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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 304/89

of 7 February 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 166/89 ⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 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 6 February 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 8 February 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, 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, 7 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 7 February 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	20,50	125,48
0712 90 19	20,50	125,48
1001 10 10	53,13	165,73 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	165,73 ⁽¹⁾ ⁽²⁾
1001 90 91	14,94	113,74
1001 90 99	14,94	113,74
1002 00 00	58,63	109,93 ⁽³⁾
1003 00 10	49,19	117,22
1003 00 90	49,19	117,22
1004 00 10	40,25	72,16
1004 00 90	40,25	72,16
1005 10 90	20,50	125,48 ⁽²⁾ ⁽⁴⁾
1005 90 00	20,50	125,48 ⁽²⁾ ⁽⁴⁾
1007 00 90	43,84	135,18 ⁽⁴⁾
1008 10 00	49,19	19,83
1008 20 00	49,19	71,85 ⁽⁴⁾
1008 30 00	49,19	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	49,19	0,00
1101 00 00	35,10	173,42
1102 10 00	96,27	168,09
1103 11 10	95,80	270,33
1103 11 90	36,65	186,03

⁽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 305/89

of 7 February 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 166/89 ⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee, Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 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 6 February 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 8 February 1989.

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

Done at Brussels, 7 February 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 20, 25. 1. 1989, 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 7 February 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 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0,16	0,16	0
0712 90 19	0	0,16	0,16	0
1001 10 10	0	0	0	7,96
1001 10 90	0	0	0	7,96
1001 90 91	0	0	0	2,44
1001 90 99	0	0	0	2,44
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	0,16	0,16	0
1005 90 00	0	0,16	0,16	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	0	0	3,41

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	4,34	4,34
1107 10 19	0	0	0	3,25	3,25
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 306/89

of 7 February 1989

on the supply of various consignments 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 1 560 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, 7 February 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 Nos** (1): 1282 - 1286/88
2. **Programme**: 1988
3. **Recipient**: Euronaid, Rhijngceestersstratweg 40, PO Box 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**: Haiti, Colombia, Rwanda, Dominican Republic
6. **Product to be mobilized**: rolled oats
7. **Characteristics and quality of the goods** (3): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II. A. 9)
8. **Total quantity**: 905 tonnes (1 560 tonnes of cereals)
9. **Number of lots**: one (five parts: A: 138 tonnes; B: 150 tonnes; C: 120 tonnes; D: 449 tonnes; E: 48 tonnes)
10. **Packaging and marking** (4) (5) (6); A, E (7); B, C, D (8): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II. B. 3)
 - marking on the bags in letters at least 5 cm high:
 - A: 'ACCIÓN N° 1282/88 / COPOS DE AVENA / COLOMBIA / CARITAS NEERLANDICA / 80319 / BOGOTÁ VÍA SANTA MARTA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA'
 - B: 'ACCIÓN N° 1283/88 / COPOS DE AVENA / REPÚBLICA DOMINICANA / CARITAS NEERLANDICA / 80333 / SANTO DOMINGO / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA'
 - C: 'ACTION N° 1284/88 / FLOCONS D'AVOINE / HAÏTI / CARITAS BELGICA / 80285 / PORT-AU-PRINCE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / POUR DISTRIBUTION GRATUITE'
 - D: 'ACTION N° 1285/88 / FLOCONS D'AVOINE / HAÏTI / CARITAS NEERLANDICA / 80322 / PORT-AU-PRINCE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / POUR DISTRIBUTION GRATUITE'
 - E: 'ACTION N° 1286/88 / FLOCONS D'AVOINE / RWANDA / CARITAS BELGICA / 80286 / KIGALI VIA MOMBASA / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / POUR DISTRIBUTION GRATUITE'
11. **Method of mobilization**: the Community market
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**: 20. 3. 1989 to 15. 4. 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**: 28. 2. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 14. 3. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 1. 4. 1989 to 20. 4. 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** (9): 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** (9): refund applicable on 15. 2. 1989 fixed by Commission Regulation (EEC) No 217/89 (OJ No L 25, 28. 1. 1989, p. 22)

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 :
— phytosanitary certificate,
— certificate of origin.
The supplier should send a duplicate of the original invoice to M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (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) Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987) 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) Shipment to take place in 20-foot containers ; conditions FCL/LCL shippers-count-load and stowage (cls).
- (⁸) 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.
- (⁹) 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.
- (¹⁰) Supply free-at-port-of-shipment, as provided for in Article 13 of Regulation (EEC) No 2200/87, implies that the following costs at the port of shipment shall be borne by the successful tenderer :
Should containers be used on an FCL/FCL or FCL/LCL basis, all costs to the use of such containers, with the exception of rental costs, up to the terminal stage, including THC (terminal handling charges).
Where, on the basis of the second subparagraph of point 2 of the aforementioned Article 13, the successful tenderer is responsible for loading the containers on board the vessel designated by the recipient, the refund of the costs within the meaning of the said provisions does not include the THC.
Should containers be used on an LCL/FCL or LCL/LCL basis, no costs ; successful tenderer shall deliver the goods to the terminal at a stage where the stuffing of the containers can be immediately done at the recipient's expense.
- (¹¹) Shipment to take place in 40-foot containers ; conditions FCL/LCL shippers-count-load and stowage (cls).

COMMISSION REGULATION (EEC) No 307/89

of 7 February 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 16 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 16

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 16 January 1989, the level of the premium is fixed at 143,661 ECU/100 kilograms of estimated or actual dressed carcase 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 16 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 16 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, 7 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 7 February 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	67,521	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	143,661	0
0204 21 00	143,661	0
0204 50 11		0
0204 22 10	100,563	
0204 22 30	158,027	
0204 22 50	186,759	
0204 22 90	186,759	
0204 23 00	261,463	
0204 30 00	107,746	
0204 41 00	107,746	
0204 42 10	75,422	
0204 42 30	118,521	
0204 42 50	140,070	
0204 42 90	140,070	
0204 43 00	196,098	
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	186,759	
0210 90 19	261,463	
1602 90 71 :		
— unboned (bone-in)	186,759	
— boned or boneless	261,463	

(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.

COMMISSION REGULATION (EEC) No 308/89
of 7 February 1989
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 303/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 February 1989.

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

Done at Brussels, 7 February 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 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 35, 7. 8. 1989, p. 29.

ANNEX

to the Commission Regulation of 7 February 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	36,31 ⁽¹⁾
1701 11 90	36,31 ⁽¹⁾
1701 12 10	36,31 ⁽¹⁾
1701 12 90	36,31 ⁽¹⁾
1701 91 00	43,49
1701 99 10	43,49
1701 99 90	43,49 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 309/89
of 7 February 1989
amending Regulation (EEC) No 264/89 introducing a countervailing charge on
fresh clementines originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 264/89⁽³⁾ introduced a countervailing charge on fresh clementines originating in Morocco;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh clementines originating in Morocco must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 264/89, '8,76 ECU' is hereby replaced by '17,22 ECU'.

Article 2

This Regulation shall enter into force on 8 February 1989.

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

Done at Brussels, 7 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 31, 2. 2. 1989, p. 11.

COMMISSION REGULATION (EEC) No 310/89**of 7 February 1989****abolishing the countervailing charge on fresh clementines originating in Spain
(except the Canary Islands)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 266/89⁽³⁾ introduced a countervailing charge on fresh clementines originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 266/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 8 February 1989.

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

Done at Brussels, 7 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 31, 2. 2. 1989, p. 14.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 311/89

of 7 February 1989

amending for the third time Regulation (EEC) No 151/89 introducing a countervailing charge on fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 151/89⁽³⁾, as last amended by Regulation (EEC) No 265/89⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 151/89 'ECU 11,84' is hereby replaced by 'ECU 14,49'.

Article 2

This Regulation shall enter into force on 8 February 1989.

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

Done at Brussels, 7 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.⁽³⁾ OJ No L 17, 21. 1. 1989, p. 45.⁽⁴⁾ OJ No L 31, 2. 2. 1989, p. 13.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 December 1988

relating to a proceeding under Article 85 of the EEC Treaty (IV/31.291, Uniform Eurocheques)

(Only the English and French texts are authentic)

(89/95/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962 First Regulation implementing Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 6 and 8 thereof,

Having regard to the notification submitted on 19 July 1984 pursuant to Article 4 of Regulation No 17 by the Secretary-General of Eurocheque International on behalf of the national bank organizations which make up the Eurocheque Assembly, concerning the guidelines for the production of the uniform Eurocheque, for the production of the uniform Eurocheque card and for the finishing of the uniform Eurocheque and uniform Eurocheque card,

Having regard to the summary of the agreements⁽²⁾ published pursuant to Article 19 (3) of Regulation No 17, which drew no observations from interested third parties,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

- (1) This proceeding concerns the agreements, known as 'guidelines', within the Eurocheque Community,

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 156, 15. 6. 1988, p. 2.

relating to the production and finishing of Eurocheques and Eurocheque cards and in particular the selection and prior approval of firms authorized to take part.

- (2) On 29 June 1984, the Commission received a complaint from SA Arjomari-Prioux under Article 3 of Regulation No 17 concerning, in particular, the agreements and the way they were applied.
- (3) On 19 July 1984, the Secretary-General of Eurocheque International submitted, on behalf of the national organizations making up the Eurocheque Assembly, a notification and application for negative clearance concerning the guidelines for the production of the uniform Eurocheque, the guidelines for the production of the uniform Eurocheque card and the guidelines for the finishing of the uniform Eurocheque and the uniform Eurocheque card, all these guidelines having been approved by the Eurocheque Assembly at its meetings on 19 and 20 May 1983.

Following discussions between Eurocheque International and the Commission, the Eurocheque Assembly adopted amended versions of the guidelines which form the subject of this Decision at its session on 4 and 5 June 1987.

The Eurocheque system

- (4) The Eurocheque organization was created in 1968 on the private initiative of European financial bodies. Its aim is to meet the need for international

payment systems resulting from the growth of tourism and business travel within Europe, by making available a means of payment which customers may use both in their country of origin and in other countries.

- (5) The Eurocheque system is open to all European banks⁽¹⁾. It is based on two instruments: the Eurocheque and the Eurocheque card. The drawee bank guarantees any payee bank reimbursement of a Eurocheque presented with the corresponding card, up to a predetermined maximum amount.
- (6) Eurocheque International estimates that some 9 000 banks issued 32 million Eurocheque cards to their customers in 1987 in 20 countries, including all the Member States except Greece.

A total of 900 million Eurocheques have been drawn, of which some 46 million were drawn abroad. The customers of many banks which issue Eurocheque cards receive Eurocheques for payments both in their country of residence and when travelling abroad.

- (7) Some 15 000 banks and other financial institutions cash uniform Eurocheques at their countries in 40 European and Mediterranean countries. Uniform Eurocheques are also accepted in payment by traders in 28 of those countries. Total annual payments by Eurocheque in both the country of residence and abroad represent some ECU 100 000 million.
- (8) The agreement concluded on 31 October 1980 within the Eurocheque system on Eurocheques drawn abroad in the local currency was granted an exemption pursuant to Article 85 (3) of the EEC Treaty by Commission Decision 85/77/EEC⁽²⁾.
- (9) Within the Eurocheque system, the 'issuing' financial institutions supply their customers with cheques and cards which may be used within the Eurocheque system and cash cheques at their counters, whereas 'accepting' institutions cash guaranteed cheques at their counters made out by customers of 'issuing' banks but do not issue their customers with cards or cheques which may be used within the system.
- (10) Of the cheques and cards which may be used in the Eurocheque system, approximately 80 % are uniform Eurocheques and cards, the format and technical characteristics of which are defined in the notified agreements.

⁽¹⁾ In this Decision 'bank' embraces all credit institutions which are members of the Eurocheque system.

⁽²⁾ OJ No L 35, 7. 2. 1985, p. 43.

The Eurocheque Community

- (11) One of the main objectives of the Eurocheque Community which brings together the issuing institutions, is to encourage credit institutions to issue uniform cheques and cheque cards rather than the other, non-uniform instruments that may be used in the system, in order to encourage widespread recognition and acceptance of Eurocheques by traders in a large number of countries.
- (12) The issuing institutions of each country are grouped together, within the Eurocheque system, in national associations or organizations, to which this Decision is addressed for their information.
- (13) Member banks undertake to issue the payment instruments as defined in the guidelines.
- (14) The Eurocheque Assembly ('Assembly') is the decision-making, managing and monitoring body of the Eurocheque Community. Its decisions are binding on all members provided they are not contrary to national laws or regulations. The Assembly appoints a Secretary-General who is responsible for the day-to-day running of the Eurocheque Community (Article 20). He manages the permanent secretariat of the organization in Brussels — Eurocheque International.

Security in the Eurocheque system

- (15) Because of the guarantee given by the bank, a Eurocheque accompanied by a Eurocheque card is equivalent to a banknote, with a maximum value currently fixed at the equivalent in local currency of approximately ECU 190, provided that certain conditions are fulfilled when the cheque is made out, e.g. the cheque must correspond to the cheque card.
- (16) Consequently, the cheque and the card must incorporate certain features and be of uniform quality to protect them from counterfeiting and forgery. As stated in the notification 'the risk inherent in the system is ... fundamentally tied to the production quality of the payment instruments'.

The manufacturers authorized to participate in the production of Eurocheque instruments must therefore be able to offer a high-quality product. They must also comply with stringent security requirements designed to prevent both the theft of finished or semi-finished products and the equipment or materials used in their production, and the misuse of such equipment.

- (17) The security measures usually taken to protect the transport of banknotes are also applied to each production stage and to the transport of cheques and cards.

The products

- (18) The agreements concern the production and finishing of Eurocheques and Eurocheque cards. These processes are made up of several operations: production of the special paper for the cheques and cards, printing, lamination of the cards and incorporation of the technical devices and, lastly, personalization of the cheques and cards.

- (19) Eurocheque paper belongs to a category of products known as security paper, the chief characteristic of which is to make counterfeiting both difficult and expensive. This can be achieved by several methods, e.g. watermarks, the quality or the 'feel' of the paper itself, or other devices that are difficult to reproduce or imitate. Other security devices can also be incorporated at the manufacturing stage, their main purpose being to make forgery more difficult, e.g. attempts to alter data on documents made from such paper, such as a signature or a figure.
- (20) Producers of cheques and cheque cards use highly sophisticated printing techniques. Here too, the object is to prevent counterfeiting, e.g. by including extremely detailed and complex patterns in the design, using a wide range of colours and incorporating devices to prevent forgeries.

Whilst finishing may involve less sophisticated techniques, the security requirements are identical.

- (21) In 1983 and 1984, the annual quantity of Eurocheque paper supplied by authorized manufacturers was [...] ⁽¹⁾ tonnes, representing a total value of approximately ECU [...]. The value of the printed cheques supplied to customers in 1983 was of the order of ECU [...] to which may be added the value of the 26 million cards issued, estimated at ECU [...]. Estimates based on the steady increase in the number of Eurocheques and cards issued between 1984 and 1988 indicate a [...] % increase on the figures given above in the period 1984 to 1988.

⁽¹⁾ In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 21 of Regulation No 17 concerning non-disclosure of business secrets.

The Commission does not have any accurate data on the annual value of finishing work. This may, however, be estimated, on the basis of the number of cheques used, at ECU [...], plus a smaller amount for the finishing of cards. The finishing of Eurocheque instruments represented only a very small part of similarly technical work carried out by the printing sector. If one looks at just the work carried out in security conditions similar to these required by the agreements, the market is much larger than simply the finishing of Eurocheque instruments. Firms in this sector are also involved in producing other security documents such as bank cheques, travellers' cheques, identity documents, lottery tickets and securities.

The notified agreements

Guidelines for the production of the uniform Eurocheque

- (22) According to the guidelines, the production of Eurocheques may be assigned only to firms (paper mills and printing plants) that have experience in the production of high-security printed instruments (such as banknotes, travellers' cheques, etc.), the necessary technical equipment and effective security and control facilities (Article 2.1).
- (23) Applications for authorization must be addressed to Eurocheque International; authorization is granted by the Eurocheque Assembly. The authorization expires if no orders are executed during a period of two years (Article 2 (8)) (three years for Eurocheque cards).
- (24) The informations and key materials required for the production of the paper and the printing of the Eurocheques are supplied exclusively by Eurocheque International on receipt of proof of an order. Only these materials may be used (Articles 4, 6 (2) and 7 (2)). The detailed specifications are then communicated immediately, followed by the key materials after an appropriate period for production and delivery, which Eurocheque International envisages will not exceed four weeks save in exceptional circumstances.
- In the event of failure to comply with the guidelines, Eurocheque International may demand the surrender of the materials supplied and any means of production deriving from them, as well as any finished or semi-finished products, against reimbursement of the costs (Article 2 (7)).

- (25) Authorization is subject to a prior inspection by representatives of Eurocheque International (Article 2 (3)) Paper manufacturers and printing shops are required, prior to the first production, to submit samples for inspection and approval to Eurocheque International or its representatives (Articles 6 (3) and 7 (4)) Eurocheque International is prepared to come to a decision within a period of two weeks.
- (26) Producers (paper mills and printing plants) authorized to produce, store and dispatch Eurocheques and cards must have effective security systems and Eurocheque control measures in order to rule out any improper use or theft of materials, paper or finished or semi-finished products. The measures are detailed in a memorandum annexed to the guidelines.
- (27) Eurocheque International or its representatives have the right to inspect at any time the production facilities as well as the books and records in order to ensure that the guidelines are being effectively observed (Article 8 (2)).
- (28) Orders for Eurocheques may be accepted by approved printers only if given by institutions whose right to place an order has been confirmed in writing to the printer by the national liaison office of the institution which placed the order (Article 3). A printer's customer is a bank which is a member of the Eurocheque Community. The production of paper may be effected only by order of authorized printers, the names of which have been given to the paper manufacturers by Eurocheque International (Article 6).

Guidelines for the production of the uniform Eurocheque card

- (29) These guidelines concern the production and printing of the special paper and the production of special security features involved in the manufacture of the Eurocheque card. Apart from the difference referred to in point 23, the layout and wording of these guidelines are very similar, *mutatis mutandis*, to those of the guidelines for the production of cheques.

Guidelines for the finishing of the uniform Eurocheque and the uniform Eurocheque card

- (30) Finishing involves the insertion of the bank's name, the personalization and encoding of cheques and cards, lamination of cards, attachment of the signature panel on the cards and other special features, such as the hologram.
- (31) Eurocheque instruments can be finished either by member financial institutions or by specialized firms. Authorization is granted under similar condi-

tions to those governing the approval of paper manufacturers and printers: the finishing firms must have the necessary equipment and effective security facilities.

- (32) However, applications for authorization must be addressed to the Eurocheque association of the country of the applicant. Where a country has no financial institution which issues uniform Eurocheques (this applies only to Greece among the Member States), the application is addressed to the association of a country which does have such a financial institution. Authorization for the finishing of Eurocheques is given by the national association whereas authorization for the production of instruments is granted by the Eurocheque Assembly and Eurocheque International. Eurocheque International is informed by the national associations of all authorizations granted by them.
- (33) Authorization is limited to finishing operations in respect of which the firm fulfils the appropriate requirements. There are at present (...) firms authorized to carry out one or more finishing operations, in 12 countries, of which seven are EEC Member States.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (34) The guidelines are agreements within the meaning of Article 85 (1) of the EEC Treaty. The agreements between the national associations must be regarded as agreements between undertakings as these agreements determine the conduct of the undertakings which the associations represent.
- (35) According to the guidelines, and the agreements concluded between Eurocheque International or the national associations with authorized undertakings, the banks obtain cheques and cards from authorized printers exclusively, and they in turn may only obtain Eurocheque paper exclusively from authorized paper producers. Similarly, banks may only obtain finishing services from undertakings authorized for finishing work.

Conversely, authorized undertakings may only supply Eurocheque instruments, Eurocheque paper or finishing services to member banks or authorized printers, as appropriate.

- (36) The Eurocheque system is an international payment system set up by a large number of European credit institutions. It is of the utmost importance to the smooth running of the system and to retain the confidence of customers, whether consumers, traders or member banks, that a high level of

security be maintained. That means that the quality of the instruments must not only be high, but also uniform. For these reasons the prior vetting of firms wishing to produce Eurocheque instruments is essential. The selection criteria are objective and qualitative. However, as regards the security of premises in particular, the criteria allow for a fairly wide margin of discretion. It would, for example, be counter-productive for the guidelines to specify electronic protection devices or even to standardize them in any way. Nevertheless the application of these criteria and the processing of applications for authorization by the central bodies of the Eurocheque Community offer certain guarantees as to the uniform application of the guidelines to paper manufacturers and printers.

- (37) The Commission considers that both the prior authorization of paper manufacturers and printers and the qualitative criteria applied are justified by the nature of the products or services to be provided, and by the security which is indispensable for the proper operation of the Eurocheque system. The authorization scheme ensures that those undertakings which fulfil the necessary conditions will be authorized if they so request. Banks and printers do not therefore have any legitimate interest in resorting to non-authorized undertakings. Accordingly, the Commission considers that the obligation imposed on banks and on printers to obtain Eurocheque instruments and paper exclusively from authorized printers and paper producers does not amount to a restriction of competition within the meaning of Article 85 (1).
- (38) By virtue of the principles governing subcontracting, the obligation imposed on paper producers and printers to supply Eurocheque paper or instruments only to designated purchasers does not amount to a restriction of competition within the meaning of Article 85 (1).
- (39) It is necessary to restrict the distribution of technical specifications and materials used in the production of Eurocheque instruments or which could facilitate forgeries by giving them only to firms able to show proof of an order. This measure is not a significant barrier to the access of new firms to the production of Eurocheque instruments, as the firms can make provision in their forecasts for the delays such a measure involves.
- (40) all finishing firms are required to address an application for authorization to one national association as stated in point 32. The authorization determines

whether the firm is able to provide finishing services not only to the banks in the country where it is given but also to those in all countries of the Eurocheque Community.

- (41) When a finishing firm is authorized the national association concerned bears the costs of examining the application and of carrying out the obligatory regular on-the-spot inspections. Furthermore, the association could incur liability in connection with the examination of applications and the obligation to carry out regular checks in the event of a finishing firm failing to comply with security requirements. The Commission's investigations in this case found that national associations regard the above factors as important. These associations are extremely diverse in terms of their financial and human resources and in their likely assessment of the risks and costs which they are ready to bear. There is no doubt that differences will arise in the application of the criteria which involve complex assessments of risk, and that these differences are likely to be significant.
- (42) In the light of these considerations, the Commission considers that the obligation on banks to obtain finishing services only from authorized firms amounts to a restriction of competition within the meaning of Article 85 (1), for the authorization scheme does not assure the elaboration of a uniform standard and the authorization of all firms which would meet that standard and wish to provide Eurocheque finishing services. On the contrary, taken as a whole, the prior approval system for finishing firms is inherently liable to lead to discrimination between firms. As a consequence, banks will be unable to obtain finishing services from certain firms which should qualify for authorization.

Effect on trade between Member States

- (43) Any lack of uniformity in the application of the system of authorizing finishing firms is inherently liable to affect trade between Member States since the authorization granted by the national Eurocheque association determines the market access of finishing services throughout the member countries of the Eurocheque Community, which currently includes all the Community countries except Greece.
- (44) The finishers of Eurocheque instruments can receive orders from banks in other countries, even if the cost of providing security transport means that trade has to be limited chiefly to transactions with neighbouring countries.

B. Article 85 (3)

- (45) While the prohibition on obtaining finishing services from non-authorized firms falls within the scope of the prohibition in Article 85 (1), the guidelines on finishing may be exempted under Article 85 (3).

The prior authorization of finishing firms does promote economic progress in that it contributes to the security of the Eurocheque system as a means of international payment. Security is an essential factor in the development of the system and in retaining user confidence, which is indispensable in payment systems.

- (46) The users of the Eurocheque system obtain a fair share of the resulting benefit since a high level of security reduces the risk of the heavy costs which may result both directly and indirectly from counterfeiting and forgery in payment systems. In addition, Eurocheque bearers benefit from the widespread acceptance of Eurocheques by banks and traders in European and Mediterranean countries which is fostered by the security of the system. Banks, for their part, are free to give finishing work to any authorized firm. They may also carry out the finishing work themselves if they consider it is more advantageous.
- (47) The agreement does not impose any restrictions that are not essential in securing the advantages resulting from the agreement. Although implementation of the agreement by the national associations entails a risk of distortion of competition in the application of the authorization criteria, the structure is justifiable. The potential number of finishing firms is far greater than in the case of paper manufacturers and printers. Often these firms operate more on a regional than an international basis. The national associations are therefore in a better position to know and control them, and such decentralized control is also easier and less expensive.
- (48) Lastly, the agreement does not afford the parties concerned the possibility of eliminating competition in respect of a substantial part of the products in question. The agreement does not govern trade relations between authorized firms and the member banks that are their customers. Both are entitled to submit or invite tenders in all the member countries. In addition, the finishing of Eurocheque instruments constitutes only a small part of the services that can be provided by firms which may be authorized to finish Eurocheque instruments.

C. Regulation No 17

- (49) Pursuant to Article 6 (1) of Regulation No 17, the date on which this Decision shall take effect is set at 5 June 1987, the date of adoption of the modi-

fied guidelines. In accordance with Article 8 (1), the duration of the exemption resulting from this Decision shall be 15 years,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the information at its disposal, there are no grounds for the Commission to intervene under Article 85 (1) of the EEC Treaty with regard to the guidelines for the production of the uniform Eurocheque and the guidelines for the production of the uniform Eurocheque card, adopted by the Eurocheque Assembly at its session on 4 and 5 June 1987.

Article 2

In accordance with Article 85 (3) of the Treaty establishing the European Economic Community, the provisions of Article 85 (1) are hereby declared inapplicable for the period from 5 June 1987 to 4 June 2002 to the guidelines for the finishing of the uniform Eurocheque and the uniform Eurocheque card as approved by the Eurocheque Assembly at its session on 4 and 5 June 1987.

Article 3

This Decision is addressed to:

1. Eurocheque International sc,
Avenue Louise 327, Boîte 1,
B-1050 Bruxelles;
2. Agrupacion Española Eurocheque,
Los Madrazo 28,
E-28014 Madrid;
3. Association for Payment Clearing Services,
Mercury House
Triton Court,
14 Finsbury Square,
UK-London EC21 1BR;
4. Associazione Bancaria Italiana,
Piazza del Gesù,
I-00186 Roma;
5. Bundesverband Deutscher Banken eV,
Mohrenstraße 35/41,
Postfach 100246,
D-5000 Köln 1;
6. Communauté Luxembourgeoise Eurocheque,
Boulevard F. D. Roosevelt 14,
L-2450 Luxembourg;
7. Comunidade Portuguesa Eurocheque,
Rua de S. Nicolau 71-5º-drº,
P-1100 Lisboa;

8. Eurocheque Belgium,
Avenue Louise 327, Boîte 6,
B-1050 Bruxelles ;
 9. Groupement des cartes bancaires,
29 rue de Lisbonne,
F-75008 Paris ;
 10. Irish Banks' Standing Committee,
Nassau House,
Nassau Street,
IRL-Dublin 2 ;
 11. Pengeinstitutternes Betalingssystemer A/S,
Postboks 500,
Lautrupbjerg 10,
DK-2750 Ballerup ;
 12. Stichting Bevordering
Chequeverkeer,
Postbus 9120,
NL-1006 CB Amsterdam ;
 13. Agrupacio Andorrana Eurocheque,
Boîte Postale 60,
Correus Francesos,
AND-Andorra la Vella ;
 14. Association Suisse des Banquiers,
Aeschenplatz 7,
CH-Bâle ;
 15. Den Norske Bankforening,
Dronning Maudsgt. 15,
N-0116 Oslo 1 ;
 16. Bank of Cyprus (Holdings) Ltd,
4 Diagoras Street,
Nicosia,
(Cyprus) ;
 17. The Association of Yugoslav Banks,
Masarikova 5/IX,
Yu-11000 Beograd ;
 18. The Finnish Bankers' Association,
Annankatu 32 A,
SF-00100 Helsinki ;
 19. Svenska Bankföreningen,
Box 7603,
S-103 94 Stockholm ;
 20. Verband Österreichischer Banken und Bankiers,
Börsegasse 11,
Postfach 132,
A-1013 Wien.
- Done at Brussels, 19 December 1988.
- For the Commission*
Peter SUTHERLAND
Member of the Commission
-

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished

(Official Journal of the European Communities No L 369 of 31 December 1988)

Annex :

Page 19, zone VIII a, b, d, column 5 :

The footnote reference ⁽²⁶⁾ for Spain is hereby deleted.

Page 29, zone VII e, column 5 :

The figure 375, opposite 'Ireland, should appear opposite 'France'.

Page 30, zone VIII c, d, e, IX, X ; COPACE 34.1.1. (1), column 1 reads as follows :

'Lenguado / Tunge / Seezunge / Γλώσσα / Sole / Sole / Sogliola / Tong / Linguado (Soleidae)'.

Page 36, note ⁽²¹⁾ reads as follows :

'⁽²¹⁾ Excluding an estimated 2 000 tonnes of industrial by-catch.'

Page 37, note ⁽³⁵⁾ reads as follows :

'⁽³⁵⁾ Excluding quantities allocated to Portugal under Council Regulation (EEC) No 3949/88 (OJ No L 352, 21. 12. 1988, p. 5).'

Corrigendum to Council Regulation (EEC) No 4232/88 of 19 December 1988 opening and providing for the administration of Community tariff quotas for sweet peppers, frozen peas and garlic originating in Yugoslavia (1989)

(Official Journal of the European Communities No L 372 of 31 December 1988)

Page 5, Article 1, table, column headed 'CN code' : ...

for: 'ex 0709 60 10',

read: '0709 60 10'.

Corrigendum to Council Regulation (EEC) No 4246/88 of 21 December 1988 opening and providing for the administration of Community tariff quotas for certain fisheries products originating in the Canary Islands (1989)

(Official Journal of the European Communities No L 373 of 31 December 1988)

Page 45, Annex, order No 09.0409 :

After CN code 'ex 1604 13 10', add CN code 'ex 1604 13 10' to appear opposite ' - - - Other sardines'.
