I.1.B.3)
8. **Total quantity:** 2 684 tonnes
9. **Number of lots:** one, 14 parts: (A1 to A14)
10. **Packaging and marking:** 25 kg and OJ No C 216, 14. 8. 1987, pp. 4 and 6, I.1.B.4 and I.1.B.4.3)
Parts A5, A10, A11, A12 and A13 on pallets (6)
Supplementary markings on packaging: See Annex II and OJ No C 216, 14. 8. 1987, p. 6, I.1.B.5
11. **Method of mobilization:** Community market
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply:** Free-at-port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 1 to 15. 3. 1989
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** invitation to tender
20. **In the case of a second invitation to tender, date of expiry of the period allowed for submission of tenders (7):** 30. 1. 1989 at 12 noon
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 13. 2. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 15 to 30. 3. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security:** ECU 20 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders:**

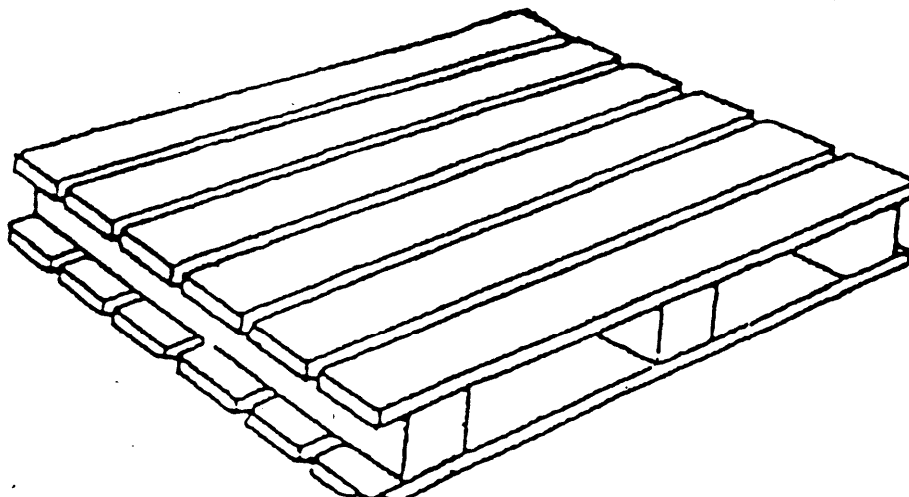
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer (8):** Refund applicable on 11. 11. 1988 fixed by Commission Regulation (EEC) No 3506/88 (OJ No L 306, 11. 11. 1988, p. 46)

LOT B

1. **Operation No** (1): 1216/88 to No 1219/88 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: World Food Programme, via Cristoforo Colombo 426, I-00145 Roma; telex: 626675 WFP I
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: Skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (4) (5) (6): See OJ No C 216, 14. 8. 1987, p. 3 (I.1.A.1 to I.1.A.2) — Part B1 (7) (8) (9) (10)
8. **Total quantity**: 199 tonnes
9. **Number of lots**: one, four parts: (B1 to B4)
10. **Packaging and marking**: 25 kg and OJ No C 216, 14. 8. 1987, p. 3, I.1.A.3 and I.1.A.4)
Parts B1 and B2 on pallets (11)
Supplementary markings on packaging: See Annex II and OJ No C 216, 14. 8. 1987, p. 3, I.1.A.4
11. **Method of mobilization**: Community market
The manufacture of the skimmed-milk powder must be carried out after the award of the tender
12. **Stage of supply**: Free-at-port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 5 to 20. 2. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of a second invitation to tender, date of expiry of the period allowed for submission of tenders** (12): 30. 1. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 13. 2. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 20. 2. 1989 to 5. 3. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (13): Refund applicable on 11. 11. 1988 fixed by Commission Regulation (EEC) No 3506/88 (OJ No L 306, 11. 11. 1988, p. 46)

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity and certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (³) Commission delegate to contact by the successful tenderer: see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7, (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the office referred to in point 24 of this Annex;
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05
- (⁵) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
- (⁷) Veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 90 days prior to the processing.
- (⁸) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
- (⁹) Certificate of radioactivity authenticated by an Egyptian Embassy.
- (¹⁰) Palletization of skimmed-milk powder
- 25 kg bags to be supplied on a two-way double deck non-reversible pallet with protruding slats, as per design, of the following dimensions:
- 1 m × 1,2 m (approximately one-third of the underside of the pallet to consist of wood):
- upper board 22 mm thick
 - bottom board 22 mm thick
 - blocks 95 × 95 mm
- 40 bags to be placed onto the pallets, interlocked and shrink-wrapped with a plastic sheet of 150 micron thickness, with three external nylon straps in each direction to secure the unit-load.



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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	2 684	A1: 76	WFP	Botswana	Action No 1192/88 — Botswana 0032404 / Action of the World Food Programme / Durban in transit to Lobatsi
		A2: 136	WFP	Brasil	Acção nº 1193/88 — Brasil 0279400 / Acção do Programa Alimentar Mundial / Recife
		A3: 264	WFP	Brasil	Acção nº 1194/88 — Brasil 0279400 / Acção do Programa Alimentar Mundial / Fortaleza
		A4: 850	WFP	Colombia	Acción nº 1195/88 — Colombia 0236801 / Despachado por el Programa Mundial de Alimentos / Barranquilla
		A5: 130	WFP	Jordan	Action No 1196/88 — Jordan 0210803 / Action of the World Food Programme / Aqaba
		A6: 102	WFP	Mauritanie	Action No 1197/88 — Mauritanie 0262900 / Action du Programme alimentaire mondial / Nouakchott transit Mauritanie
		A7: 60	WFP	Moçambique	Acção nº 1198/88 — Moçambique 0238203 / Acção do Programa Alimentar Mundial / Maputo
		A8: 50	WFP	Moçambique	Acção nº 1199/88 — Moçambique 0238203 / Acção do Programa Alimentar Mundial / Beira
		A9: 35	WFP	Moçambique	Acção nº 1200/88 — Moçambique 0238203 / Acção do Programa Alimentar Mundial / Nacala
		A10: 225	WFP	Uganda	Action No 1201/88 — Uganda 0241701 / Action of the World Food Programme / Mombasa in transit to Tororo
		A11: 50	WFP	Yemen PDR	Action No 1202/88 — Yemen PDR 0304200 / Action of the World Food Programme / Aden
		A12: 120	WFP	Yemen PDR	Action No 1203/88 — Yemen PDR 0258001 / Action of the World Food Programme / Aden
		A13: 400	WFP	Yemen PDR	Action No 1204/88 — Yemen PDR 0245302 / Action of the World Food Programme / Aden
		A14: 186	WFP	Yemen AR	Action No 1205/88 — Yemen AR 0269400 / Action of the World Food Programme / Hodeidah

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
B	199	B1: 95	WFP	Egypt	Action No 1216/88 — Egypt 0227002 / Action of the World Food Programme / Alexandria
		B2: 30	WFP	Bhutan	Action No 1217/88 — Bhutan 0339400 / Action of the World Food Programme / Calcutta in transit to Bhutan
		B3: 55	WFP	Guinée Conakry	Action No 1218/88 — Guinée Conakry 0267400 / Action du Programme alimentaire mondial / Conakry
		B4: 19	WFP	Guinée Conakry	Action No 1219/88 — Guinée Conakry 0246901 / Action du Programme alimentaire mondial / Conakry

COMMISSION REGULATION (EEC) No 49/89

of 11 January 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 10/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 10/89 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 10/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 January 1989.

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

Done at Brussels, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 3, 5. 1. 1989, p. 8.

ANNEX

to the Commission Regulation of 11 January 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,95 ⁽¹⁾	
1701 11 90 910	33,26 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,95 ⁽¹⁾	
1701 12 90 910	33,26 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3691
1701 99 10 100	36,91	
1701 99 10 910	37,74	
1701 99 10 950	37,74	
1701 99 90 100		0,3691

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

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

COMMISSION REGULATION (EEC) No 50/89
of 11 January 1989
fixing the import levy on molasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2368/88 ⁽³⁾, as last amended by Regulation (EEC) No 4124/88 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2368/88 to the information at present available to the Commission

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, 0,60 ECU/100 kg.

Article 2

This Regulation shall enter into force on 12 January 1989.

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

Done at Brussels, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 205, 30. 7. 1988, p. 29.

⁽⁴⁾ OJ No L 361, 29. 12. 1988, p. 43.

COMMISSION REGULATION (EEC) No 51/89
of 11 January 1989
fixing the amount of the subsidy on oil seeds

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

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 4136/88⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 3806/88⁽⁷⁾, as last amended by Regulation (EEC) No 21/89⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3806/88 to the infor-

mation known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹⁰⁾ are as shown in Annex III to this Regulation for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.

Article 2

This Regulation shall enter into force on 12 January 1989.

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

Done at Brussels, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 362, 30. 12. 1988, p. 13.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 335, 7. 12. 1988, p. 18.

⁽⁸⁾ OJ No L 4, 6. 1. 1989, p. 23.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	0,580	0,580
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	18,062	18,151	18,316	18,481	18,723	18,570
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	43,07	43,29	43,68	44,08	44,65	44,56
— Netherlands (Fl)	48,01	48,24	48,68	49,12	49,76	49,59
— BLEU (Bfrs/Lfrs)	872,16	876,46	884,42	892,39	904,08	896,69
— France (FF)	131,29	131,91	133,13	134,34	136,16	134,96
— Denmark (Dkr)	157,82	158,58	160,03	161,48	163,61	162,25
— Ireland (£ Irl)	14,601	14,670	14,805	14,940	15,143	15,009
— United Kingdom (£)	11,147	11,197	11,302	11,393	11,553	11,347
— Italy (Lit)	27 896	28 026	28 199	28 327	28 718	28 083
— Greece (Dr)	1 749,18	1 742,41	1 732,01	1 722,13	1 755,67	1 631,51
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	89,44	89,44
— in another Member State (Pta)	2 840,04	2 855,35	2 875,83	2 866,90	2 904,52	2 864,26
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	3 964,89	3 980,86	4 001,50	4 018,15	4 063,40	3 975,92

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,080	3,080
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	20,562	20,651	20,816	20,981	21,223	21,070
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	48,97	49,19	49,58	49,98	50,56	50,46
— Netherlands (Fl)	54,62	54,86	55,30	55,74	56,38	56,21
— BLEU (Bfrs/Lfrs)	992,88	997,17	1 005,14	1 013,11	1 024,79	1 017,40
— France (FF)	150,25	150,87	152,09	153,30	155,12	153,92
— Denmark (Dkr)	179,92	180,69	182,14	183,58	185,72	184,35
— Ireland (£ Irl)	16,710	16,779	16,915	17,050	17,253	17,119
— United Kingdom (£)	12,835	12,885	12,990	13,080	13,241	13,034
— Italy (Lit)	31 984	32 113	32 286	32 415	32 806	32 170
— Greece (Dr)	2 121,18	2 114,41	2 104,00	2 094,13	2 127,67	2 003,51
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	474,98	474,98
— in another Member State (Pta)	3 225,57	3 240,89	3 261,36	3 252,43	3 290,06	3 249,79
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 434,90	4 450,88	4 471,52	4 488,17	4 533,41	4 445,93

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	23,701	24,204	24,665	25,043	25,029
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	56,37	57,56	58,64	59,55	59,52
— Netherlands (Fl)	62,93	64,26	65,48	66,48	66,44
— BLEU (Bfrs/Lfrs)	1 144,45	1 168,74	1 191,00	1 209,25	1 208,57
— France (FF)	174,23	178,08	181,61	184,49	184,28
— Denmark (Dkr)	207,73	212,19	216,28	219,62	219,47
— Ireland (£ Irl)	19,379	19,808	20,200	20,520	20,497
— United Kingdom (£)	14,986	15,333	15,649	15,892	15,865
— Italy (Lit)	37 165	38 000	38 680	39 178	39 123
— Greece (Dr)	2 616,65	2 687,81	2 733,85	2 764,74	2 745,47
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 735,37	3 811,75	3 876,35	3 901,38	3 901,35
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 725,33	6 822,95	6 903,02	6 963,19	6 958,70
— in another Member State (Esc)	6 554,42	6 649,55	6 727,59	6 786,23	6 781,85
3. Compensatory aids:					
— in Spain (Pta)	3 683,80	3 761,62	3 827,19	3 852,22	3 855,09
4. Special aid:					
— in Portugal (Esc)	6 554,42	6 649,55	6 727,59	6 786,23	6 781,85

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
DM	2,081910	2,078100	2,074630	2,071000	2,071000	2,060380
Fl	2,350120	2,346390	2,343130	2,339530	2,339530	2,328920
Bfrs/Lfrs	43,621100	43,607300	43,599300	43,587900	43,587900	43,555300
FF	7,103000	7,108170	7,112770	7,117790	7,117790	7,132380
Dkr	8,025580	8,025890	8,026250	8,026460	8,026460	8,027250
£Irl	0,777653	0,777342	0,777359	0,777621	0,777621	0,778593
£	0,644699	0,646060	0,647250	0,648570	0,648570	0,652728
Lit	1 527,02	1 533,04	1 538,41	1 544,04	1 544,04	1 559,87
Dr	172,50000	173,95400	175,52000	177,03900	177,03900	182,01200
Esc	170,78100	171,38000	172,05600	172,64100	172,64100	175,06900
Pta	131,15100	131,55100	132,04100	133,42000	133,42000	134,09900

COMMISSION REGULATION (EEC) No 52/89

of 11 January 1989

fixing the maximum export refund for white sugar for the 36th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1035/88, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 36th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 36th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 40,257 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 12 January 1989.

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

Done at Brussels, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 53/89

of 11 January 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Council Regulation (EEC) No 3005/88⁽³⁾, (EEC) No 3175/88⁽⁴⁾, (EEC) No 3552/88⁽⁵⁾ and (EEC) No 4078/88⁽⁶⁾ open and provide for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

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

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

or

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

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 3557/88⁽⁷⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁸⁾, as amended by Regulation (EEC) No 3556/88⁽⁹⁾, lays down the detailed rules for the application of the arrangements;

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

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁰⁾, as last amended by Regulation (EEC) No 1636/87⁽¹¹⁾;
- for the other currencies, a conversion rate based on the arithmetic mean of the spot market rates for the currency, as recorded over a given period, against the Community currencies referred to in the preceding indent, and the abovementioned factor;

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

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN code ex 0603 10 51), originating in Morocco, the preferential customs duty fixed by Council Regulation (EEC) No 3552/88 is hereby suspended and the Common Customs Tariff duty is hereby re-introduced from 13 January 1989.

Article 2

This Regulation shall enter into force on 13 January 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 271, 1. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 1.

⁽⁵⁾ OJ No L 311, 17. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 8.

⁽⁷⁾ OJ No L 311, 17. 11. 1988, p. 9.

⁽⁸⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁹⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 11 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 December 1988

amending Decision 88/303/EEC recognizing certain parts of the territory of the Community as being either officially swine-fever free or swine-fever free

(89/20/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 88/406/EEC⁽²⁾, and in particular Article 4b (1) (c) thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽³⁾, as last amended by Directive 87/489/EEC⁽⁴⁾, and in particular Article 13a (2) thereof,

Having regard to the proposal from the Commission,

Whereas Decision 88/303/EEC⁽⁵⁾ recognizes certain parts of the territory of the Federal Republic of Germany, France, Greece and the Netherlands as being officially swine-fever free and certain other parts of the Federal Republic of Germany and the Netherlands as being swine-fever free;

Whereas, in certain parts of the territory of France and the Federal Republic of Germany, swine fever has not been detected for more than one year; whereas vaccination against swine fever has not been authorized for at least the preceding 12 months; whereas the

holdings concerned contain no pigs which have been vaccinated against swine fever; whereas consequently these parts of the territory fulfil the requirements for being recognized as officially swine-fever free for the purpose of intra-Community trade;

Whereas, within the framework of an eradication plan, the Commission, by Decisions 88/343/EEC⁽⁶⁾, 88/517/EEC⁽⁷⁾ and 88/631/EEC⁽⁸⁾ amending Decision 87/361/EEC⁽⁹⁾, recognized certain new regions in France as being officially swine-fever free; whereas, however, the situation has changed for certain departments, namely those of Drôme, Isère, Loire and Rhône, since that recognition and since the Commission proposal was lodged and whereas, by Decision 89/13/EEC⁽¹⁰⁾, the Commission limited the officially swine-fever free status of those departments to 7 February 1989; whereas recognition of that status for the purpose of intra-Community trade should not become operative until the Commission has taken a final decision on the status of those departments;

Whereas, in a certain part of the territory of the Netherlands, swine fever has not been detected for more than one year; whereas vaccination against swine fever has not been authorized for at least the preceding 12 months; whereas this part may also be recognized as officially swine-fever free in accordance with Directive 87/489/EEC, which amends Directive 64/432/EEC on this point;

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 194, 22. 7. 1988, p. 1.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 280, 3. 10. 1987, p. 28.

⁽⁵⁾ OJ No L 132, 28. 5. 1988, p. 76.

⁽⁶⁾ OJ No L 156, 23. 6. 1988, p. 68.

⁽⁷⁾ OJ No L 283, 18. 10. 1988, p. 32.

⁽⁸⁾ OJ No L 350, 20. 12. 1988, p. 57.

⁽⁹⁾ OJ No L 194, 15. 7. 1987, p. 31.

⁽¹⁰⁾ OJ No L 7, 10. 1. 1989, p. 34.

Whereas Directive 87/489/EEC must be transposed into national legislation no later than 31 December 1988; whereas it is necessary to take this situation into consideration in respect of the implications for Member States of the fact that the part of the Netherlands concerned has been recognized as officially swine-fever free;

Whereas, within the framework of an eradication plan, the Commission, by Decision 88/455/EEC⁽¹⁾, amending Decision 87/492/EEC⁽²⁾, has recognized certain new regions in the Netherlands as being officially swine-fever free;

Whereas, in certain parts of the territory of Belgium, the Federal Republic of Germany, France, Italy and Spain, swine fever has not been detected for more than one year; whereas, consequently, these parts of the territory fulfil the requirements for being recognized as swine-fever free for the purpose of intra-Community trade in fresh meat,

HAS ADOPTED THIS DECISION:

Article 1

Decision 88/303/EEC is hereby amended as follows:

1. In Article 2, 'in Annex I, chapter 4.2' is replaced by 'in Annex I, Chapter 4.2 and 4.3'.
2. In Annex I, Chapter 1:
 - in the second indent, 'Detmold' is added before 'Düsseldorf',
 - the fifth indent is replaced by the following:
 - '— Niederbayern, Oberfranken, Oberpfalz, Unterfranken, Mittelfranken and Oberbayern within Bundesland Bavaria.'
3. In Annex I, Chapter 2:
 - the 11th indent is replaced by the following:
 - '— Cher, Indre, Indre-et-Loire, Loir-et-Cher, Loiret and Eure-et-Loire in the Centre region',
 - the following indents are added:
 - '— Doubs, Jura, Haute-Saône and Territoire de Belfort within Franche-Comté,
 - Corrèze, Creuse and Haute-Vienne within Limousin,
 - Aisne, Oise and Somme within Picardie,
 - Alpes-de-Haute-Provence, Hautes-Alpes, Alpes-Maritimes, Bouches-du-Rhône, Var and Vaucluse within Provence-Alpes-Côte d'Azur,
 - Ain, Ardèche, Drôme, Isère, Loire, Rhône, Savoie and Haute-Savoie within Rhône-Alpes,

- Aube, Marne, Haute-Marne and Ardennes within Champagne-Ardenne,
- Haut-Rhin and Bas-Rhin within Alsace,
- Ville-de-Paris, Seine-et-Marne, Yvelines, Essonne, Hauts-de-Seine, Seine-Saint-Denis, Val-de-Marne and Val d'Oise within Ile-de-France.'

4. In Annex I, Chapter 4, the following point is added:

'3. The province of Limburg.'

5. In Annex II, Chapter 1, the indent is replaced by:

'— Kassel, Darmstadt, Giessen, Münster, Köln, Weser-Ems, Arnsberg and Schwaben.'

6. In Annex II, Chapter 2 is replaced by the following:

'CHAPTER 2

Spain

Autonomous regions:

- Asturias
- Baleares
- Cantabria
- Madrid
- Murcia
- Rioja (La)
- Navarra

Provinces:

- Almería, Cádiz, Córdoba, Granada, Huelva, Jaén, Málaga and Sevilla within the autonomous region of Andalucía,
- Huesca, Teruel and Zaragoza within the autonomous region of Aragón,
- Ávila, Burgos, León, Palencia, Salamanca, Segovia, Soria, Valladolid and Zamora of the autonomous region of Castilla y León,
- Albacete, Ciudad Real, Guadalajara, Cuenca and Toledo within the autonomous region of Castilla la Mancha,
- Barcelona, Gerona, Lérida and Tarragona within the autonomous region of Cataluña,
- Badajoz and Cáceres within the autonomous region of Extremadura,
- Coruña (La), Lugo, Orense and Pontevedra within the autonomous region of Galicia,
- Alicante, Castellón and Valencia within the autonomous region of Valencia,
- Alava, Guipúzcoa and Vizcaya within the autonomous region of País Vasco,
- Palmas (Las) and Santa Cruz de Tenerife within the autonomous region of Canarias.'

7. In Annex II the following chapters are added:

'CHAPTER 3

Belgium

- The provinces of Antwerp, West Flanders and Hainaut.

⁽¹⁾ OJ No L 221, 12. 8. 1988, p. 53.

⁽²⁾ OJ No L 283, 6. 10. 1987, p. 12.

CHAPTER 4

France

- Haute Corse and Corse du Sud within Corse.

CHAPTER 5

Italy

- Alessandria, Asti, Cuneo, Novara, Torino and Vercelli (Piedmont region),
- Valle d'Aosta,
- Bergamo, Brescia, Como, Cremona, Mantova, Milan, Pavia, Sondrio et Varese (Lombardy region),
- Bolzano and Trento (Trentino-Alto Adige region),
- Belluno, Padua, Rovigo, Treviso, Venezia, Verona and Vicenza (Veneto region),
- Gorizia, Pordenone, Trieste and Udine (region of Friuli Venezia Giulia),
- Genova, Imperia, La Spezia and Savona (region of Liguria),
- Bologna, Ferrara, Forli, Modena, Parma, Piacenza, Ravenna and Reggio Emilia (Emilia-Romagna region),
- Perugia and Terni (Umbria region),
- Ancona, Ascoli-Piceno, Macerata and Pesaro (Marche region),
- Frosinone, Latina, Rieti, Rome and Viterbo (Lazio region),

- Chieti, l'Aquila, Pescara and Teramo (Abruzzi region),
- Campobasso and Isernia (Molise region),
- Avellino, Benevento, Caserta, Naples and Salerno (Campania region),
- Bari, Brindisi, Foggia, Lecce and Taranto (Puglie region),
- Matera and Potenza (Basilicata region),
- Catanzaro, Cosenza and Reggio Calabria (Calabria region).'

Article 2

However, for the Drôme, Isère, Loire and Rhône departments, recognition of the status of regions as officially swine-fever free shall take effect upon confirmation by the Commission of the status of those regions by the procedure provided for in Article 9 of Directive 80/1095/EEC⁽¹⁾, in accordance with Decision 89/13/EEC.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ OJ No L 325, 1. 12. 1980, p. 1.

COUNCIL DECISION

of 14 December 1988

derogating from prohibitions relating to African swine fever for certain areas in Spain

(89/21/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 88/406/EEC⁽²⁾, and in particular Article 9a thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat⁽³⁾, as last amended by Directive 87/489/EEC⁽⁴⁾, and in particular Article 8a thereof,

Having regard to Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products⁽⁵⁾, as last amended by Directive 87/491/EEC⁽⁶⁾, and in particular Article 7a thereof,

Whereas, pursuant to Article 9a (1) of Directive 64/432/EEC, Article 8a (1) of Directive 72/461/EEC and Article 7a (1) of Directive 80/215/EEC, a derogation from the prohibition on the export of live swine, fresh pigmeat and certain meat products may be granted for one or more parts of the territory of a Member State where African swine fever has been recorded within the previous 12 months;

Whereas a derogation as referred to in the above provisions, complies with Article 9b (1) of Directive 64/432/EEC, Article 8b (1) of Directive 72/461/EEC and Article 7b (1) of Directive 80/215/EEC; whereas in particular it takes account of the methods for monitoring and eradicating African swine fever, of disease-free status for at least 12 months, of the part or parts of the territory and their administrative and geographical boundaries, of the protective measures taken to prevent the spread of the disease and of the measures taken to monitor the movements of swine;

Whereas the Spanish authorities have undertaken, in particular in a letter of 14 October 1988 to the Commission, to implement all measures providing the necessary guarantees;

Whereas the Spanish authorities have also undertaken to implement, by 14 December 1988 at the latest, the measures set out below;

Whereas to that end:

- a ban has been introduced on movements of swine and fresh pigmeat from areas where African swine fever has been recorded to areas designated as qualifying under a derogation relating to intra-Community trade; whereas pigmeat products which have undergone treatment involving natural fermentation and maturation of the type laid down for products such as Serrano ham, Chorizo and Lomo manufactured in areas where African swine fever has been recorded may be marketed and consumed in the areas designated as qualifying under a derogation provided that the fresh pigmeat used for the manufacture comes from swine which have undergone a serological test immediately prior to slaughter and have been found free of antibodies of the African swine fever virus,
- meat products from the area designated as qualifying under a derogation relating to intra-Community trade must be stored and transported separately from meat products from areas where African swine fever has been recorded,
- a system for the identification of slaughter pigs, which forms part of the national identification system for swine, has been adopted throughout Spain,
- the serological screening programme for African swine fever must continue to be applied throughout Spain,
- the systematic slaughter policy is also to apply to a pig herd where only one or a few sero-positive pigs are identified in the said herd,
- the systematic slaughter policy is to provide in all parts of Spain that:
 - (a) an epidemiological investigation is to be carried out. The investigation is to take account of movement to and from the infected site of persons, livestock, vehicles, meat and any other material which may carry the African swine fever virus;

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 194, 22. 7. 1988, p. 1.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 280, 3. 10. 1987, p. 28.

⁽⁵⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁶⁾ OJ No L 279, 2. 10. 1987, p. 27.

- (b) herds identified as possibly infected as a result of the epidemiological investigation are to be declared prohibited immediately and must undergo a clinical, serological and virological examination as appropriate;
- (c) a protection zone with a radius of three kilometres is to be established and signs are to be set up on all major roads to mark the borders of the zone;

Whereas, in addition, in areas designated as qualifying under a derogation relating to intra-Community trade, the systematic slaughter policy must entail, without prejudice to restrictive measures to be implemented in trade:

- a surveillance zone for swine with a radius of at least 10 kilometres, taking into account geographical boundaries. The zone must be established for at least 30 days. Swine may not leave the holdings on which they are kept during the first 15 days. Between the 15th day and the 30th day the pigs may not leave the holding except to be transported under official supervision directly to a slaughterhouse for immediate slaughter. Such transport may be authorized by the competent authority only after:
 - (a) the official veterinarian has carried out an examination of all swine on the holding and confirmed that none of the swine may be suspected of being infected with African swine fever;
 - (b) a serological examination has been carried out on all swine on the holding without detecting African swine fever antibodies. Only swine intended for slaughter, however, must undergo a serological examination, when the serological screening programme referred to in the following indent has been completed on the holding in question without African swine fever antibodies being detected;
- all herds within the surveillance zone are to be subject to a serological screening programme for African swine fever,
- meat originating from swine sent to a slaughterhouse in accordance with the provisions in the first indent may only be used in meat products which have undergone in the course of manufacture treatments as referred to in Article 4 (1) (a) of Directive 80/215/EEC,
- movements of fresh meat and meat products excepting products which have undergone treatments as referred to in Article 4 (1) (a) of Directive 80/215/EEC from the protection zone are to be prohibited for 30 days;

Whereas, in the light of the commitments referred to in the above recitals, provisions may be made for a derogation from the prohibitions relating to African swine fever for certain parts of the territory of Spain;

Whereas, provision should be made for a period of time before authorizing the Kingdom of Spain to consign live

swine, fresh meat and certain meat products from certain parts of its territory;

Whereas, where African swine fever breaks out in one or more areas in that part of Spain qualifying under a derogation from prohibitions relating to African swine fever, the Member States are to continue to be able to adopt the necessary protective measures, in particular, under Article 9 of Directive 64/432/EEC, Article 8 of Directive 72/461/EEC and Article 7 of Directive 80/215/EEC;

Whereas the Standing Veterinary Committee has not delivered a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

1. The Kingdom of Spain is hereby authorized to consign live swine as defined in paragraph 2 to other Member States from those parts of its territory defined in the Annex hereto.
2. For the purpose of paragraph 1, 'live swine' means:
 - (a) swine born after 14 December 1988, reared and kept throughout their lives within those parts of the territory defined in the Annex hereto;
 - (b) swine coming from other Member States after 14 December 1988 in accordance with the conditions laid down in Directive 64/432/EEC, into those parts of the territory of Spain defined in the Annex hereto;
 - (c) swine imported from third countries, after 14 December 1988 in accordance with the conditions laid down in Council Directive 72/462/EEC⁽¹⁾, into those parts of the territory of Spain defined in the Annex hereto.
3. The health certificate provided for in Directive 64/432/EEC and accompanying live swine consigned from Spain shall bear the following:

'Pigs complying with Council Decision 89/21/EEC of 14 December 1988 derogating from prohibitions relating to African swine fever for certain areas in Spain.'

Article 2

1. The Kingdom of Spain is hereby authorized to consign fresh pigmeat as defined in paragraph 2 to other Member States from those parts of its territory specified in the Annex hereto.
2. For the purposes of paragraph 1, 'fresh pigmeat' means:

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

- (a) fresh pigmeat obtained from swine as defined in Article 1 (2) and slaughtered in slaughterhouses, cut in cutting plants and stored in stores situated within those parts of the territory specified in the Annex hereto;
 - (b) fresh pigmeat coming from other Member States after 14 December 1988 in accordance with the conditions laid down in Directive 72/461/EEC, into those parts of the territory of Spain specified in the Annex hereto;
 - (c) fresh pigmeat imported from third countries after 14 December 1988, in accordance with the conditions laid down in Directive 72/462/EEC, into those parts of the territory of Spain specified in the Annex hereto.
3. The health certificate provided for in Directive 64/433/EEC and accompanying fresh meat consigned from Spain shall bear the following words:

'Meat complying with Council Decision 89/21/EEC of 14 December 1988 derogating from prohibitions relating to African swine fever for certain areas in Spain.'

Article 3

1. The Kingdom of Spain is hereby authorized to consign meat products as defined in paragraph 2 and containing pigmeat other than as referred to in Article 4 (1) (a) of Directive 80/215/EEC to other Member States from those parts of its territory specified in the Annex hereto.
2. For the purposes of paragraph 1, 'meat products' means:
- (a) meat products prepared after 14 December 1988 from fresh meat as defined in Article 2 (2) in establishments situated within those parts of the territory specified in the Annex hereto;
 - (b) meat products coming after 14 December 1988 from other Member States in accordance with the conditions laid down in Directive 80/215/EEC into

those parts of the territory of Spain specified in the Annex hereto;

- (c) meat products imported after 14 December 1988 from third countries, in accordance with the conditions laid down in Article 12 of Directive 80/215/EEC, into those parts of the territory of Spain specified in the Annex hereto;
- (d) meat products prepared after 14 December 1988 from meat products as defined in points (a), (b) and (c).

3. The health certificate provided for in Directive 77/99/EEC and accompanying meat products other than as referred to in Article 4 (1) (a) of Directive 80/215/EEC and consigned from Spain shall bear the following words:

'Products complying with Council Decision 89/21/EEC of 14 December 1988 derogating from prohibitions relating to African swine fever for certain areas in Spain.'

Article 4

The Commission shall monitor developments in the situation and this Decision shall possibly be amended on the basis of developments in that situation.

Article 5

Member States shall amend the measures which they apply to intra-Community trade in order to comply with this Decision not later than 14 May 1989. They shall immediately inform the Commission thereof.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 14 December 1988.

For the Council

The President

Y. POTTAKIS

ANNEX

All parts of the territory of Spain situated to the north and east of a line formed by :

- the river Tormes where it joins the river Douro at the border with Portugal, to lake Embalse de Almendra, through the towns of Ledesma and Salamanca to the town of Alba de Tormes,
- road C 510 from Alba de Tormes to Anaya de Alba and Horcajo-Medianero and to the provincial border between the provinces of Salamanca and Avila,
- the provincial border between Salamanca and Avila south and south-west up to where the border meets the provincial border of Caceres,
- the provincial border between Avila and Caceres south-east up to where it meets road C 110 at Puerto de Tornavacas,
- road C 110 from Puerto de Tornavacas south-west up to Tornavacas, Jerte and Plasencia,
- road C 524 from Plasencia south to Trujillo,
- the road from Trujillo going south through the villages of La Cumbre and Montanchez to Merida,
- road 630 south through Torremegia and Almendralejo up to Villafranca de los Barros,
- the road from Villafranca de los Barros east through Ribera del Fresno, Hornachos and Campillo de Llerena to Peraleda del Zaucejo and then north-east along the road to Monterrubio la Serena and Helech until it meets the railroad at Cabeza del Buey,
- the railroad (Castuera-Puertollano) from Cabeza del Buey direction east until the railroad crosses the provincial border between the provinces of Badajoz and Cordoba ; the provincial border of Cordoba until it crosses the river Guadalmez,
- the river Guadalmez in south-east direction ; the provincial border between the provinces of Ciudad Real and Cordoba, the river Rio de las Yeguas in south direction and forming the provincial border between the provinces of Cordoba and Jaen ; the river Guadalquivir in direction south-west from the town Villa del Rio through the towns Montoro ; El Carpio, Cordoba, Almodovar del Rio, Posadas, Peñaflor, Villaverde del Rio, Alcolea del Rio, Sevilla and Coria del Rio until it meets the provincial border between Cordoba and Cadiz,
- the road from the river Guadalquivir in the direction south-east through the town Trebujena and Mesas de Asta to Jerez de la Frontera,
- the road 342 direction east through the towns Arcos de la Frontera, Bornos, Villamartin, Algodonales to Olvera,
- the road from Olvera direction south-east through Estacion de Setnil to Cuevas del Becerro,
- the road from Cuevas del Becerro in direction north-east to Huertas y Montes and then in the direction south-east to Ardales and further south to El Burgo,
- the road 344 from El Burgo through Alozaina to Coin,
- the road 337 from Coin through Monda, Ojen and Marbella to the Mediterranean Sea.

CORRIGENDA**Corrigendum to Commission Regulations :**

- (EEC) No 37/89 of 9 January 1989 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Egypt must be reduced, and
- (EEC) No 38/89 of 9 January 1989 fixing the amount by which the variable component of the levy applicable to bran and sharps originating in Algeria, Morocco and Tunisia must be reduced

(Official Journal of the European Communities No L 7 of 10 January 1989)

The present page 8 becomes page 6 and vice-versa.
