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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 154/89

of 23 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 20 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 24 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, 23 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 23 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	124,30
0712 90 19	19,20	124,30
1001 10 10	51,30	178,98 ⁽¹⁾ ⁽²⁾
1001 10 90	51,30	178,98 ⁽¹⁾ ⁽²⁾
1001 90 91	13,64	113,50
1001 90 99	13,64	113,50
1002 00 00	57,33	110,38 ⁽⁴⁾
1003 00 10	47,89	117,56
1003 00 90	47,89	117,56
1004 00 10	38,94	71,94
1004 00 90	38,94	71,94
1005 10 90	19,20	124,30 ⁽²⁾ ⁽³⁾
1005 90 00	19,20	124,30 ⁽²⁾ ⁽³⁾
1007 00 90	42,54	134,82 ⁽⁴⁾
1008 10 00	47,89	22,16
1008 20 00	47,89	92,84 ⁽⁴⁾
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	172,92
1102 10 00	94,28	168,55
1103 11 10	92,90	290,80
1103 11 90	34,68	185,67

⁽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 155/89

of 23 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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 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 20 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 24 January 1989.

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

Done at Brussels, 23 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 23 January 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	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	10,59	10,59	10,59
1001 90 99	0	10,59	10,59	10,59
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	14,81	14,81	14,81

B. Malt

(ECU/tonne)

CN code	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5
1107 10 11	0	18,85	18,85	18,85	18,85
1107 10 19	0	14,08	14,08	14,08	14,08
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 156/89
of 23 January 1989
on the supply of a consignment of cereals 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 number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 1 811 tonnes of cereals;

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

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

Article 2

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

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

Done at Brussels, 23 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

1. **Operation No (°):** 1313/88
2. **Programme:** 1988
3. **Recipient:** World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome; telex 626675 WFP I
4. **Representative of the recipient (°):** see OJ No C 103, 16. 4. 1987
5. **Place or country of destination:** Sudan
6. **Product to be mobilized:** common wheat flour
7. **Characteristics and quality of the goods (°):** see list published in OJ No C 216 of 14. 8. 1987, p. 3 (under II.A)
8. **Total quantity:** 1 322 tonnes (equal to 1 811 tonnes of cereals)
9. **Number of lots:** one
10. **Packaging and marking (°):** see list published in OJ No C 216 of 14. 8. 1987, p. 3 (under II.B.2 a):
Marking on the bags, in letters at last 5 cm high:
'ACTION No 1313/88 / SUDAN 0377200 / WHEAT-FLOUR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / PORT SUDAN'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment, fob-stowed (°)
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. 3. 1989 to 31. 3. 1989
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon on 7. 2. 1989
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 21. 2. 1989
 - (b) period for making the goods available at the port of shipment: 5. 3. 1989 to 31. 3. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security:** ECU 5 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 (°):** refund applicable on 25. 1. 1989, fixed by Regulation (EEC) No 4067/88 in OJ No L 356, 24. 12. 1988, p. 62)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 levels.
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- certificate of origin,
 - phytosanitary certificate.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) 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
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁷) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.

COMMISSION REGULATION (EEC) No 157/89
of 23 January 1989
on the supply of various lots of white sugar 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 number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 372 tonnes of white sugar;

Whereas it is necessary to make these supplies 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;

Whereas given the situation on the sugar market and the special nature of the sector, the supplies should be taken from C-sugar produced outside the production quotas, as defined in Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector ⁽⁵⁾, as last amended by Regulation (EEC) No 2306/88 ⁽⁶⁾; whereas under that Regulation refunds and monetary compensatory amounts may not be granted on export levies and monetary compensatory amounts may not be charged on exports of C-sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 23 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.

⁽⁵⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ No L 201, 27. 7. 1988, p. 65.

ANNEX I

1. **Operation Nos⁽¹⁾**: 1254 to 1261/88
2. **Programme**: 1988
3. **Recipient⁽²⁾**: Euronaid, Rhijsgeesterstraatweg 40, Postbus 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient⁽²⁾**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Zaire, Mozambique, Uganda, Chile, Brazil
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods⁽³⁾**: white sugar of category 2 standard quality [Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1)] meeting the requirements set out in Article 3 (3) of Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 372 tonnes
9. **Number of lots**: one (A: 20 tonnes; B: 100 tonnes; C: 100 tonnes; D: 80 tonnes; E: 18 tonnes; F: 18 tonnes; G: 18 tonnes; H: 18 tonnes).
10. **Packaging and marking**: new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 grams, net capacity 50 kilograms⁽⁴⁾
A, B, C, D, E, F: ⁽⁵⁾⁽¹⁰⁾⁽¹¹⁾⁽¹²⁾.
Marking on bags (at least 5 cm high): see Annex II
11. **Method of mobilization**: C-sugar produced in the Community as defined at (c) in the fourth subparagraph of Article 24 (1) of Regulation (EEC) No 1785/81, as last amended by Regulation (EEC) No 1107/88, (OJ No L 110, 29. 4. 1988, p. 20)⁽¹⁴⁾
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. 3. 1989 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 an invitation to tender, date of expiry of the period allowed for submission of tenders**: 7. 2. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 14. 2. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 1. 3. 1989 to 15. 3. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽¹⁾**:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Brussels,
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽¹³⁾**: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (³) Commission delegate to be contacted by the successful tenderer: see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
235 01 32
236 10 97
235 01 30
236 20 05.
- (⁵) The successful tenderer shall give the beneficiaries' representatives at the time of delivery, a health certificate.
- (⁶) The successful tenderer shall give the beneficiaries' representatives at the time of delivery, a certificate of origin.
- (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁸) Supply free at terminal, as provided for in Article 14 (5) (a) of Regulation (EEC) No 2200/87, implies that the following costs at the port of landing shall be borne by the successful tenderer:
- should containers be used on an FCL/FCL or LCL/FCL basis, all costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area. The terminal handling charges, costs of destuffing the goods from the containers, local charges incurred at a later stage, and costs occasioned by delays of detention or returning the containers are to be borne by the recipient,
 - should containers be used on an LCL/LCL or FCL/LCL basis, all the costs of unloading and transport from the under hook stage up to the designated destuffing area via, if any, transit check shed area and by way of derogation from the aforementioned Article 14 (5) (a), the LCL charges (destuffing of the goods). The local charges incurred after the stage of destuffing the goods from the containers are to be borne by the recipient.
- (⁹) The supplier should send a duplicate of the original invoice to:
- MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000BK Rotterdam.
- (¹⁰) Shipment is to take place in 20-foot containers; conditions FCL/LCL shippers-count-load and stowage (cls).
- (¹¹) The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- (¹²) The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (¹³) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.
- (¹⁴) The rule provided at the second indent in point (a) of Article 18 (2) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
- (¹⁵) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

*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 påtegnig 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
1	372	A : 20	Caritas B	Zaire	Action n° 1254/88 / Sucre / Zaïre / Caritas Belgica / 80289 / Kinshasa via Matadi / Don de la Communauté économique européenne / Pour distribution gratuite
		B : 100	Caritas G	Moçambique	Acção n° 1255/88 / Açúcar / Moçambique / Caritas Alemã / 80496 / Beira / Donativo da Comunidade Económica Europeia / Destinado a distribuição gratuita
		C : 100	Caritas G	Moçambique	Acção n° 1256/88 / Açúcar / Moçambique / Caritas Alemã / 80497 / Maputo / Donativo da Comunidade Económica Europeia / Destinado a distribuição gratuita
		D : 80	Caritas G	Uganda	Action No 1257/88 / Sugar / Uganda / Caritas Germany / 80480 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		E : 18	SSP	Uganda	Action No 1258/88 / Sugar / Uganda / SSP / 81303 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		F : 18	ICR	Uganda	Action No 1259/88 / Sugar / Uganda / ICR / 84604 / Kampala via Mombasa / Gift of the European Economic Community / For free distribution
		G : 18	DWH	Chile	Acción n° 1260/88 / Azúcar / Chile / DWH / 82802 / Santiago de Chile vía Valparaíso / Donación de la Comunidad Económica Europea / Destinado a la distribución gratuita
		H : 18	DKW	Brasil	Acção n° 1261/88 / Açúcar / Brasil / DKW / 82340 / Bélem / Donativo da Comunidade Económica Europeia / Destinado a distribuição gratuita

COMMISSION REGULATION (EEC) No 158/89

of 23 January 1989

fixing for the 1988/89 marketing year the special levy applicable to imports of olive oil originating in Tunisia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia⁽¹⁾, signed on 26 May 1987, and in particular Article 4 (1) thereof,

Whereas Article 4 (1) of that Protocol provides for the charging of a special levy for each marketing year during the period between the date of entry into force of the said Protocol and 31 December 1990, within the limit of a quantity of 46 000 tonnes of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the Community; whereas that levy is equal to the difference between the threshold price and the free-at-frontier price; whereas that free-at-frontier price should be determined in accordance with the criteria laid down in Article 4 (2) of the Protocol and the level of the special levy should be fixed;

Whereas provision should be made for the free-at-frontier price and the levy to be altered only where there is a substantial change in the basis of calculation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The free-at-frontier price referred to in Article 4 (1) of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Republic of Tunisia shall be ECU 182,71 per 100 kilograms.

The levy provided for in Article 4 (1) of that Protocol is hereby fixed at ECU 6,72 per 100 kilograms.

Article 2

Those amounts shall be altered where there is a substantial change in the basis of calculation taken into account pursuant to Article 4 of the Additional Protocol.

Article 3

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, 23 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 36.

COMMISSION REGULATION (EEC) No 159/89

of 23 January 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 2 January 1989, the level of the premium and the amount to be charged on products leaving that region;

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 2

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 2 January 1989, the level of the premium is fixed at 111,102 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 2 January 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 2 January 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 23 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 23 January 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	52,218	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	111,102	0
0204 21 00	111,102	0
0204 50 11		0
0204 22 10	77,771	
0204 22 30	122,212	
0204 22 50	144,433	
0204 22 90	144,433	
0204 23 00	202,206	
0204 30 00	83,327	
0204 41 00	83,327	
0204 42 10	58,329	
0204 42 30	91,660	
0204 42 50	108,325	
0204 42 90	108,325	
0204 43 00	151,655	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	144,433	
0210 90 19	202,206	
1602 90 71 :		
— unboned (bone-in)	144,433	
— boned or boneless	202,206	

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 December 1988

on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration

(89/48/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57(1) and 66 thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas, pursuant to Article 3(c) of the Treaty the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the Community; whereas, for nationals of the Member States, this means in particular the possibility of pursuing a profession, whether in a self-employed or employed capacity, in a Member State other than that in which they acquired their professional qualifications;

Whereas the provisions so far adopted by the Council, and pursuant to which Member States recognize mutually and for professional purposes higher-education diplomas issued within their territory, concern only a few professions; whereas the level and duration of the education and training governing access to those professions have been regulated in a similar fashion in all the Member States or have been the subject of the minimal harmonization needed to establish sectoral systems for the mutual recognition of diplomas;

Whereas, in order to provide a rapid response to the expectations of nationals of Community countries who hold higher-education diplomas awarded on completion of professional education and training issued in a Member State other than that in which they wish to pursue their profession, another method of recognition of such diplomas should also be put in place such as to enable those concerned to pursue all those professional activities which in a host Member State are dependent on the completion of post-secondary education and training, provided they hold such a diploma preparing them for those activities awarded on completion of a course of studies lasting at least three years and issued in another Member State;

Whereas this objective can be achieved by the introduction of a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration;

Whereas, for those professions for the pursuit of which the Community has not laid down the necessary minimum level of qualification, Member States reserve the option of fixing such a level with a view to guaranteeing the quality of services provided in their territory; whereas, however, they may not, without infringing their obligations laid down in Article 5 of the Treaty, require a national of a Member State to obtain those qualifications which in general they determine only by reference to diplomas issued under their own national education systems, where the person concerned has already acquired all or part of those qualifications in another Member State; whereas, as a result, any host Member State in

⁽¹⁾ OJ No C 217, 28. 8. 1985, p. 3, and OJ No C 143, 10. 6. 1986, p. 7.

⁽²⁾ OJ No C 345, 31. 12. 1985, p. 80, and OJ No C 309, 5. 12. 1988.

⁽³⁾ OJ No C 75, 3. 4. 1986, p. 5.

which a profession is regulated is required to take account of qualifications acquired in another Member State and to determine whether those qualifications correspond to the qualifications which the Member State concerned requires;

Whereas collaboration between the Member States is appropriate in order to facilitate their compliance with those obligations; whereas, therefore, the means of organizing such collaboration should be established;

Whereas the term 'regulated professional activity' should be defined so as to take account of differing national sociological situations; whereas the term should cover not only professional activities access to which is subject, in a Member State, to the possession of a diploma, but also professional activities, access to which is unrestricted when they are practised under a professional title reserved for the holders of certain qualifications; whereas the professional associations and organizations which confer such titles on their members and are recognized by the public authorities cannot invoke their private status to avoid application of the system provided for by this Directive;

Whereas it is also necessary to determine the characteristics of the professional experience or adaptation period which the host Member State may require of the person concerned in addition to the higher-education diploma, where the person's qualifications do not correspond to those laid down by national provisions;

Whereas an aptitude test may also be introduced in place of the adaptation period; whereas the effect of both will be to improve the existing situation with regard to the mutual recognition of diplomas between Member States and therefore to facilitate the free movement of persons within the Community; whereas their function is to assess the ability of the migrant, who is a person who has already received his professional training in another Member State, to adapt to this new professional environment; whereas, from the migrant's point of view, an aptitude test will have the advantage of reducing the length of the practice period; whereas, in principle, the choice between the adaptation period and the aptitude test should be made by the migrant; whereas, however, the nature of certain professions is such that Member States must be allowed to prescribe, under certain conditions, either the adaptation period or the test; whereas, in particular, the differences between the legal systems of the Member States, whilst they may vary in extent from one Member State to another, warrant special provisions since, as a rule, the education or training attested by the diploma, certificate or other evidence of formal qualifications in a field of law in the Member State of origin does not cover the legal knowledge required in the host Member State with respect to the corresponding legal field;

Whereas, moreover, the general system for the recognition of higher-education diplomas is intended neither to amend the rules, including those relating to professional ethics, applicable to any person pursuing a profession in the territory of a Member State nor to

exclude migrants from the application of those rules; whereas that system is confined to laying down appropriate arrangements to ensure that migrants comply with the professional rules of the host Member State;

Whereas Articles 49, 57 (1) and 66 of the Treaty empower the Community to adopt provisions necessary for the introduction and operation of such a system;

Whereas the general system for the recognition of higher-education diplomas is entirely without prejudice to the application of Article 48 (4) and Article 55 of the Treaty;

Whereas such a system, by strengthening the right of a Community national to use his professional skills in any Member State, supplements and reinforces his right to acquire such skills wherever he wishes;

Whereas this system should be evaluated, after being in force for a certain time, to determine how efficiently it operates and in particular how it can be improved or its field of application extended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive the following definitions shall apply:

(a) diploma: any diploma, certificate or other evidence of formal qualifications or any set of such diplomas, certificates or other evidence:

- which has been awarded by a competent authority in a Member State, designated in accordance with its own laws, regulations or administrative provisions;
- which shows that the holder has successfully completed a post-secondary course of at least three years' duration, or of an equivalent duration part-time, at a university or establishment of higher education or another establishment of similar level and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course, and
- which shows that the holder has the professional qualifications required for the taking up or pursuit of a regulated profession in that Member State,

provided that the education and training attested by the diploma, certificate or other evidence of formal qualifications were received mainly in the Community, or the holder thereof has three years' professional experience certified by the Member State which recognized a third-country diploma, certificate or other evidence of formal qualifications.

The following shall be treated in the same way as a diploma, within the meaning of the first subparagraph: any diploma, certificate or other

evidence of formal qualifications or any set of such diplomas, certificates or other evidence awarded by a competent authority in a Member State if it is awarded on the successful completion of education and training received in the Community and recognized by a competent authority in that Member State as being of an equivalent level and if it confers the same rights in respect of the taking up and pursuit of a regulated profession in that Member State;

- (b) host Member State: any Member State in which a national of a Member State applies to pursue a profession subject to regulation in that Member State, other than the State in which he obtained his diploma or first pursued the profession in question;
- (c) a regulated profession: the regulated professional activity or range of activities which constitute this profession in a Member State;
- (d) regulated professional activity: a professional activity, in so far as the taking up or pursuit of such activity or one of its modes of pursuit in a Member State is subject, directly or indirectly by virtue of laws, regulations or administrative provisions, to the possession of a diploma. The following in particular shall constitute a mode of pursuit of a regulated professional activity:
 - pursuit of an activity under a professional title, in so far as the use of such a title is reserved to the holders of a diploma governed by laws, regulations or administrative provisions,
 - pursuit of a professional activity relating to health, in so far as remuneration and/or reimbursement for such an activity is subject by virtue of national social security arrangements to the possession of a diploma.

Where the first subparagraph does not apply, a professional activity shall be deemed to be a regulated professional activity if it is pursued by the members of an association or organization the purpose of which is, in particular, to promote and maintain a high standard in the professional field concerned and which, to achieve that purpose, is recognized in a special form by a Member State and:

- awards a diploma to its members,
- ensures that its members respect the rules of professional conduct which it prescribes, and
- confers on them the right to use a title or designatory letters, or to benefit from a status corresponding to that diploma.

A non-exhaustive list of associations or organizations which, when this Directive is adopted, satisfy the conditions of the second subparagraph is contained in the Annex. Whenever a Member State grants the recognition referred to in the second subparagraph to an association or organization, it shall inform the

Commission thereof, which shall publish this information in the *Official Journal of the European Communities*.

- (e) professional experience: the actual and lawful pursuit of the profession concerned in a Member State;
- (f) adaptation period: the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further training. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the adaptation period and its assessment as well as the status of a migrant person under supervision shall be laid down by the competent authority in the host Member States;
- (g) aptitude test: a test limited to the professional knowledge of the applicant, made by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State.

In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the Member State of origin or the Member State from which he comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to exercise the profession in the host Member State. The test may also include knowledge of the professional rules applicable to the activities in question in the host Member State. The detailed application of the aptitude test shall be determined by the competent authorities of that State with due regard to the rules of Community law.

The status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in that State shall be determined by the competent authorities in that State.

Article 2

This Directive shall apply to any national of a Member State wishing to pursue a regulated profession in a host Member State in a self-employed capacity or as an employed person.

This Directive shall not apply to professions which are the subject of a separate Directive establishing arrangements for the mutual recognition of diplomas by Member States.

Article 3

Where, in a host Member State, the taking up or pursuit of a regulated profession is subject to possession of a diploma, the competent authority may not, on the grounds of inadequate qualifications, refuse to authorize a national of a Member State to take up or pursue that profession on the same conditions as apply to its own nationals:

- (a) if the applicant holds the diploma required in another Member State for the taking up or pursuit of the profession in question in its territory, such diploma having been awarded in a Member State; or
- (b) if the applicant has pursued the profession in question full-time for two years during the previous ten years in another Member State which does not regulate that profession, within the meaning of Article 1 (c) and the first subparagraph of Article 1 (d), and possesses evidence of one or more formal qualifications:
 - which have been awarded by a competent authority in a Member State, designated in accordance with the laws, regulations or administrative provisions of such State,
 - which show that the holder has successfully completed a post-secondary course of at least three years' duration, or of an equivalent duration part-time, at a university or establishment of higher education or another establishment of similar level of a Member State and, where appropriate, that he has successfully completed the professional training required in addition to the post-secondary course and
 - which have prepared the holder for the pursuit of his profession.

The following shall be treated in the same way as the evidence of formal qualifications referred to in the first subparagraph: any formal qualifications or any set of such formal qualifications awarded by a competent authority in a Member State if it is awarded on the successful completion of training received in the Community and is recognized by that Member State as being of an equivalent level, provided that the other Member States and the Commission have been notified of this recognition.

Article 4

1. Notwithstanding Article 3, the host Member State may also require the applicant:

- (a) to provide evidence of professional experience, where the duration of the education and training adduced in support of his application, as laid down in Article 3 (a) and (b), is at least one year less than that required in the host Member State. In this event, the period of professional experience required:
 - may not exceed twice the shortfall in duration of education and training where the shortfall relates to post-secondary studies and/or to a period of probationary practice carried out under the control of a supervising professional person and ending with an examination,

- may not exceed the shortfall where the shortfall relates to professional practice acquired with the assistance of a qualified member of the profession.

In the case of diplomas within the meaning of the last subparagraph of Article 1 (a), the duration of education and training recognized as being of an equivalent level shall be determined as for the education and training defined in the first subparagraph of Article 1 (a).

When applying these provisions, account must be taken of the professional experience referred to in Article 3 (b).

At all events, the professional experience required may not exceed four years;

- (b) to complete an adaptation period not exceeding three years or take an aptitude test:
 - where the matters covered by the education and training he has received as laid down in Article 3 (a) and (b), differ substantially from those covered by the diploma required in the host Member State, or
 - where, in the case referred to in Article 3 (a), the profession regulated in the host Member State comprises one or more regulated professional activities which are not in the profession regulated in the Member State from which the applicant originates or comes and that difference corresponds to specific education and training required in the host Member State and covers matters which differ substantially from those covered by the diploma adduced by the applicant, or
 - where, in the case referred to in Article 3 (b), the profession regulated in the host Member State comprises one or more regulated professional activities which are not in the profession pursued by the applicant in the Member State from which he originates or comes, and that difference corresponds to specific education and training required in the host Member State and covers matters which differ substantially from those covered by the evidence of formal qualifications adduced by the applicant.

Should the host Member State make use of this possibility, it must give the applicant the right to choose between an adaptation period and an aptitude test. By way of derogation from this principle, for professions whose practice requires precise knowledge of national law and in respect of which the provision of advice and/or assistance concerning national law is an essential and constant aspect of the professional activity, the host Member State may stipulate either an adaptation period or an aptitude test. Where the host Member State intends to introduce derogations for other professions as regards an applicant's right to choose, the procedure laid down in Article 10 shall apply.

2. However, the host Member State may not apply the provisions of paragraph 1 (a) and (b) cumulatively.

Article 5

Without prejudice to Articles 3 and 4, a host Member State may allow the applicant, with a view to improving his possibilities of adapting to the professional environment in that State, to undergo there, on the basis of equivalence, that part of his professional education and training represented by professional practice, acquired with the assistance of a qualified member of the profession, which he has not undergone in his Member State of origin or the Member State from which he has come.

Article 6

1. Where the competent authority of a host Member State requires of persons wishing to take up a regulated profession proof that they are of good character or repute or that they have not been declared bankrupt, or suspends or prohibits the pursuit of that profession in the event of serious professional misconduct or a criminal offence, that State shall accept as sufficient evidence, in respect of nationals of Member States wishing to pursue that profession in its territory, the production of documents issued by competent authorities in the Member State of origin or the Member State from which the foreign national comes showing that those requirements are met.

Where the competent authorities of the Member State of origin or of the Member State from which the foreign national comes do not issue the documents referred to in the first subparagraph, such documents shall be replaced by a declaration on oath — or, in States where there is no provision for declaration on oath, by a solemn declaration — made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the Member State of origin or the Member State from which the person comes; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration.

2. Where the competent authority of a host Member State requires of nationals of that Member State wishing to take up or pursue a regulated profession a certificate of physical or mental health, that authority shall accept as sufficient evidence in this respect the production of the document required in the Member State of origin or the Member State from which the foreign national comes.

Where the Member State of origin or the Member State from which the foreign national comes does not impose any requirements of this nature on those wishing to take up or pursue the profession in question, the host Member State shall accept from such nationals a certificate issued by a competent authority in that State corresponding to the certificates issued in the host Member State.

3. The competent authorities of host Member States may require that the documents and certificates referred to in paragraphs 1 and 2 are presented no more than three months after their date of issue.

4. Where the competent authority of a host Member State requires nationals of that Member State wishing to take up or pursue a regulated profession to take an oath

or make a solemn declaration and where the form of such oath or declaration cannot be used by nationals of other Member States, that authority shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.

Article 7

1. The competent authorities of host Member States shall recognize the right of nationals of Member States who fulfil the conditions for the taking up and pursuit of a regulated profession in their territory to use the professional title of the host Member State corresponding to that profession.

2. The competent authorities of host Member States shall recognize the right of nationals of Member States who fulfil the conditions for the taking up and pursuit of a regulated profession in their territory to use their lawful academic title and, where appropriate, the abbreviation thereof deriving from their Member State of origin or the Member State from which they come, in the language of that State. Host Member State may require this title to be followed by the name and location of the establishment or examining board which awarded it.

3. Where a profession is regulated in the host Member State by an association or organization referred to in Article 1 (d), nationals of Member States shall only be entitled to use the professional title or designatory letters conferred by that organization or association on proof of membership.

Where the association or organization makes membership subject to certain qualification requirements, it may apply these to nationals of other Member States who are in possession of a diploma within the meaning of Article 1 (a) or a formal qualification within the meaning of Article 3 (b) only in accordance with this Directive, in particular Articles 3 and 4.

Article 8

1. The host Member State shall accept as proof that the conditions laid down in Articles 3 and 4 are satisfied the certificates and documents issued by the competent authorities in the Member States, which the person concerned shall submit in support of his application to pursue the profession concerned.

2. The procedure for examining an application to pursue a regulated profession shall be completed as soon as possible and the outcome communicated in a reasoned decision of the competent authority in the host Member State not later than four months after presentation of all the documents relating to the person concerned. A remedy shall be available against this decision, or the absence thereof, before a court or tribunal in accordance with the provisions of national law.

Article 9

1. Member States shall designate, within the period provided for in Article 12, the competent authorities empowered to receive the applications and take the decisions referred to in this Directive.

They shall communicate this information to the other Member States and to the Commission.

2. Each Member State shall designate a person responsible for coordinating the activities of the authorities referred to in paragraph 1 and shall inform the other Member States and the Commission to that effect. His role shall be to promote uniform application of this Directive to all the professions concerned. A coordinating group shall be set up under the aegis of the Commission, composed of the coordinators appointed by each Member State or their deputies and chaired by a representative of the Commission.

The task of this group shall be :

- to facilitate the implementation of this Directive,
- to collect all useful information for its application in the Member States.

The group may be consulted by the Commission on any changes to the existing system that may contemplated.

3. Member States shall take measures to provide the necessary information on the recognition of diplomas within the framework of this Directive. They may be assisted in this task by the information centre on the academic recognition of diplomas and periods of study established by the Member States within the framework of the Resolution of the Council and the Ministers of Education meeting within the Council of 9 February 1976⁽¹⁾, and, where appropriate, the relevant professional associations or organizations. The Commission shall take the necessary initiatives to ensure the development and coordination of the communication of the necessary information.

Article 10

1. If, pursuant to the third sentence of the second subparagraph of Article 4 (1) (b), a Member State proposes not to grant applicants the right to choose between an adaptation period and an aptitude test in respect of a profession within the meaning of this Directive, it shall immediately communicate to the Commission the corresponding draft provision. It shall at the same time notify the Commission of the grounds which make the enactment of such a provision necessary.

The Commission shall immediately notify the other Member States of any draft it has received ; it may also consult the coordinating group referred to in Article 9 (2) of the draft.

2. Without prejudice to the possibility for the Commission and the other Member States of making comments on the draft, the Member State may adopt the provision only if the Commission has not taken a decision to the contrary within three months.

3. At the request of a Member State or the Commission, Member States shall communicate to them, without delay, the definitive text of a provision arising from the application of this Article.

Article 11

Following the expiry of the period provided for in Article 12, Member States shall communicate to the Commission, every two years, a report on the application of the system introduced.

In addition to general remarks, this report shall contain a statistical summary of the decisions taken and a description of the main problems arising from application of the Directive.

Article 12

Member States shall take the measures necessary to comply with this Directive within two years of its notification⁽²⁾. They shall forthwith inform the Commission thereof.

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 13

Five years at the latest following the date specified in Article 12, the Commission shall report to the European Parliament and the Council on the state of application of the general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.

After conducting all necessary consultations, the Commission shall, on this occasion, present its conclusions as to any changes that need to be made to the system as it stands. At the same time the Commission shall, where appropriate, submit proposals for improvements in the present system in the interest of further facilitating the freedom of movement, right of establishment and freedom to provide services of the persons covered by this Directive.

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No C 38, 19. 2. 1976, p. 1.

⁽²⁾ This Directive was notified to Member States on 4 January 1989.

ANNEX

List of professional associations or organizations which satisfy the conditions of the second subparagraph of Article 1 (d)

IRELAND⁽¹⁾

1. The Institute of Chartered Accountants in Ireland^(?)
2. The Institute of Certified Public Accountants in Ireland^(?)
3. The Association of Certified Accountants^(?)
4. Institution of Engineers of Ireland
5. Irish Planning Institute

UNITED KINGDOM

1. Institute of Chartered Accountants in England and Wales
2. Institute of Chartered Accountants of Scotland
3. Institute of Chartered Accountants in Ireland
4. Chartered Association of Certified Accountants
5. Chartered Institute of Loss Adjusters
6. Chartered Institute of Management Accountants
7. Institute of Chartered Secretaries and Administrators
8. Chartered Insurance Institute
9. Institute of Actuaries
10. Faculty of Actuaries
11. Chartered Institute of Bankers
12. Institute of Bankers in Scotland
13. Royal Institution of Chartered Surveyors
14. Royal Town Planning Institute
15. Chartered Society of Physiotherapy
16. Royal Society of Chemistry
17. British Psychological Society
18. Library Association
19. Institute of Chartered Foresters
20. Chartered Institute of Building
21. Engineering Council
22. Institute of Energy
23. Institution of Structural Engineers
24. Institution of Civil Engineers
25. Institution of Mining Engineers
26. Institution of Mining and Metallurgy

⁽¹⁾ Irish nationals are also members of the following United Kingdom chartered bodies:

Institute of Chartered Accountants in England and Wales
Institute of Chartered Accountants of Scotland
Institute of Actuaries
Faculty of Actuaries
The Chartered Institute of Management Accountants
Institute of Chartered Secretaries and Administrators
Royal Town Planning Institute
Royal Institution of Chartered Surveyors
Chartered Institute of Building.

^(?) For the purposes of the activity of auditing only.

27. Institution of Electrical Engineers
 28. Institution of Gas Engineers
 29. Institution of Mechanical Engineers
 30. Institution of Chemical Engineers
 31. Institution of Production Engineers
 32. Institution of Marine Engineers
 33. Royal Institution of Naval Architects
 34. Royal Aeronautical Society
 35. Institute of Metals
 36. Chartered Institution of Building Services Engineers
 37. Institute of Measurement and Control
 38. British Computer Society
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STATEMENT BY THE COUNCIL AND THE COMMISSION

Re Article 9 (1)

'The Council and the Commission agree that professional bodies and higher-education establishments should be consulted or be involved in an appropriate way in the decision-making process.'

COUNCIL RECOMMENDATION**21 December 1988****concerning nationals of Member States who hold a diploma conferred in a third State****(89/49/EEC)****THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Approving Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration⁽¹⁾;

Noting that this Directive refers only to diplomas, certificates and other evidence of formal qualifications awarded in Member States to nationals of Member States;

Anxious, however, to take account of the special position of nationals of Member States who hold diplomas, certificates or other evidence of formal qualifications awarded in third States and who are thus in a position comparable to one of those described in Article 3 of the Directive,

HEREBY RECOMMENDS:

that the Governments of the Member States should allow the persons referred to above to take up and pursue regulated professions within the Community by recognizing these diplomas, certificates and other evidence of formal qualifications in their territories.

Done at Brussels, 21 December 1988.*For the Council**The President***V. PAPANDREOU**

⁽¹⁾ See page 16 of this Official Journal.