

Official Journal

of the European Communities

ISSN 0378-6978

L 46

Volume 32

18 February 1989

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EEC) No 401/89 of 17 February 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 402/89 of 17 February 1989 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 403/89 of 17 February 1989 fixing the import levies on rice and broken rice	5
Commission Regulation (EEC) No 404/89 of 17 February 1989 fixing the premiums to be added to the import levies on rice and broken rice	7
Commission Regulation (EEC) No 405/89 of 17 February 1989 amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef	9
Commission Regulation (EEC) No 406/89 of 17 February 1989 opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency	11
Commission Regulation (EEC) No 407/89 of 17 February 1989 opening an invitation to tender for the sale of olive oil held by the Portuguese intervention agency	13
Commission Regulation (EEC) No 408/89 of 17 February 1989 on the supply of various lots of butteroil as food aid	15
Commission Regulation (EEC) No 409/89 of 17 February 1989 amending Regulation (EEC) No 2470/88 opening an invitation to tender for the refund for the export of common wheat	19
Commission Regulation (EEC) No 410/89 of 17 February 1989 concerning applications for STM licences for milk and milk products submitted during the first 10 days of February 1989	20

Commission Regulation (EEC) No 411/89 of 17 February 1989 fixing the aid for soya beans	22
★ Commission Regulation (EEC) No 412/89 of 17 February 1989 amending Regulation (EEC) No 3846/88 derogating from Regulation (EEC) No 3418/82 on the procedure for sale of oil seeds held by the intervention agencies, as regards the selling price	23
Commission Regulation (EEC) No 413/89 of 17 February 1989 on the issue of import licences for products covered by CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 and originating in Indonesia	24
Commission Regulation (EEC) No 414/89 of 17 February 1989 fixing the import levies on white sugar and raw sugar	26
Commission Regulation (EEC) No 415/89 of 17 February 1989 altering the export refunds on white sugar and raw sugar exported in the natural state	28

II Acts whose publication is not obligatory

Commission

89/124/EEC :

- ★ Commission Decision of 27 January 1989 amending the Seventh Council Decision 85/355/EEC on the equivalence of field inspections carried out in third countries on seed-producing crops and the Seventh Council Decision 85/356/EEC on the equivalence of seed produced in third countries 30

89/125/EEC :

- ★ Commission Decision of 31 January 1989 approving a programme concerning the milk sector in Scotland pursuant to Council Regulation (EEC) No 355/77 35

89/126/EEC :

- ★ Commission Decision of 31 January 1989 approving a specific programme for the processing and marketing of virgin olive oil notified by the Spanish Government pursuant to Council Regulation (EEC) No 355/77 37

89/127/EEC :

- ★ Commission Decision of 31 January 1989 approving a specific programme for the milk and milk products sector notified by the Spanish Government pursuant to Council Regulation (EEC) No 355/77 38

Corrigenda

- ★ Corrigendum to Council Regulation (EEC) No 4249/88 of 21 December 1988 on export arrangements for certain types of non-ferrous metal waste and scrap (OJ No L 373 of 31. 12. 1988) 40

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 401/89**of 17 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 16 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 18 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, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 17 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	126,66
0712 90 19	20,50	126,66
1001 10 10	53,13	170,34 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	170,34 ⁽¹⁾ ⁽²⁾
1001 90 91	30,85	118,41
1001 90 99	30,85	118,41
1002 00 00	58,63	112,23 ⁽³⁾
1003 00 10	49,19	119,38
1003 00 90	49,19	119,38
1004 00 10	40,25	75,46
1004 00 90	40,25	75,46
1005 10 90	20,50	126,66 ⁽²⁾ ⁽³⁾
1005 90 00	20,50	126,66 ⁽²⁾ ⁽³⁾
1007 00 90	43,84	137,31 ⁽⁴⁾
1008 10 00	49,19	24,22
1008 20 00	49,19	58,95 ⁽⁴⁾
1008 30 00	49,19	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	49,19	0,00
1101 00 00	57,38	180,82
1102 10 00	96,27	171,31
1103 11 10	95,80	277,47
1103 11 90	60,70	194,02

⁽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 402/89

of 17 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 16 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 18 February 1989.

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

Done at Brussels, 17 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 17 February 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	8,88
1001 10 90	0	0	0	8,88
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0,18

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 403/89**of 17 February 1989****fixing the import levies on rice and broken rice**

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽³⁾, as amended by Regulation (EEC) No 1546/87 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2699/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 334/89 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2699/88 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 February 1989.

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

Done at Brussels, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 10.

⁽⁵⁾ OJ No L 241, 1. 9. 1988, p. 27.

⁽⁶⁾ OJ No L 39, 11. 2. 1989, p. 5.

ANNEX

to the Commission Regulation of 17 February 1989 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Portugal	Third countries (except ACP or OCT) (¹)	ACP or OCT (¹) (²) (³)	Arrangement in Regulation (EEC) No 3877/86
1006 10 21	—	296,41	144,60	—
1006 10 92	—	296,41	144,60	—
1006 10 23	—	297,12	144,96	222,84
1006 10 94	—	297,12	144,96	222,84
1006 10 25	—	297,12	144,96	222,84
1006 10 96	—	297,12	144,96	222,84
1006 10 27	—	297,12	144,96	222,84
1006 10 98	—	297,12	144,96	222,84
1006 20 11	—	370,51	181,65	—
1006 20 92	—	370,51	181,65	—
1006 20 13	—	371,40	182,10	278,55
1006 20 94	—	371,40	182,10	278,55
1006 20 15	—	371,40	182,10	278,55
1006 20 96	—	371,40	182,10	278,55
1006 20 17	—	371,40	182,10	278,55
1006 20 98	—	371,40	182,10	278,55
1006 30 21	13,05	493,83	234,99	—
1006 30 42	13,05	493,83	234,99	—
1006 30 23	12,97	581,03	278,63	435,77
1006 30 44	12,97	581,03	278,63	435,77
1006 30 25	12,97	581,03	278,63	435,77
1006 30 46	12,97	581,03	278,63	435,77
1006 30 27	12,97	581,03	278,63	435,77
1006 30 48	12,97	581,03	278,63	435,77
1006 30 61	13,90	525,93	250,61	—
1006 30 92	13,90	525,93	250,61	—
1006 30 63	13,90	622,87	299,08	467,15
1006 30 94	13,90	622,87	299,08	467,15
1006 30 65	13,90	622,87	299,08	467,15
1006 30 96	13,90	622,87	299,08	467,15
1006 30 67	13,90	622,87	299,08	467,15
1006 30 98	13,90	622,87	299,08	467,15
1006 40 00	0	102,87	48,43	—

(¹) Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

NB: The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25).

COMMISSION REGULATION (EEC) No 404/89

of 17 February 1989

fixing the premiums to be added to the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 2229/88 ⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2700/88 ⁽³⁾, as last amended by Regulation (EEC) No 335/89 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.

2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 February 1989.

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

Done at Brussels, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 30.

⁽⁴⁾ OJ No L 39, 11. 2. 1989, p. 7.

ANNEX

to the Commission Regulation of 17 February 1989 fixing the premiums to be added to the import levies on rice and broken rice

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
1006 10 21	0	0	0	—
1006 10 92	0	0	0	—
1006 10 23	0	0	0	—
1006 10 94	0	0	0	—
1006 10 25	0	0	0	—
1006 10 96	0	0	0	—
1006 10 27	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 92	0	0	0	—
1006 20 13	0	0	0	—
1006 20 94	0	0	0	—
1006 20 15	0	0	0	—
1006 20 96	0	0	0	—
1006 20 17	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 42	0	0	0	—
1006 30 23	0	0	0	—
1006 30 44	0	0	0	—
1006 30 25	0	0	0	—
1006 30 46	0	0	0	—
1006 30 27	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 92	0	0	0	—
1006 30 63	0	0	0	—
1006 30 94	0	0	0	—
1006 30 65	0	0	0	—
1006 30 96	0	0	0	—
1006 30 67	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EEC) No 405/89**of 17 February 1989****amending Regulation (EEC) No 1787/87 introducing the buying in of beef in respect of certain Member States and qualities and fixing the buying-in prices for beef**

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

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

Having regard to Council Regulation No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 4132/88 ⁽²⁾, and in particular Article 6a (4) thereof,

Whereas Commission Regulation (EEC) No 1787/87 ⁽³⁾, as last amended by Regulation (EEC) No 337/89 ⁽⁴⁾, introduced the buying in of beef in respect of certain Member States or regions thereof and quality groups, and fixed the buying-in prices in the beef sector;

Whereas, pursuant to the abovementioned Article 6a (4) and to Article 3 (2) of Commission Regulation (EEC) No 2226/78 ⁽⁵⁾, as last amended by Regulation (EEC) No

3492/88 ⁽⁶⁾, the table of Member States or regions of Member States and of quality groups eligible for intervention, as well as the buying-in prices, should be replaced, on the basis of the data and prices available to the Commission, by the table and the prices annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EEC) No 1787/87 are hereby replaced by the Annexes hereto.

Article 2

This Regulation shall enter into force on 27 February 1989.

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

Done at Brussels, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽³⁾ OJ No L 168, 27. 6. 1987, p. 22.

⁽⁴⁾ OJ No L 39, 11. 2. 1989, p. 11.

⁽⁵⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁶⁾ OJ No L 306, 11. 11. 1988, p. 20.

ANNEX I**Member States or regions within a Member State and groups of qualities**

Member State/Region	Groups of qualities (category and class)
Belgium	AO
Denmark	CR, CO
Germany	AR
Spain	—
France	—
Ireland	CU, CR
Italy	—
Luxembourg	AR, AO, CO
Netherlands	—
Great Britain	—
Northern Ireland	CU, CR

ANNEX II**Buying-in price in ECU per 100 kg carcase weight**

Quality (category and class)	Equivalent carcase price	Forequarter price	
		straight cut ⁽¹⁾	pistola cut ⁽²⁾
AR2	291,497	233,198	218,623
AR3	287,321	229,857	215,491
AO2	274,911	219,929	206,183
AO3	270,733	216,586	203,050
CU2	307,114	245,691	230,336
CU3	302,896	242,317	227,172
CU4	294,459	235,567	220,844
CR3	296,434	237,147	222,326
CR4	287,817	230,254	215,863
CO3	273,942	219,154	205,457

⁽¹⁾ Conversion coefficient 0,80.⁽²⁾ Conversion coefficient 0,75.

COMMISSION REGULATION (EEC) No 406/89

of 17 February 1989

opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 629/86⁽⁴⁾, the Spanish intervention agency holds in stock large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85⁽⁶⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in lampant virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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 Spanish intervention agency 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'Senpa', shall open an invitation to tender in accordance with the

provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 10 000 tonnes of lampant virgin olive oil.

By way of derogation from Article 5 (2) of Regulation (EEC) No 2960/77, Senpa shall, where the quantity of oil in a container exceeds 500 tonnes, be authorized to establish several lots with part only of that oil.

Article 2

The invitation to tender shall be published on 27 February 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Senpa, calle Beneficencia, 8, Madrid 28003, Spain.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach Senpa, calle Beneficencia, 8, Madrid 28003, Spain, not later than 2 p.m. (local time) on 9 March 1989. Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is registered as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 1 500 tonnes.

Article 4

1. Tenders shall be submitted for an oil of 3° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:
 - up to 3° acidity:
 - increase of Pta 49,35 for each tenth of a degree of acidity below 3°,
 - above 3° up to 8° acidity:
 - reduction of Pta 49,35 for each tenth of a degree of acidity above 3°,
 - above 8°:
 - additional reduction of Pta 53,98 for each tenth of a degree above 8°.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 60, 1. 3. 1986, p. 8.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 5

Not later than one day after the expiry of the time limit laid down for the submission of tenders, Senpa shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Senpa not later than the fifth working day after the date of notification of the decision referred to in Article 6.

Senpa shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Pta 3 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Pta 400 per 100 kilograms.

Article 10

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, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 407/89

of 17 February 1989

opening an invitation to tender for the sale of olive oil held by the Portuguese intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Portuguese intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in lampant virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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 Portuguese intervention agency, 'Instituto Regulador e Orientador de Mercados Agrícolas', hereinafter referred to as 'Iroma', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

— 500 tonnes of virgin olive oil,
— 500 tonnes of ordinary virgin olive oil,
— 500 tonnes of lampant virgin olive oil.

Article 2

The invitation to tender shall be published on 23 February 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Iroma, Rua Padre António Vieira n° 1, Lisbon, Portugal.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach the Iroma, at the central office, Rua Padre António Vieira n° 1, Lisbon, Portugal not later than 2 p.m. (local time) on 9 March 1989.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is registered as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 150 tonnes.

Article 4

1. With regard to lampant virgin olive oil, tenders shall be submitted for an oil of 5° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

lampant virgin olive oil:

— up to 5° acidity:

increase of Esc 60,16 for each tenth of a degree of acidity below 5°,

— above 5° up to 8° acidity:

reduction of Esc 60,16 for each tenth of a degree of acidity above 5°,

— above 8°:

additional reduction of Esc 65,8 for each tenth of a degree above 8°.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, Iroma shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Iroma not later than the fifth working day after the date of notification of the decision referred to in Article 6.

Iroma shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Esc 3 340 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Esc 430 per 100 kilograms.

Article 10

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, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 408/89
of 17 February 1989
on the supply of various lots of butteroil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽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 150 tonnes of butteroil;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community as Community food aid, for supply to the recipients listed in the Annex 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, 17 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 I

LOT A

1. **Operation No (1):** 29/88 — Commission Decision of 26. 7. 1988
2. **Programme:** 1988
3. **Recipient:** Cooperative Republic of Guyana, Ministry of Finance, Box 101009, Main & Urquhart Streets, Georgetown, Guyana
4. **Representative of the recipient (2):**
Embassy of Guyana, avenue des Arts 21-22, B-1040 Brussels, tel. (02) 230 60 65, telex 26180 GUY IC B
5. **Place or country of destination:** Guyana
6. **Product to be mobilized:** butteroil
7. **Characteristics and quality of the goods (3):** to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7 (under I.3.1 and I.3.2))
8. **Total quantity:** 150 tonnes
9. **Number of lots:** one
10. **Packaging and marking:** 200 kilograms (4) and OJ No C 216, 14. 8. 1987, pp. 7 and 8 (under I.3.3 and I.3.4)
Supplementary markings on the packaging:
'ACTION No 29/89 / BUTTEROIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO GUYANA'
and OJ No C 216, 14. 8. 1987, p. 8 (under I.3.4)
11. **Method of mobilization:** purchase from:
Agriculture House,
Kildare Street,
IRL-Dublin 2,
Tel. 78 90 11
Telex 24280+ or 25118+
The addresses of the places of storage are given in Annex II
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76
12. **Stage of supply:** port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Georgetown
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 25. 3 to 5. 4. 1989
18. **Deadline for the supply:** 10. 5. 1989
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 (5):** 6. 3. 1989 at 12 noon
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 13. 3. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 to 15. 4. 1989
 - (c) deadline for the supply: 20. 5. 1989
22. **Amount of the tendering security:** Ecu 20 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders:**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Brussels
Telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer (6):** refund applicable on 7. 2. 1989 fixed by Commission Regulation (EEC) No 300/89 (OJ No L 35, 7. 2. 1989, p. 5)

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, p. 4.
- (4) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of 2200/87 has been lodged, preferably:
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels:
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
- (5) Commission Regulation (EEC) No 2330/87 (OJ NO L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (6) In new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 190 to 200 kilograms (to be indicated in the tender) net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof.

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

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Cantidad Mængde Menge Τόνοι Quantity Quantité Quantità Hoeveelheid Quantidade	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e direcção do armazenista
A 29/89	187 500 kg	94 550 kg : Eirfreeze (Cork) Ltd Little Island IRL-Cork 92 950 kg : Eirfreeze Ltd Bond Road IRL-Dublin 3

COMMISSION REGULATION (EEC) No 409/89

of 17 February 1989

amending Regulation (EEC) No 2470/88 opening an invitation to tender for the refund for the export of common wheat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾,Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 2470/88 ⁽⁴⁾ opens an invitation to tender for the refund for the export of common wheat to countries in zones I, II, III, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands; whereas, given the present situation, the Soviet Union should be excluded from the destinations for this invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Article 1 (2) of Regulation (EEC) No 2470/88 is hereby replaced by the following:

‘2. The invitation to tender shall relate to common wheat for export to the countries in zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands.’

2. The heading of the Annex to Regulation (EEC) No 2470/88 is hereby replaced by the following:

‘Weekly invitation to tender for the refund for the export of common wheat to countries in zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands.’

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 17 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 281, 1. 11. 1975, p. 78.⁽⁴⁾ OJ No L 213, 6. 8. 1988, p. 7.

COMMISSION REGULATION (EEC) No 410/89

of 17 February 1989

concerning applications for STM licences for milk and milk products submitted during the first 10 days of February 1989

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 Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽¹⁾, as last amended by Regulation (EEC) No 2159/87⁽²⁾, and in particular Article 6 (4) thereof,

Having regard to Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 3851/88⁽⁴⁾, and in particular Article 3 (2) thereof,

Whereas pursuant to Article 6 (3) of Regulation (EEC) No 574/86 the Commission has been notified of the applications for STM licences for milk and milk products during the first 10 days of February 1989; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences submitted during the first 10 days of February 1989 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by the coefficient set out below in the case of the following products and the categories referred to in Article 2 of Regulation (EEC) No 606/86:

CN code	Description	Coefficient
ex 0401	Milk and cream, fresh, not concentrated or sweetened:	
ex 0403	— in immediate packings of a net capacity of 2 litres or less	0,46523
	— other	1,00000
0405 00	Butter and other fats and oils derived from milk	0,02727
ex 0406	Cheese:	
	— Category 1: Emmentaler, Gruyère	1,00000
	— Category 2: Blue-veined cheese	1,00000
	— Category 3: Processed cheese	0,00823
	— Category 4: Parmigiano Reggiano, Grana Padano	1,00000
	— Category 5: Havarti, fat content 60 %	1,00000
	— Category 6: Edam in balls, Gouda	0,11176
	— Category 7: Soft ripened cow's milk cheeses	0,01791
	— Category 8: Cheddar, Chester	0,00473
	— Category 9: Other	0,12663

(¹) OJ No L 57, 1. 3. 1986, p. 1.

(²) OJ No L 202, 23. 7. 1987, p. 30.

(³) OJ No L 58, 1. 3. 1986, p. 28.

(⁴) OJ No L 343, 13. 12. 1988, p. 8.

Article 2

This Regulation shall enter into force on 18 February 1989.

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

Done at Brussels, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 411/89
of 17 February 1989
fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2(7) thereof,

Whereas the amount of the aid referred to in Article 2(1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 3744/88 ⁽³⁾, as last amended by Regulation (EEC) No 242/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3744/88 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 2 of Regulation (EEC) No 1491/85 is hereby fixed in the Annex.

Article 2

This Regulation shall enter into force on 20 February 1989.

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

Done at Brussels, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Aid for soya beans

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in:			
— Spain	0,000	25,838	25,838
— Portugal	15,528	0,000	25,838
— another Member State	15,528	25,838	25,838

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No L 328, 1. 12. 1988, p. 31.

⁽⁴⁾ OJ No L 30, 1. 2. 1989, p. 15.

COMMISSION REGULATION (EEC) No 412/89**of 17 February 1989****amending Regulation (EEC) No 3846/88 derogating from Regulation (EEC) No 3418/82 on the procedure for sale of oil seeds held by the intervention agencies, as regards the selling price**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2210/88 ⁽²⁾, and in particular Article 26 (3) thereof,

Whereas pending an adaptation of the periodic invitation to tender arrangements and to facilitate the sale of seeds in intervention storage, the derogation measure should be extended and the amount by which the buying-in price is increased as provided for in Commission Regulation (EEC) No 3846/88 ⁽³⁾ should be reduced;

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

In Article 1 of Regulation (EEC) No 3846/88, '31 January 1989' and '1 ECU' are hereby replaced by '30 April 1989' and 'ECU 0,50' respectively.

Article 2

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

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

Done at Brussels, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 340, 10. 12. 1988, p. 18.

COMMISSION REGULATION (EEC) No 413/89

of 17 February 1989

on the issue of import licences for products covered by CN codes 0714 10 91,
0714 10 99, 0714 90 11 and 0714 90 19 and originating in Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products covered by CN codes 0714 10 10, 0714 10 90 and 0714 90 10 and originating in certain third countries⁽¹⁾, as amended by Regulation (EEC) No 3837/88⁽²⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 4008/87⁽³⁾, as corrected by Regulation (EEC) No 348/88⁽⁴⁾, lays down detailed rules for implementing the import arrangements laid down by Regulation (EEC) No 430/87 for products originating in the present Contracting Parties to the GATT other than Thailand;

Whereas, in view of the applications for licences indicating Indonesia as the place of origin and relating to quite abnormal quantities, at the beginning of January the Commission was forced to limit the quantity for which licences were issued to 300 000 tonnes and to suspend the application of the arrangements for submitting applications and issuing licences by Commission Regulation (EEC) No 76/89⁽⁵⁾ in order to enable suitable supplementary rules to be implemented;

Whereas, on the basis of information provided by the Indonesian authorities and the trade interests concerned, the placing in free circulation of quantities actually loaded in Indonesia and transported towards the Community since autumn 1988 should be permitted; whereas, to that end, the issue of import licences should be made subject to the submission of documents proving that the goods in question originate in Indonesia and are actually transported towards the Community;

Whereas, in order to avoid the recurrence of an abnormal situation, the term of validity of the import licences should be limited; whereas, moreover, in order to monitor more closely the actual utilization of the licences, the provision of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁶⁾ relating to the early submission of proof of placing in free circulation should be made applicable;

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

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for products covered by CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 and originating in Indonesia shall be issued under the terms of this Regulation, in respect of a maximum of 400 000 tonnes.

Regulation (EEC) No 4008/87 shall apply subject to provisions to the contrary in this Regulation.

Article 2

Licence applications shall be admissible if:

1. they are accompanied by the original of a document drawn up by the Indonesian authorities certifying that the goods originate in Indonesia or of an extract, certified a true copy, of such a document for quantities not yet placed in free circulation;
2. they are accompanied by proof, on the basis of a copy of the bill of lading, that the goods have been loaded in Indonesia and are transported to the Community by the vessel mentioned in the application; or, where the goods are stored in a customs warehouse or in a free zone, by an attestation drawn up by the customs authorities of a Member State of the Community certifying that the goods have been placed under one of those customs procedures;
3. they relate to a quantity which does not exceed the quantity in respect of which the proof of origin, proof of transport or possibly the customs attestation of storage is provided pursuant to points 1 and 2 above.

Article 3

In addition to the endorsements listed in Article 3 of Regulation (EEC) No 4008/87, section 24 of licence applications and of licences shall indicate the name of the vessel on which the goods are or have been transported to the Community together with number of the certificate of origin submitted.

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 340, 10. 12. 1988, p. 1.

⁽³⁾ OJ No L 378, 31. 12. 1987, p. 2.

⁽⁴⁾ OJ No L 34, 6. 2. 1988, p. 24.

⁽⁵⁾ OJ No L 11, 14. 1. 1989, p. 24.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 4

1. Licence applications shall be lodged with the competent authorities in any Member State by 1 p.m. on Thursday, 23 February 1989.

Where a proportion of the quantity mentioned in Article 1 remains available on completion of the issue of licences on the basis of applications submitted on 23 February 1989, further applications may be lodged on Thursday, 2 March 1989. The Commission shall inform the Member State in good time by telex of the application of this subparagraph.

2. The Member State shall notify the Commission by telex by 1 p.m. on Monday, 27 February 1989 at the latest, and in respect of each licence application, of:

- the quantity in respect of which an import licence is applied for,
- the name of the applicant,
- the name of the certificate of origin submitted and the overall quantity appearing on the original of the document or extract thereof,
- the name of the vessel entered in section 24.

3. By Wednesday, 1 March 1989 at the latest, the Commission shall notify the Member States by telex of the quantities in respect of which licences are issued.

Where the second subparagraph of paragraph 1 is applied, the Commission shall forward the corresponding information by Wednesday, 8 March 1989 at the latest.

4. Import licences shall on the fifth working day following the date of submission of applications forwarded in accordance with paragraph 2.

Article 5

Licences issued pursuant to this Regulation shall be valid throughout the Community from the day of actual issue until the end of the month following that date.

Article 6

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

Article 7

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, 17 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 414/89
of 17 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 399/89 ⁽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 18 February 1989.

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

Done at Brussels, 17 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 45, 17. 2. 1989, p. 23.

ANNEX

to the Commission Regulation of 17 February 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,75 ⁽¹⁾
1701 11 90	34,75 ⁽¹⁾
1701 12 10	34,75 ⁽¹⁾
1701 12 90	34,75 ⁽¹⁾
1701 91 00	42,11
1701 99 10	42,11
1701 99 90	42,11 ⁽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 415/89**of 17 February 1989****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 377/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 377/89 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 377/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 February 1989.

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

Done at Brussels, 17 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 44, 16. 2. 1989, p. 13.

ANNEX

to the Commission Regulation of 17 February 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,84 ⁽¹⁾	
1701 11 90 910	30,95 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,84 ⁽¹⁾	
1701 12 90 910	30,95 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3679
1701 99 10 100	36,79	
1701 99 10 910	35,34	
1701 99 10 950	35,34	
1701 99 90 100		0,3679

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 January 1989

amending the Seventh Council Decision 85/355/EEC on the equivalence of field inspections carried out in third countries on seed-producing crops and the Seventh Council Decision 85/356/EEC on the equivalence of seed produced in third countries

(89/124/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed⁽¹⁾, as last amended by Directive 88/380/EEC⁽²⁾,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽³⁾, as last amended by Commission Directive 89/100/EEC⁽⁴⁾,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽⁵⁾, as last amended by Directive 89/2/EEC⁽⁶⁾,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽⁷⁾, as last amended by Directive 88/380/EEC,

Having regard to the Seventh Council Decision 85/355/EEC of 27 June 1985 on the equivalence of field inspections carried out in third countries on

seed-producing crops⁽⁸⁾, as last amended by Decision 88/575/EEC⁽⁹⁾, and in particular Article 2 thereof,

Having regard to the Seventh Council Decision 85/356/EEC of 27 June 1985 on the equivalence of seed produced in third countries⁽¹⁰⁾, as last amended by Decision 88/575/EEC, and in particular Article 4 thereof,

Whereas, in Decision 85/355/EEC, the Council determined that field inspections carried out in certain third countries on seed-producing crops of certain species satisfy the conditions laid down in the Community Directives;

Whereas, in Decision 85/356/EEC, the Council determined that seed of certain species produced in certain third countries is equivalent to corresponding seed produced in the Community;

Whereas for certain species these determinations include Austria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania, Chile, the United States of America and Yugoslavia;

Whereas the name of the service which carries out field inspections and officially controls seed in Hungary has changed and an appropriate administrative amendment should accordingly be made to the Annexes to Decisions 85/355/EEC and 85/356/EEC;

Whereas an examination of the rules of the nine countries abovementioned and of the manner in which they are applied has shown that:

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2290/66.

⁽²⁾ OJ No L 187, 16. 7. 1988, p. 31.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽⁴⁾ OJ No L 38, 10. 2. 1989, p. 36.

⁽⁵⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽⁶⁾ OJ No L 5, 7. 1. 1989, p. 31.

⁽⁷⁾ OJ No L 196, 10. 7. 1969, p. 3.

⁽⁸⁾ OJ No L 195, 26. 7. 1985, p. 1.

⁽⁹⁾ OJ No L 313, 19. 11. 1988, p. 48.

⁽¹⁰⁾ OJ No L 195, 26. 7. 1985, p. 20.

- in Austria, Czechoslovakia, the German Democratic Republic and Romania, in respect of California bluebell,
- in Hungary, in respect of California bluebell, sorghum, Sudan grass, hybrids resulting from the crossing of sorghum and Sudan grass, and triticale,
- in Poland, in respect of triticale,
- in Chile, in respect of field pea and soya bean,
- in the United States of America, in respect of Bermuda grass, and
- in Yugoslavia, in respect of cocksfoot, tall fescue, meadow fescue, red fescue, Italian ryegrass, perennial ryegrass, timothy (*phleum pratense*), golden oatgrass, birdsfoot trefoil, white lupin, lucerne (*medicago sativa*), sainfoin, crimson clover, common vetch, hairy vetch, California bluebell, oats, barley, rye, durum wheat, hemp, soya bean, sunflower, flax/linseed and opium poppy,

the prescribed field inspections satisfy the conditions laid down in Annex I to Directives 66/401/EEC, 66/402/EEC or 69/208/EEC, as the case may be, and the conditions governing seed harvested and controlled there afford the same assurances, as regards the seed's characteristics, identity, examination, marking and control as do the conditions applicable to such seed harvested and controlled within the Community;

Whereas the existing equivalence for those nine countries should therefore be extended accordingly;

Whereas it is necessary to make a technical amendment to the Annexes to Decisions 85/355/EEC and 85/356/EEC to provide, in respect of sorghum, Sudan grass, and hybrids resulting from the crossing of these two species, that the field inspections carried out in the

United States of America and the seed produced there satisfy the relevant conditions laid down in Annex I to Directive 66/402/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The table in Part I (2) of the Annex to Decision 85/355/EEC is hereby amended in accordance with Annex I.

Article 2

The table in Part I (2) of the Annex to Decision 85/356/EEC is hereby amended in accordance with Annex II.

Article 3

This Decision is addressed to all the Member States.

Done at Brussels, 27 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

1. In the section relating to Hungary, in column 2, 'Növénytermesztési és Minősítő Intézet, Budapest' is replaced by 'Institute for Agricultural Qualification, Budapest'.
2. In the section relating to Austria, in column 3, '*Phacelia tanacetifolia*' is added after '*Brassica oleracea* convar. *acephala*'.
3. In the section relating to Czechoslovakia, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Vicia villosa*'.
4. In the section relating to the German Democratic Republic, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Brassica oleracea* convar. *acephala*'.
5. In the section relating to Hungary, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Vicia villosa*', and, in columns 3 and 4:

<i>Sorghum bicolor</i>	(b)
<i>Sorghum sudanense</i>	(b)
<i>Sorghum bicolor</i> × <i>Sorghum sudanense</i>	(b)
<i>X Triticosecale</i>	

 is inserted after '*Secale cereale*'.
6. In the section relating to Poland, in column 3, '*X Triticosecale*' is inserted after '*Secale cereale*'.
7. In the section relating to Romania, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Brassica oleracea* convar. *acephala*'.
8. In the section relating to Chile, in column 3, '*Pisum sativum (partim)*' is inserted after '*Medicago sativa*', and '*Glycine max*' is inserted before '*Helianthus annuus*'.
9. In the section relating to the United States of America, in column 3, '*Cynodon dactylon*' is inserted after '*Alopecurus pratensis*'.
10. In the section relating to Yugoslavia, in column 3, the entry is replaced by the following entry:
 - 66/400
 - Beta vulgaris*
 - 66/401
 - Dactylis glomerata*
 - Festuca arundinacea*
 - Festuca pratensis*
 - Festuca rubra*
 - Lolium multiflorum*
 - Lolium perenne*
 - Lolium* × *hybridum*
 - Phleum pratense*
 - Trisetum flavescens*
 - Lotus corniculatus*
 - Lupinus albus*
 - Medicago sativa*
 - Onobrychis viciifolia*
 - Pisum sativum (partim)*
 - Trifolium incarnatum*
 - Trifolium pratense*
 - Vicia sativa*
 - Vicia villosa*
 - Brassica oleracea* convar. *acephala*
 - Phacelia tanacetifolia*
 - Raphanus sativus* ssp. *oleifera*
 - 66/402
 - Avena sativa*
 - Hordeum vulgare*
 - Secale cereale*
 - Triticum durum*
 - Zea mays*
 - 69/208
 - Brassica napus* ssp. *oleifera*
 - Brassica rapa (partim)*
 - Cannabis sativa*
 - Glycine max*
 - Helianthus annuus*
 - Linum usitatissimum*
 - Papaver somniferum*
 - Sinapis alba*

11. In the section relating to the United States of America, in column 4, the reference '(b)' is added for the species *Sorghum bicolor* and *Sorghum sudanense*, and for hybrids resulting from the crossing of *Sorghum bicolor* and *Sorghum sudanense*.

ANNEX II

1. In the section relating to Hungary, in column 2 'Növénytermesztési és Minősítő Intézet, Budapest' is replaced by 'Institute for Agricultural Qualification, Budapest'.
2. In the section relating to Austria, in column 3, '*Phacelia tanacetifolia*' is added after '*Brassica oleracea* convar. *acephala*'.
3. In the section relating to Czechoslovakia, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Trifolium pratense*'.
4. In the section relating to the German Democratic Republic, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Brassica oleracea* convar. *acephala*'.
5. In the section relating to Hungary, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Trifolium resupinatum*', and, in columns 3 and 6

<i>Sorghum bicolor</i>	(b)
<i>Sorghum sudanense</i>	(b)
<i>Sorghum bicolor</i> × <i>Sorghum sudanense</i>	(b)

 'X *Triticosecale*' is inserted after '*Secale cereale*'.
6. In the section relating to Poland, in column 3, 'X *Triticosecale*' is inserted after '*Secale cereale*'.
7. In the section relating to Romania, in column 3, '*Phacelia tanacetifolia*' is inserted after '*Brassica oleracea* convar. *acephala*'.
8. In the section relating to Chile, in column 3, '*Pisum sativum (partim)*' is inserted after '*Medicago sativa*', and '*Glycine max*' is inserted before '*Helianthus annuus*'.
9. In the section relating to the United States of America, in column 3, '*Cynodon dactylon*' is inserted after '*Alopecurus pratensis*'.
10. In the section relating to Yugoslavia, columns 3, 4 and 5 are replaced by the following columns:

3	4	5
— 66/400	— Basic seed/semences de base	B
<i>Beta vulgaris</i>	— Certified seed/semences certifiées	CZ/1
— 66/401	— Basic seed/semences de base	B
<i>Dactylis glomerata</i>	— Certified seed first generation/semences certifiées première génération	CZ/1
<i>Festuca arundinacea</i>		
<i>Festuca pratensis</i>		
<i>Festuca rubra</i>		
<i>Lolium multiflorum</i>		
<i>Lolium perenne</i>		
<i>Lolium</i> × <i>hybridum</i>		
<i>Phleum pratense</i>		
<i>Trisetum flavescens</i>		
<i>Lotus corniculatus</i>		
<i>Medicago sativa</i>		
<i>Onobrychis viciifolia</i>		
<i>Pisum sativum (partim)</i>		
<i>Trifolium incarnatum</i>		
<i>Trifolium pratense</i>		
<i>Brassica oleracea</i>		
convar. <i>acephala</i>		
<i>Phacelia tanacetifolia</i>		
<i>Raphanus sativus</i> ssp. <i>oleifera</i>		

3	4	5
— 66/401 <i>Lupinus alba</i> <i>Vicia sativa</i> <i>Vicia villosa</i>	— Basic seed/semences de base — Certified seed first generation/semences certifiées première génération	B CZ/1
— 66/402 <i>Avena sativa</i> <i>Hordeum vulgare</i> <i>Secale cereale</i> <i>Triticum durum</i> <i>Zea mays</i>	— Certified seed second generation/semences certifiées deuxième génération — Basic seed/semences de base — Certified seed first generation/semences certifiées première génération	CZ/2 B CZ/1
— 69/208 <i>Brassica napus</i> ssp. <i>oleifera</i> <i>Brassica rapa</i> (partim) <i>Cannabis sativa</i> <i>Glycine max</i> <i>Helianthus annuus</i> <i>Linum usitatissimum</i> <i>Papaver somniferum</i> <i>Sinapis alba</i>	— Basic seed/semences de base — Certified seed first generation/semences certifiées première génération	B CZ/1

11. In the section relating to the United States of America, in column 6, the reference '(d)' is added for the species *Sorghum bicolor* and *Sorghum sudanense*, and for hybrids resulting from the crossing of *Sorghum bicolor* and *Sorghum sudanense*.

COMMISSION DECISION**of 31 January 1989****approving a programme concerning the milk sector in Scotland pursuant to
Council Regulation (EEC) No 355/77****(Only the English text is authentic)****(89/125/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Council Regulation (EEC) No 1760/87⁽²⁾, and in particular Article 5 thereof,

Whereas, on 11 February 1988, the British Government forwarded a programme for the milk sector in Scotland; whereas it submitted supplementary information on 29 August and 17 October 1988;

Whereas the purpose of this program is to concentrate and reorientate the processing and marketing of drinking milk and of milk products in such a way as to increase the competitiveness of the sector and enhance the value of its products; whereas this programme constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas, in view of the situation on the milk market, approval of the programme may not extend to investment projects:

- which provide for an increase in milk-processing capacity, unless such projects furnish evidence that equivalent capacity is being closed down,
- which relate to the production of butter, whey powder, milk powder, butteroil, lactose, casein and caseinates,
- which relate to the production of other products giving rise to EAGGF Guarantee Section expenditure which, given the market situation, cannot be justified;

Whereas approval of the programme may not extend to investments concerning research and development;

Whereas given the day to day delivery system existing in the programme area, the need to fund UHT milk-processing equipment has not been proved;

Whereas approval of the programme may not extend to investments concerning milk collection;

Whereas approval of the programme may not extend to investments for the manufacture of products such as certain types of cheeses for which there is already surplus production capacity within the European Community;

Whereas approval of the programme may not extend to investments concerning products not listed in Annex II to the Treaty;

Whereas the programme contains the details required under Article 3 of Regulation (EEC) No 355/77, showing that the objectives laid down in Article 1 thereof may be achieved in the sector processing and marketing milk and milk products in Denmark; whereas the time required for the execution of the programme does not exceed the period laid down in Article 3 (1) (g) of that Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The programme for the Scottish milk sector, forwarded by the British Government on 11 February 1988 and supplemented on 29 August and 17 October 1988 pursuant to Regulation (EEC) No 355/77, is hereby approved.

2. Approval shall not extend to projects which:

- provide for an increase in milk-processing capacity, unless such projects furnish evidence that equivalent capacity is being closed down,
- relate to the production of butter, whey powder, milk powder, butteroil, lactose, casein and caseinates,

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

— relate to the production of other products giving rise to EAGGF Guarantee Section expenditure which, given the market situation, cannot be justified.

3. Approval of the programme shall not extend to investments concerning products not listed in Annex II to the Treaty, to investments concerning research and development, to milk collection or to the manufacture of products for which there is already surplus production capacity within the European Community, to UHT milk-processing equipment;

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION DECISION

of 31 January 1989

approving a specific programme for the processing and marketing of virgin olive oil notified by the Spanish Government pursuant to Council Regulation (EEC) No 355/77

(Only the Spanish text is authentic)

(89/126/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 1760/87⁽²⁾, and in particular Article 5 thereof,

Whereas on 23 November 1987 the Spanish Government forwarded a specific programme concerning the olive oil sector and submitted supplementary information on 10 August 1988 and 22 September 1988;

Whereas the aim of this specific programme is to rationalize and adapt the processing and marketing of virgin olive oil in the Spanish autonomous regions of Andalusia, Castile-la-Mancha, Extremadura, Catalonia, Valencia, Aragon, Madrid, Castile-Léon, Murcia and Balearics so as to increase the competitiveness of the sector and add value to its production; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas concern for the quality of virgin olive oil necessitates shorter storage periods for harvested olives prior to processing, it would be appropriate to amplify point B.6.23 of the Commission criteria for the choice of projects to be financed under Regulation (EEC) No 355/77⁽³⁾ to allow the programme to include investments involving an increase in oil crushing capacities in a mill even when proof is not given that corresponding capacity is abandoned in other mills, as long as such investments will serve that purpose;

Whereas approval of this programme cannot include investments in research and development, namely in the field of effluent treatment;

Whereas this programme contains sufficient information as prescribed by Article 3 of Regulation (EEC) No 355/77 to show that the aims set out in Article 1 of that

Regulation can be achieved in the virgin olive oil sector in Spain;

Whereas the estimated time required for implementation of this programme does not exceed the period mentioned in Article 3 (1) (g) of the Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The programme for the virgin olive oil sector submitted by the Spanish Government on 23 November 1987, concerning which further particulars were provided on 10 August 1988 and 22 September 1988 pursuant to Regulation (EEC) No 355/77 is hereby approved.
2. Such approval does not extend to investments in research and development in the field of sewage disposal.
3. Approval of this programme also covers investments for the increase of the crushing capacity of mills provided such capacity is used to shorten storage periods for olives prior to crushing.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.

⁽³⁾ OJ No C 79, 26. 3. 1987, p. 3.

COMMISSION DECISION

of 31 January 1989

**approving a specific programme for the milk and milk products sector notified
by the Spanish Government pursuant to Council Regulation (EEC) No 355/77**

(Only the Spanish text is authentic)

(89/127/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed⁽¹⁾, as last amended by Regulation (EEC) No 1760/87⁽²⁾, and in particular Article 5 thereof,

Whereas on 23 July 1987 the Spanish Government forwarded a specific programme concerning the milk and milk products sector and submitted supplementary information on 8 December 1987 and 3 May 1988,

Whereas the aim of this specific programme is to rationalize and adapt the processing and marketing of milk and milk products so as to increase the competitiveness of the sector and add value to its production; whereas it therefore constitutes a programme within the meaning of Article 2 of Regulation (EEC) No 355/77;

Whereas in view of the need to provide the consumers with a longer-lasting product, it would be appropriate to amplify point B.1 11 bis (a) of the Commission criteria for the choice of projects to be financed under Regulation (EEC) No 355/77⁽³⁾ to allow the programme to include investments connected with UHT milk provided that in accordance with the above point of the criteria, outlets exist;

Whereas in view of the situation on the market for milk, approval of the programme cannot include investment projects which provide for an increase in milk-processing capacity, unless evidence is furnished to show that equivalent capacities are being closed down; which relate to butter, whey powder, milk powder, butteroil, lactose, casein, or caseinates; which relate to other products entailing EAGGF Guarantee Section expenditure that cannot be justified in view of the market situation;

Whereas approval of this programme does not extend to investments relating to whey except when such

investments concern the process of thickening this by-product for animal feed;

Whereas approval of this programme will not allow the financing of the largest items of expenditure not directly related to one of the eligible products but only those parts which concern products not excluded by the abovementioned criteria;

Whereas approval of this programme cannot include investments in research and development;

Whereas approval of this programme will only allow the financing of those projects of a significant economic size;

Whereas approval of this programme does not extend to investments concerning products not listed in Annex II to the Treaty;

Whereas the programme contains sufficient information as prescribed by Article 3 of Regulation (EEC) No 355/77 to show that the aims set out in Article 1 of that Regulation can be achieved in the milk and milk products sector in Spain;

Whereas the estimated time for the implementation of this programme does not exceed the period mentioned in Article 3 (1) (g) of the Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The programme for the processing and marketing of milk and milk products submitted by the Spanish Government on 23 July 1987, concerning which further particulars were provided on 8 December and 3 May 1988 pursuant to Council Regulation (EEC) No 355/77, is hereby approved.

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.⁽²⁾ OJ No L 167, 26. 6. 1987, p. 1.⁽³⁾ OJ No C 79, 26. 3. 1987, p. 3.

2. Such approval does not extend to investments in :

- milk-processing capacity increases, unless evidence is furnished to show that equivalent capacities are being closed down,
- butter, whey powder, milk powder, butteroil, lactose, casein or caseinates,
- other products entailing EAGGF Guarantee Section expenditure that cannot be justified in view of the market situation,
- whey, beyond its thickening for animal feed,
- items, of expenditure not directly related to one of the eligible products,

- research and development,
- the manufacture of non-Annex II products.

3. Approval of this programme also covers investments relating to UHT milk.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 31 January 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 4249/88 of 21 December 1988 on export arrangements for certain types of non-ferrous metal waste and scrap

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

On page 54, Article 5:

for: 'Title III of Regulation (EEC) No 223/77 ...',

read: 'Title III of Regulation (EEC) No 1062/87 ...'.
