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## Legislation

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## I

(Acts whose publication is obligatory)

## COUNCIL REGULATION (EEC) No 529/89

of 23 February 1989

establishing, for the period from 1 March to 30 June 1989, certain measures for the conservation and management of fishery resources applicable to vessels flying the Japanese flag in waters falling under the sovereignty or jurisdiction of Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 170/83 requires the Council to formulate the conservation measures necessary to achieve the aims set out in Article 1 of the Regulation in the light of available scientific advice;

Whereas the Agreement which linked Portugal and Japan since 3 March 1980 expired on 2 March 1986; whereas thereafter Japanese fishing activities have been temporarily maintained in 1986 by Regulation (EEC) No 448/86<sup>(2)</sup>, in 1987 by Regulation (EEC) No 654/87<sup>(3)</sup> and in 1988 by Regulation (EEC) No 580/88<sup>(4)</sup>, in the framework of cooperation with Japan to the benefit of local people who are greatly dependent on fisheries in view of the need for balanced economic and social development of the Portuguese coastal regions;

Whereas it is in the Community's interest to ensure that this system continues in a more limited fashion for the 1989 fishing season;

Whereas fishing by Japanese vessels in waters falling under the sovereignty or jurisdiction of Portugal is subject to Community fisheries Regulations; whereas such fishing should be supplemented by certain technical and supervisory measures,

*Article 1*

Vessels flying the Japanese flag, fishing exclusively with long lines, shall be authorized, for the fishing period 1 March to 30 June 1989, to fish as their principal catch, bluefin tuna (*Thunnus thynnus thynnus*) in waters under the sovereignty or jurisdiction of Portugal that lie beyond 12 miles from the baselines, with the exception of the zones listed in Annex I, subject to the conditions laid down in this Regulation.

*Article 2*

1. The maximum number of long-liners referred to in Article 1 shall be 15: no vessel may exceed 500 GRT.
2. The total catch of all the long-liners may not exceed 120 tonnes of bluefin tuna.
3. Other tuna species caught when fishing for bluefin tuna may not exceed 25 % of the total catch per vessel.

*Article 3*

1. The catch of bluefin tuna (*Thunnus thynnus thynnus*) of a unitary weight of less than 6,4 kilograms shall be prohibited.
2. The catch of yellowfin tuna (*Thunnus albacares*) of a unitary weight of less than 3,2 kilograms shall be prohibited.
3. The catch of bigeye tuna (*Thunnus obesus*) of a unitary weight of less than 3,2 kilograms shall be prohibited.

*Article 4*

1. Fishing by long-liners referred to in Article 1 in zones referred to in the same Article shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the

<sup>(1)</sup> OJ No L 24, 27. 1. 1983, p. 1.

<sup>(2)</sup> OJ No L 50, 28. 2. 1986, p. 34.

<sup>(3)</sup> OJ No L 63, 6. 3. 1987, p. 2.

<sup>(4)</sup> OJ No L 57, 3. 3. 1988, p. 1.

observance of the conditions set out in that licence and the supervisory measures and other provisions regulating fishing activities in those zones.

2. The master of each vessel in possession of a licence must observe the special conditions set out in Annex II, and in particular the obligation to forward the information specified in the said Annex via the radio stations indicated therein. These conditions shall form part of the licence.

3. Each licence shall be valid for a single vessel and not be transferable. However, the Japanese authorities may request the Commission, by telex, to authorize the transfer of the licence for a vessel which is prevented from fishing during the set period for reasons of *force majeure* to a replacement vessel whose technical characteristics do not exceed those of the vessel to be replaced. The request shall provide all the information referred to in Article 7, in respect of this replacement vessel. The Commission shall notify any transfer authorization, without delay and by telex, to the Japanese authorities and to the competent supervisory authorities. The replacement vessel can carry out fishing activities only after the date indicated by the Commission in its notification.

4. All licences referred to in paragraph 1 shall cease to be valid once the Commission has established that the quota laid down in Article 2 has been used up.

#### Article 5

The issue of fishing licences referred to in Article 4 shall be conditional on Japan's planning an annual scientific and technical cooperation programme to benefit Portugal's coastal population, which is greatly dependent on fishery activities. Particular attention shall be paid in the programme to training requirements, the improvement of research capacity and the need for economic and social development of the Portuguese coastal regions. The programme shall be submitted to the Commission before 28 February 1989.

#### Article 6

1. An application for licences shall be submitted by the Japanese authorities no later than 15 working days before the desired date of commencement of validity. The Commission shall issue the licences to the Japanese authorities and shall notify the competent supervisory authorities thereof.

2. The issue of licences to Japanese vessels shall be subject to an undertaking by the owner of the vessel to permit an observer to come on board at the Commission's request.

3. Unused licences may be cancelled with a view to the issuing of new licences. Cancellation shall take effect on the date the new licence is issued by the Commission.

New licences shall be issued in accordance with paragraph 1.

#### Article 7

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

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

#### Article 8

1. The Portuguese authorities shall take appropriate measures, including the inspection of vessels, to ensure that the obligations under this Regulation are observed.

2. Where an infringement is duly ascertained, the Portuguese authorities shall forthwith, but at the latest within 30 days of the date on which the infringement was established, inform the Commission of the name of the vessel concerned and any action they may have taken.

#### Article 9

1. A vessel which has failed to comply with the obligations laid down in this Regulation shall have its licence withdrawn; such licence shall not be replaced.

2. If a vessel fishing without a valid licence in the waters referred to in Article 1 is owned or managed by a natural or legal person owning or managing one or more other vessels to which licences have been issued one of those licences may be withdrawn.

#### Article 10

If, for a period of one month, the Commission receives no communication as laid down in Article 4 (2) for a vessel in possession of a licence referred to in that Article, the licence of that vessel shall be withdrawn.

#### Article 11

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

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

Done at Brussels, 23 February 1989.

*For the Council*

*The President*

C. ROMERO HERRERA

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*ANNEX I***ZONES REFERRED TO IN ARTICLE 1 WHERE FISHING IS PROHIBITED**

1. The 200-mile zone of the Azores.
  2. Within the 200-mile zone of mainland Portugal.
  3. The zone within a line :
    - starting at 34°55' N, 13°40' W,
    - continuing north to 35°10' N, 13°40' W,
    - whence east following the 35°10' N parallel to its intersection with the line marking the limits of the exclusive economic zone, hereinafter referred to as 'EEZ',
    - following the EEZ demarcation line to its intersection with the 34°55' N parallel,
    - whence west along the 34°55' N parallel to the point of departure.
  4. The zone within a line :
    - starting at 34°35' N, 14°25' W,
    - whence west to 34°35' N, 14°45' W,
    - whence north to 34°50' N, 14°45' W,
    - whence east to 34°50' N, 14°25' W,
    - whence south to point of departure.
  5. The zone within a line :
    - starting at 33°40' N, 14°05' W,
    - whence to 33°40' N, 14°35' W,
    - whence north-west to 34°00' N, 14°50' W,
    - whence east to 34°00' N, 14°20' W,
    - whence south-east to the point of departure.
  6. The zone within a line :
    - starting at 35°00' N, 15°05' W,
    - whence west to 35°00' N, 16°00' W,
    - whence north to 35°35' N, 16°00' W,
    - whence east to 35°35' N, 15°05' W,
    - whence south to the point of departure.
-

## ANNEX II

## SPECIAL CONDITIONS

1. The fishing licence must be held on board the vessel.
2. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be effected, altered, covered or concealed in any other way.
3. A log-book must be kept in which are recorded, after each fishing operation :
  - 3.1. catch by species (in kilograms — live weight);
  - 3.2. the date and the time at which the fishing operation started and the time at which it finished;
  - 3.3. the ICES and CECAP statistical grid where the catch was taken ;
  - 3.4. the fishing method used ;
  - 3.5. any radio message emitted in accordance with points 4, 5 and 6.
4. Communications transmitted in accordance with the conditions of the licence should give the following information :
  - (a) name of vessel ;
  - (b) radio call sign ;
  - (c) licence number ;
  - (d) chronological number of the transmission for the trip in question ;
  - (e) indication of which of the types of transmission, as set out in paragraph 5, is involved ;
  - (f) date ;
  - (g) time ;
  - (h) geographical position ;
  - (i) for vessels in possession of a licence, the activity of the vessel during the period (under way, fishing, at anchor, in harbour, unloading, under repair, others) ;
  - (j) quantity of each species caught during the fishing operation (in kilograms — live weight) ;
  - (k) quantity of each species caught since the previous transmission of information (in kilograms — live weight) ;
  - (l) the geographical coordinates of the position where the catches were made ;
  - (m) quantities of catches, by species, transferred to other vessels (in kilograms — live weight) since the previous information ;
  - (n) the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred ;
  - (o) the master's name.
5. The information referred to in paragraph 4 must be communicated by vessels in possession of a licence to the Commission of the European Communities in Brussels (address : telex 24 189 FISEU-B) via a Lisbon radio station (call sign CUL) or Madeira radio station (call sign CUB) at the following times :
  - (a) for information referred to in (a) to (h) :
    - when announcing departure, which announcement must be made at least 48 hours before the planned departure of the vessel from the exclusive economic zone lying off the Portuguese coast, hereinafter referred to as 'EEZ' ;
  - (b) for information referred to in (a) to (o) :
    - on each entry into the EEZ,
    - whenever leaving the EEZ,
    - whenever entering a port of a Member State,
    - whenever leaving a port of a Member State,
    - every week in respect of the previous week from the date of entry into the EEZ or from the date of leaving a port of a Member State.

The following code shall be used in reporting species caught in accordance with point 4 :

| Code | Scientific name                |
|------|--------------------------------|
| BFT  | <i>Thunnus thynnus thynnus</i> |
| YFT  | <i>Thunnus albacares</i>       |
| ALB  | <i>Thunnus alalunga</i>        |
| BET  | <i>Thunnus obesus</i>          |
| SKJ  | <i>Katsuwonus pelamis</i>      |
| SWO  | <i>Xiphias gladius</i>         |
| BIL  | Istiophoridae                  |
| OTH  | Other                          |

## COUNCIL REGULATION (EEC) No 530/89

of 27 February 1989

opening and providing for the administration of Community tariff quotas for cod and fish of the species *Boreogadus saida*, dried, salted or in brine, originating in Norway (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973; whereas, consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community, an Agreement in the form of Exchanges of Letters was concluded and approved by Decision 86/557/EEC<sup>(1)</sup>;

Whereas, the latter Agreement provides for the opening, on a date to be fixed by common accord, of Community tariff quotas at reduced or zero duty for cod and fish of the species *Boreogadus saida* originating in Norway; whereas the tariff quotas in question should therefore be opened for the period agreed from 1 April to 31 December 1989;

Whereas equal and continuous access to the said quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of the products in question into all

the Member States until the quotas are exhausted; whereas, it should not be allocated among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under conditions and according to a procedure to be determined; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

## Article 1

1. From 1 April to 31 December 1989, the customs duties applicable to imports of the following products originating in Norway shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

| Order No | CN code       | Description                                                                                                                                    | Volume of quota (tonnes) | Rate of duty (%) |
|----------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------|
| 09.0707  | 0305          | Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption: | 3 900                    | 0                |
|          | 0305 51       | — Dried fish, whether or not salted but not smoked:                                                                                            |                          |                  |
|          | ex 0305 51 10 | — — Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ):                                                              |                          |                  |
|          |               | — — — Dried, unsalted:                                                                                                                         |                          |                  |
| 09.0703  | 0305 59       | — — — Excluding cod of the species ( <i>Gadus macrocephalus</i> )                                                                              | 13 250                   | 0                |
|          |               | — — Other:                                                                                                                                     |                          |                  |
|          | 0305 59 11    | — — — Fish of the species <i>Boreogadus saida</i> :                                                                                            |                          |                  |
|          | 0305 51       | — — — — Dried, unsalted                                                                                                                        |                          |                  |
| 09.0705  | ex 0305 51 90 | — — Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ):                                                              | 10 000                   | 0                |
|          |               | — — — Dried, salted:                                                                                                                           |                          |                  |
|          | 0305 59       | — — — Excluding cod of the species <i>Gadus macrocephalus</i>                                                                                  |                          |                  |
|          |               | — — Other:                                                                                                                                     |                          |                  |
|          | 0305 59 19    | — — — Fish of the species <i>Boreogadus saida</i> :                                                                                            |                          |                  |
|          |               | — — — — Dried, salted                                                                                                                          |                          |                  |
|          | ex 0305 62 00 | — Fish, salted but not dried or smoked and fish in brine:                                                                                      |                          |                  |
|          |               | — — Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ):                                                              |                          |                  |
|          | 0305 69       | — Excluding the species <i>Gadus macrocephalus</i>                                                                                             |                          |                  |
|          |               | — — Other:                                                                                                                                     |                          |                  |
|          | 0305 69 10    | — — — Fish of the species <i>Boreogadus saida</i>                                                                                              |                          |                  |

<sup>(1)</sup> OJ No L 328, 22. 11. 1986, p. 76.

Within the limits of the above tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply duties of 3,4 and 0 % respectively.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of those products shall benefit from the quotas referred to in paragraph 1 only if the free-at-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 <sup>(1)</sup>, as last amended by Regulation (EEC) No 3468/88 <sup>(2)</sup>, is at least equal to the reference price.

3. The Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Agreement between the European Economic Community and the Kingdom of Norway shall apply.

#### Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

#### Article 3

If an importer presents in a Member State a declaration of entry into free circulation, including a request for benefit under the preferential system for a product covered by this Regulation and if this request is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the quota volume.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declarations of entry into free circulation by the customs authorities of

the Member States concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed thereof by the Commission.

#### Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volumes so permits.

3. Member States shall charge imports of the said products against their drawings as and when such products are entered with the customs authorities for free circulation.

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

#### Article 5

At the request of the Commission, Member States shall inform it of imports actually charged against their quota shares.

#### Article 6

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

#### Article 7

This Regulation shall enter into force on 1 April 1989.

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

Done at Brussels, 27 February 1989.

For the Council

The President

P. SOLBES

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 305, 10. 11. 1988, p. 1.

## COMMISSION REGULATION (EEC) No 531/89

of 1 March 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 28 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 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 96.

## ANNEX

to the Commission Regulation of 1 March 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 | 21,98          | 126,87                               |
| 0712 90 19 | 21,98          | 126,87                               |
| 1001 10 10 | 55,14          | 182,44 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 55,14          | 182,44 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 32,44          | 117,38                               |
| 1001 90 99 | 32,44          | 117,38                               |
| 1002 00 00 | 60,11          | 114,69 <sup>(3)</sup>                |
| 1003 00 10 | 50,67          | 121,00                               |
| 1003 00 90 | 50,67          | 121,00                               |
| 1004 00 10 | 41,73          | 78,14                                |
| 1004 00 90 | 41,73          | 78,14                                |
| 1005 10 90 | 21,98          | 126,87 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 21,98          | 126,87 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 45,32          | 139,58 <sup>(4)</sup>                |
| 1008 10 00 | 50,67          | 27,30                                |
| 1008 20 00 | 50,67          | 53,95 <sup>(4)</sup>                 |
| 1008 30 00 | 50,67          | 0,00 <sup>(5)</sup>                  |
| 1008 90 10 | <sup>(7)</sup> | <sup>(7)</sup>                       |
| 1008 90 90 | 50,67          | 0,00                                 |
| 1101 00 00 | 59,77          | 178,69                               |
| 1102 10 00 | 98,51          | 174,92                               |
| 1103 11 10 | 98,98          | 296,29                               |
| 1103 11 90 | 63,11          | 191,54                               |

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

<sup>(2)</sup> 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'.

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

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

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

<sup>(7)</sup> 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 532/89****of 1 March 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 28 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 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 1 March 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<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 |
| 0709 90 60 | 0            | 0,63            | 0,63            | 0               |
| 0712 90 19 | 0            | 0,63            | 0,63            | 0               |
| 1001 10 10 | 0            | 3,03            | 3,03            | 3,03            |
| 1001 10 90 | 0            | 3,03            | 3,03            | 3,03            |
| 1001 90 91 | 0            | 4,35            | 4,35            | 4,35            |
| 1001 90 99 | 0            | 4,35            | 4,35            | 4,35            |
| 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            | 0,63            | 0,63            | 0               |
| 1005 90 00 | 0            | 0,63            | 0,63            | 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            | 6,09            | 6,09            | 6,09            |

## B. Malt

| CN code    | (ECU/tonne)  |                 |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
|            | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 |
| 1107 10 11 | 0            | 7,74            | 7,74            | 7,74            | 7,74            |
| 1107 10 19 | 0            | 5,79            | 5,79            | 5,79            | 5,79            |
| 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 533/89**  
**of 28 February 1989**  
**establishing unit values for the determination of the customs value of certain**  
**perishable goods**

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 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods <sup>(1)</sup>, as last amended by Regulation (EEC) No 3773/87 <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 3 March 1989.

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

Done at Brussels, 28 February 1989.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 154, 13. 6. 1981, p. 26.

<sup>(2)</sup> OJ No L 355, 17. 12. 1987, p. 19.

## ANNEX

| Code    | CN code                                              | Description                                                                      | Amount of unit values per 100 kg net |           |          |          |          |         |        |           |          |        |
|---------|------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------|-----------|----------|----------|----------|---------|--------|-----------|----------|--------|
|         |                                                      |                                                                                  | ECU                                  | Bfrs/Lfrs | Dkr      | DM       | FF       | Dr      | £ Irl  | Lit       | Fl       | £      |
| 1.10    | 0701 90 51<br>0701 90 59                             | New potatoes                                                                     | 31,84                                | 1 388     | 258,09   | 66,18    | 225,60   | 5 563   | 24,82  | 48 784    | 74,71    | 20,59  |
| 1.20    | 0702 00 10<br>0702 00 90                             | Tomatoes                                                                         | 86,01                                | 3 751     | 697,27   | 178,81   | 609,49   | 15 029  | 67,06  | 131 797   | 201,86   | 55,65  |
| 1.30    | 0703 10 19                                           | Onions (other than sets)                                                         | 10,30                                | 449       | 83,49    | 21,41    | 72,98    | 1 799   | 8,03   | 15 782    | 24,17    | 6,66   |
| 1.40    | 0703 20 00                                           | Garlic                                                                           | 143,74                               | 6 268     | 1 165,21 | 298,80   | 1 018,51 | 25 115  | 112,06 | 220 243   | 337,32   | 93,00  |
| 1.50    | ex 0703 90 00                                        | Leeks                                                                            | 33,95                                | 1 484     | 275,54   | 70,85    | 241,09   | 5 907   | 26,53  | 51 655    | 79,99    | 21,70  |
| 1.60    | ex 0704 10 10<br>ex 0704 10 90                       | Cauliflowers                                                                     | 24,64                                | 1 063     | 194,92   | 50,89    | 171,59   | 4 055   | 19,14  | 37 482    | 57,16    | 17,15  |
| 1.70    | 0704 20 00                                           | Brussels sprouts                                                                 | 44,76                                | 1 931     | 355,63   | 92,23    | 312,60   | 7 362   | 34,82  | 68 116    | 103,74   | 31,19  |
| 1.80    | 0704 90 10                                           | White cabbages and red cabbages                                                  | 38,06                                | 1 659     | 308,56   | 79,12    | 269,72   | 6 651   | 29,67  | 58 324    | 89,33    | 24,62  |
| 1.90    | ex 0704 90 90                                        | Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> var. <i>italica</i> ) | 95,50                                | 4 164     | 774,16   | 198,52   | 676,70   | 16 686  | 74,45  | 146 329   | 224,12   | 61,78  |
| 1.100   | ex 0704 90 90                                        | Chinese cabbage                                                                  | 36,43                                | 1 588     | 295,34   | 75,73    | 258,16   | 6 366   | 28,40  | 55 824    | 85,50    | 23,57  |
| 1.110   | 0705 11 10<br>0705 11 90                             | Cabbage lettuce (head lettuce)                                                   | 92,74                                | 4 044     | 751,77   | 192,78   | 657,13   | 16 204  | 72,30  | 142 097   | 217,63   | 60,00  |
| 1.120   | ex 0705 29 00                                        | Endives                                                                          | 42,19                                | 1 839     | 342,02   | 87,70    | 298,96   | 7 372   | 32,89  | 64 648    | 99,01    | 27,29  |
| 1.130   | ex 0706 10 00                                        | Carrots                                                                          | 35,70                                | 1 556     | 289,42   | 74,22    | 252,98   | 6 238   | 27,83  | 54 705    | 83,78    | 23,09  |
| 1.140   | ex 0706 90 90                                        | Radishes                                                                         | 119,19                               | 5 197     | 966,20   | 247,77   | 844,56   | 20 826  | 92,92  | 182 628   | 279,71   | 77,11  |
| 1.150   | 0707 00 11<br>0707 00 19                             | Cucumbers                                                                        | 87,85                                | 3 831     | 712,14   | 182,62   | 622,49   | 15 350  | 68,49  | 134 606   | 206,16   | 56,83  |
| 1.160   | 0708 10 10<br>0708 10 90                             | Peas ( <i>Pisum sativum</i> )                                                    | 237,95                               | 10 376    | 1 928,84 | 494,63   | 1 686,01 | 41 575  | 185,50 | 364 581   | 558,39   | 153,94 |
| 1.170   | 0708 20 10<br>0708 20 90                             | Beans ( <i>Vigna spp.</i> , <i>Phaseolus spp.</i> )                              | 238,92                               | 10 418    | 1 936,74 | 496,66   | 1 692,92 | 41 746  | 186,26 | 366 076   | 560,68   | 154,57 |
| 1.180   | ex 0708 90 00                                        | Broad beans                                                                      | 65,70                                | 2 865     | 532,61   | 136,58   | 465,55   | 11 480  | 51,22  | 100 672   | 154,19   | 42,50  |
| 1.190   | 0709 10 00                                           | Globe artichokes                                                                 | 95,73                                | 4 174     | 776,01   | 199,00   | 678,32   | 16 726  | 74,63  | 146 679   | 224,65   | 61,93  |
| 1.200   |                                                      | Asparagus :                                                                      |                                      |           |          |          |          |         |        |           |          |        |
| 1.200.1 | ex 0709 20 00                                        | — green                                                                          | 568,49                               | 24 790    | 4 608,20 | 1 181,73 | 4 028,06 | 99 329  | 443,19 | 871 024   | 1 334,07 | 367,79 |
| 1.200.2 | ex 0709 20 00                                        | — other                                                                          | 185,53                               | 8 111     | 1 505,43 | 387,09   | 1 317,21 | 32 275  | 144,98 | 282 223   | 437,07   | 118,61 |
| 1.210   | 0709 30 00                                           | Aubergines (egg-plants)                                                          | 152,27                               | 6 640     | 1 234,34 | 316,53   | 1 078,94 | 26 605  | 118,71 | 233 310   | 357,34   | 98,51  |
| 1.220   | ex 0709 40 00                                        | Celery stalks and leaves                                                         | 46,64                                | 2 034     | 378,11   | 96,96    | 330,51   | 8 150   | 36,36  | 71 469    | 109,46   | 30,17  |
| 1.230   | 0709 51 30                                           | Chantarelles                                                                     | 660,65                               | 28 685    | 5 250,36 | 1 368,47 | 4 657,88 | 110 953 | 510,76 | 1 022 231 | 1 542,93 | 437,30 |
| 1.240   | 0709 60 10                                           | Sweet peppers                                                                    | 81,54                                | 3 555     | 661,01   | 169,51   | 577,79   | 14 248  | 63,57  | 124 942   | 191,36   | 52,75  |
| 1.250   | 0709 90 50                                           | Fennel                                                                           | 31,44                                | 1 371     | 254,86   | 65,35    | 222,78   | 5 493   | 24,51  | 48 173    | 73,78    | 20,34  |
| 1.260   | 0709 90 70                                           | Courgettes                                                                       | 58,70                                | 2 560     | 475,90   | 122,04   | 415,98   | 10 257  | 45,76  | 89 953    | 137,77   | 37,98  |
| 1.270   | ex 0714 20 00                                        | Sweet potatoes, whole fresh                                                      | 81,99                                | 3 573     | 658,40   | 170,36   | 582,01   | 14 177  | 63,82  | 125 542   | 192,34   | 53,17  |
| 2.10    | ex 0802 40 00                                        | Chestnuts ( <i>Castanea spp.</i> ), fresh                                        | 71,58                                | 3 124     | 577,39   | 149,21   | 508,93   | 12 383  | 55,77  | 109 540   | 168,40   | 45,76  |
| 2.20    | ex 0803 00 10                                        | Bananas (other than plantains), fresh                                            | 40,14                                | 1 750     | 325,38   | 83,44    | 284,42   | 7 013   | 31,29  | 61 502    | 94,19    | 25,97  |
| 2.30    | ex 0804 30 00                                        | Pineapples, fresh                                                                | 46,72                                | 2 037     | 378,75   | 97,12    | 331,07   | 8 164   | 36,42  | 71 591    | 109,65   | 30,23  |
| 2.40    | ex 0804 40 10<br>ex 0804 40 90                       | Avocados, fresh                                                                  | 184,59                               | 8 049     | 1 496,35 | 383,72   | 1 307,97 | 32 253  | 143,91 | 282 835   | 433,19   | 119,43 |
| 2.50    | ex 0804 50 00                                        | Guavas and mangoes, fresh                                                        | 181,26                               | 7 904     | 1 469,33 | 376,79   | 1 284,35 | 31 671  | 141,31 | 277 728   | 425,37   | 117,27 |
| 2.60    |                                                      | Sweet oranges, fresh :                                                           |                                      |           |          |          |          |         |        |           |          |        |
| 2.60.1  | 0805 10 11<br>0805 10 21<br>0805 10 31<br>0805 10 41 | — Sanguines and semi-sanguines                                                   | 45,05                                | 1 964     | 365,18   | 93,64    | 319,20   | 7 871   | 35,12  | 69 025    | 105,72   | 29,14  |

| Code    | CN code                                                          | Description                                                                                                          | Amount of unit values per 100 kg net |           |          |        |          |        |        |         |        |        |
|---------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------|----------|--------|----------|--------|--------|---------|--------|--------|
|         |                                                                  |                                                                                                                      | ECU                                  | Bfrs/Lfrs | Dkr      | DM     | FF       | Dr     | £ Irl  | Lit     | Fl     | £      |
| 2.60.2  | 0805 10 15<br>0805 10 25<br>0805 10 35<br>0805 10 45             | — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins | 35,28                                | 1 538     | 286,04   | 73,35  | 250,03   | 6 165  | 27,51  | 54 067  | 82,81  | 22,83  |
| 2.60.3  | 0805 10 19<br>0805 10 29<br>0805 10 39<br>0805 10 49             | — Others                                                                                                             | 21,73                                | 948       | 175,34   | 45,31  | 154,55   | 3 760  | 16,93  | 33 265  | 51,13  | 13,89  |
| 2.70    |                                                                  | Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:       |                                      |           |          |        |          |        |        |         |        |        |
| 2.70.1  | ex 0805 20 10                                                    | — Clementines                                                                                                        | 56,52                                | 2 465     | 458,23   | 117,51 | 400,54   | 9 877  | 44,07  | 86 613  | 132,65 | 36,57  |
| 2.70.2  | ex 0805 20 30                                                    | — Monreales and Satsumas                                                                                             | 34,73                                | 1 514     | 281,53   | 72,19  | 246,09   | 6 068  | 27,07  | 53 215  | 81,50  | 22,47  |
| 2.70.3  | ex 0805 20 50                                                    | — Mandarins and Wilkings                                                                                             | 33,78                                | 1 473     | 273,88   | 70,23  | 239,40   | 5 903  | 26,34  | 51 768  | 79,28  | 21,86  |
| 2.70.4  | ex 0805 20 70<br>ex 0805 20 90                                   | — Tangerines and others                                                                                              | 58,75                                | 2 562     | 476,25   | 122,13 | 416,29   | 10 265 | 45,80  | 90 020  | 137,87 | 38,01  |
| 2.80    | ex 0805 30 10                                                    | Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> ), fresh                                                        | 34,21                                | 1 491     | 277,33   | 71,12  | 242,42   | 5 977  | 26,67  | 52 421  | 80,28  | 22,13  |
| 2.85    | ex 0805 30 90                                                    | Limes ( <i>Citrus aurantifolia</i> ), fresh                                                                          | 208,36                               | 9 086     | 1 688,99 | 433,13 | 1 476,36 | 36 405 | 162,43 | 319 247 | 488,96 | 134,80 |
| 2.90    |                                                                  | Grapefruit, fresh:                                                                                                   |                                      |           |          |        |          |        |        |         |        |        |
| 2.90.1  | ex 0805 40 00                                                    | — white                                                                                                              | 36,90                                | 1 609     | 299,12   | 76,70  | 261,46   | 6 447  | 28,76  | 56 539  | 86,59  | 23,87  |
| 2.90.2  | ex 0805 40 00                                                    | — pink                                                                                                               | 53,05                                | 2 313     | 430,06   | 110,28 | 375,92   | 9 269  | 41,36  | 81 289  | 124,50 | 34,32  |
| 2.100   | 0806 10 11<br>0806 10 15<br>0806 10 19                           | Table grapes                                                                                                         | 146,24                               | 6 377     | 1 185,48 | 304,00 | 1 036,23 | 25 552 | 114,01 | 224 075 | 343,19 | 94,61  |
| 2.110   | 0807 10 10                                                       | Water-melons                                                                                                         | 13,01                                | 565       | 103,78   | 26,98  | 91,95    | 2 192  | 10,05  | 20 118  | 30,42  | 8,53   |
| 2.120   |                                                                  | Melons (other than water-melons)                                                                                     |                                      |           |          |        |          |        |        |         |        |        |
| 2.120.1 | ex 0807 10 90                                                    | — Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral                                              | 84,86                                | 3 700     | 687,89   | 176,40 | 601,29   | 14 827 | 66,15  | 130 023 | 199,14 | 54,90  |
| 2.120.2 | ex 0807 10 90                                                    | — Other                                                                                                              | 227,75                               | 9 931     | 1 846,21 | 473,44 | 1 613,79 | 39 794 | 177,55 | 348 965 | 534,47 | 147,35 |
| 2.130   | 0808 10 91<br>0808 10 93<br>0808 10 99                           | Apples                                                                                                               | 49,52                                | 2 159     | 401,41   | 102,94 | 350,88   | 8 652  | 38,60  | 75 874  | 116,21 | 32,03  |
| 2.140   | ex 0808 20 31<br>ex 0808 20 33<br>ex 0808 20 35<br>ex 0808 20 39 | Pears (other than the Nashi variety ( <i>Pyrus Pyrifolia</i> ))                                                      | 77,51                                | 3 380     | 628,35   | 161,13 | 549,25   | 13 544 | 60,43  | 118 769 | 181,90 | 50,15  |
| 2.150   | 0809 10 00                                                       | Apricots                                                                                                             | 163,41                               | 7 144     | 1 325,90 | 340,93 | 1 160,13 | 28 426 | 127,69 | 248 566 | 384,95 | 104,46 |
| 2.160   | 0809 20 10<br>0809 20 90                                         | Cherries                                                                                                             | 142,33                               | 6 213     | 1 148,11 | 296,70 | 1 011,97 | 24 623 | 110,90 | 217 814 | 334,85 | 90,99  |
| 2.170   | ex 0809 30 00                                                    | Peaches                                                                                                              | 123,66                               | 5 392     | 1 002,45 | 257,07 | 876,25   | 21 607 | 96,41  | 189 480 | 290,21 | 80,01  |
| 2.180   | ex 0809 30 00                                                    | Nectarines                                                                                                           | 107,06                               | 4 668     | 867,90   | 222,56 | 758,64   | 18 707 | 83,47  | 164 048 | 251,25 | 69,27  |
| 2.190   | 0809 40 11<br>0809 40 19                                         | Plums                                                                                                                | 100,57                               | 4 385     | 815,27   | 209,07 | 712,63   | 17 573 | 78,40  | 154 099 | 236,02 | 65,07  |
| 2.200   | 0810 10 10<br>0810 10 90                                         | Strawberries                                                                                                         | 322,49                               | 14 062    | 2 614,14 | 670,37 | 2 285,04 | 56 347 | 251,41 | 494 114 | 756,79 | 208,64 |
| 2.210   | 0810 40 30                                                       | Fruit of the species <i>Vaccinium myrtillus</i>                                                                      | 193,15                               | 8 445     | 1 567,23 | 402,98 | 1 371,28 | 33 600 | 150,93 | 293 809 | 455,01 | 123,48 |
| 2.220   | 0810 90 10                                                       | Kiwi fruit ( <i>Actinidia chinensis</i> Planch.)                                                                     | 150,31                               | 6 554     | 1 218,43 | 312,45 | 1 065,04 | 26 263 | 117,18 | 230 303 | 352,73 | 97,24  |
| 2.230   | ex 0810 90 90                                                    | Pomegranates                                                                                                         | 64,94                                | 2 834     | 523,88   | 135,38 | 461,76   | 11 235 | 50,60  | 99 388  | 152,79 | 41,52  |
| 2.240   | ex 0810 90 90                                                    | Khakis                                                                                                               | 105,42                               | 4 597     | 854,57   | 219,15 | 746,99   | 18 420 | 82,18  | 161 529 | 247,40 | 68,20  |
| 2.250   | ex 0810 90 90                                                    | Lychees                                                                                                              | 290,66                               | 12 674    | 2 356,13 | 604,21 | 2 059,51 | 50 786 | 226,59 | 445 346 | 682,09 | 188,05 |

## COMMISSION REGULATION (EEC) No 534/89

of 1 March 1989

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar <sup>(3)</sup>, as last amended by Regulation (EEC) No 1489/76 <sup>(4)</sup>, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar <sup>(5)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar <sup>(6)</sup>, as last amended by Regulation (EEC) No 1714/88 <sup>(7)</sup>; whereas the refund thus calculated for

sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 <sup>(8)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(9)</sup>,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

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 their unaltered state shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 2 March 1989.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 143, 25. 6. 1968, p. 6.

<sup>(4)</sup> OJ No L 167, 26. 6. 1976, p. 13.

<sup>(5)</sup> OJ No L 89, 10. 4. 1968, p. 3.

<sup>(6)</sup> OJ No L 50, 4. 3. 1970, p. 1.

<sup>(7)</sup> OJ No L 152, 18. 6. 1988, p. 23.

<sup>(8)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(9)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX

to the Commission Regulation of 1 March 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 | 31,81 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 910 | 29,86 <sup>(1)</sup> |                                                                                       |
| 1701 11 90 950 | <sup>(2)</sup>       |                                                                                       |
| 1701 12 90 100 | 31,81 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 910 | 29,86 <sup>(1)</sup> |                                                                                       |
| 1701 12 90 950 | <sup>(2)</sup>       |                                                                                       |
| 1701 91 00 000 |                      | 0,3458                                                                                |
| 1701 99 10 100 | 34,58                |                                                                                       |
| 1701 99 10 910 | 34,56                |                                                                                       |
| 1701 99 10 950 | 34,56                |                                                                                       |
| 1701 99 90 100 |                      | 0,3458                                                                                |

<sup>(1)</sup> 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.

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

## COMMISSION REGULATION (EEC) No 535/89

of 1 March 1989

reintroducing the preferential customs duty on imports of small-flowered roses  
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

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

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

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

Whereas Article 2 (3) of Regulation (EEC) No 4088/87  
stipulates that the preferential customs duty shall be  
reintroduced for a given product of a given origin if the  
prices of the imported product (full rate customs duty not  
deducted) are, for at least 70 % of the quantities for which  
prices are available on representative Community import  
markets, not less than 85 % of the Community producer  
price for a period, calculated from the actual date of  
suspension of the actual preferential customs duty,

- of two successive market days, after suspension under  
Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension  
under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EEC) No 3557/88<sup>(7)</sup>  
fixed Community producer prices for carnations and roses  
for application of the arrangements for importation from  
the countries in question;

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

Whereas to permit the import arrangements to function  
in the normal manner prices on importation should be  
calculated using

- for currencies maintained against each other within a  
maximum spread at any given moment for spot rate  
transactions of 2,25 % a conversion rate based on  
their central rate multiplied by the correcting factor  
provided for in the last subparagraph of Article 3 (1)  
of Council Regulation (EEC) No 1676/85<sup>(10)</sup>, as last  
amended by Regulation (EEC) No 1636/87<sup>(11)</sup>;
- for other currencies a conversion rate based on the  
arithmetic mean of the spot market rate of the  
currency, recorded for a given period, against the  
Community currencies indicated in the preceding  
indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for small-  
flowered roses originating in Israel by Regulation (EEC)  
No 4078/88 was suspended by Commission Regulation  
(EEC) No 478/89<sup>(12)</sup>;

Whereas on the basis of price recordings made as  
specified in Regulations (EEC) No 4088/87 and (EEC) No  
700/88 it must be concluded that the requirement for  
reintroduction of the preferential customs duty laid down  
in the first indent of Article 2 (3) of Regulation (EEC) No  
4088/87 is met for small-flowered roses originating in  
Israel; whereas the preferential customs duty should be  
reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of small-flowered roses (CN code  
ex 0603 10 51) originating in Israel the preferential  
customs duty set by Regulation (EEC) No 4078/88 is  
reintroduced with effect from 2 March 1989.

*Article 2*

This Regulation shall enter into force on 2 March 1989.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 271, 1. 10. 1988, p. 7.

<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 1.

<sup>(5)</sup> OJ No L 311, 17. 11. 1988, p. 2.

<sup>(6)</sup> OJ No L 359, 28. 12. 1988, p. 8.

<sup>(7)</sup> OJ No L 311, 17. 11. 1988, p. 9.

<sup>(8)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(9)</sup> OJ No L 311, 17. 11. 1988, p. 8.

<sup>(10)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(11)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(12)</sup> OJ No L 53, 25. 2. 1989, p. 42.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 536/89**  
**of 1 March 1989**  
**fixing the import levy on molasses**

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

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

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

Whereas the import levy on molasses was fixed by Regulation (EEC) No 2368/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 442/89 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, 1,31 ECU/100 kg.

*Article 2*

This Regulation shall enter into force on 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 205, 30. 7. 1988, p. 29.

<sup>(4)</sup> OJ No L 51, 23. 2. 1989, p. 12.

**COMMISSION REGULATION (EEC) No 537/89**  
**of 1 March 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 528/89 <sup>(4)</sup>;

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 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 203, 28. 7. 1988, p. 22.

<sup>(4)</sup> OJ No L 58, 1. 3. 1989, p. 61.

## ANNEX

to the Commission Regulation of 1 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 33,81 <sup>(1)</sup> |
| 1701 11 90 | 33,81 <sup>(1)</sup> |
| 1701 12 10 | 33,81 <sup>(1)</sup> |
| 1701 12 90 | 33,81 <sup>(1)</sup> |
| 1701 91 00 | 41,36                |
| 1701 99 10 | 41,36                |
| 1701 99 90 | 41,36 <sup>(2)</sup> |

<sup>(1)</sup> 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.

<sup>(2)</sup> 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 538/89****of 1 March 1989****fixing the maximum export refund for white sugar for the 43rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88**

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

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 43rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 43rd partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 37,314 ECU/100 kilograms.

*Article 2*

This Regulation shall enter into force on 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 102, 21. 4. 1988, p. 14.

**COMMISSION REGULATION (EEC) No 539/89****of 1 March 1989****amending for the fifth 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2238/88<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 151/89<sup>(3)</sup>, as last amended by Regulation (EEC) No 435/89<sup>(4)</sup>, 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 18,51' is hereby replaced by 'ECU 12,96'.

*Article 2*

This Regulation shall enter into force on 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 17, 21. 1. 1989, p. 45.

<sup>(4)</sup> OJ No L 50, 22. 2. 1989, p. 14.

**COMMISSION REGULATION (EEC) No 540/89****of 1 March 1989****altering the corrective amount applicable to the refund on cereals**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, and in particular the fourth sentence of the second subparagraph of Article 16(4) thereof,

Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<sup>(3)</sup>,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 461/89<sup>(4)</sup>, as amended by Regulation (EEC) No 526/89<sup>(5)</sup>;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 16(4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 461/89, which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 2 March 1989.

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

Done at Brussels, 1 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.

<sup>(4)</sup> OJ No L 52, 24. 2. 1989, p. 34.

<sup>(5)</sup> OJ No L 58, 1. 3. 1989, p. 57.

## ANNEX

to the Commission Regulation of 1 March 1989 altering the corrective amount applicable  
to the refund on cereals

(ECU/tonne)

| Product code   | Destination (1) | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 | 5th period<br>8 | 6th period<br>9 |
|----------------|-----------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 0709 90 60 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 0712 90 19 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1001 10 10 000 | 01              | 0            | 0               | 0               | 0               | —               | —               | —               |
| 1001 10 90 000 | 01              | 0            | 0               | 0               | - 40,00         | - 40,00         | - 40,00         | - 40,00         |
| 1001 90 91 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1001 90 99 000 | 03              | 0            | + 4,50          | + 4,50          | + 4,50          | - 30,00         | - 30,00         | - 30,00         |
|                | 02              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1002 00 00 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1003 00 10 000 | 01              | 0            | 0               | 0               | 0               | —               | —               | —               |
| 1003 00 90 000 | 01              | 0            | 0               | 0               | - 30,00         | - 30,00         | - 30,00         | - 30,00         |
| 1004 00 10 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1004 00 90 000 | 01              | 0            | 0               | 0               | - 30,00         | - 30,00         | - 30,00         | - 30,00         |
| 1005 10 90 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1005 90 00 000 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1007 00 90 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1008 20 00 000 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1101 00 00 110 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1101 00 00 120 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1101 00 00 130 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1101 00 00 150 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1101 00 00 170 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1101 00 00 180 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1101 00 00 190 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1101 00 00 900 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1102 10 00 100 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1102 10 00 200 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1102 10 00 300 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1102 10 00 500 | 01              | 0            | 0               | 0               | 0               | - 30,00         | - 30,00         | - 30,00         |
| 1102 10 00 900 | —               | —            | —               | —               | —               | —               | —               | —               |
| 1103 11 10 100 | 01              | 0            | 0               | 0               | - 50,00         | - 50,00         | - 50,00         | - 50,00         |
| 1103 11 10 200 | 01              | 0            | 0               | 0               | - 50,00         | - 50,00         | - 50,00         | - 50,00         |
| 1103 11 10 500 | 01              | 0            | 0               | 0               | - 50,00         | - 50,00         | - 50,00         | - 50,00         |
| 1103 11 10 900 | 01              | 0            | 0               | 0               | - 50,00         | - 50,00         | - 50,00         | - 50,00         |
| 1103 11 90 100 | 01              | 0            | 0               | 0               | - 50,00         | - 50,00         | - 50,00         | - 50,00         |
| 1103 11 90 900 | —               | —            | —               | —               | —               | —               | —               | —               |

(1) For the following destinations:

- 01 All third countries,
- 02 Other third countries,
- 03 Soviet Union and Poland.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 10 February 1989

amending Decision 86/414/EEC as regards the list of establishments in Argentina approved for the purpose of importing meat products into the Community

(89/151/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products<sup>(1)</sup>, as last amended by Council Directive 88/658/EEC<sup>(2)</sup>, and in particular Article 17 (1) thereof,

Whereas a list of establishments in Argentina, approved for the purpose of importing meat products into the Community, was drawn up initially by Commission Decision 86/414/EEC<sup>(3)</sup>, as last amended by Decision 88/442/EEC<sup>(4)</sup>;

Whereas a Community on-the-spot visit to meat-product establishments in Argentina has revealed that the level of hygiene in one establishment was altered since the last inspection; whereas the list of establishments should be amended accordingly;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 86/414/EEC is hereby replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 10 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 26, 31. 12. 1977, p. 85.

<sup>(2)</sup> OJ No L 382, 31. 12. 1988, p. 15.

<sup>(3)</sup> OJ No L 237, 23. 8. 1986, p. 36.

<sup>(4)</sup> OJ No L 218, 9. 8. 1988, p. 26.

## ANNEX

## LIST OF ESTABLISHMENTS

| Approval No. | Establishment                                 | Address                       |
|--------------|-----------------------------------------------|-------------------------------|
| 13           | Swift Armour SA Argentina                     | Rosario, Santa Fe             |
| 16           | Santa Elena                                   | Santa Elena, Entre Ríos       |
| 89           | Carcarana                                     | Carcarana, Santa Fe           |
| 249          | Frigorífico Nelson                            | Nelson, Santa Fe              |
| 1311         | Frymat Saicfa                                 | Santa Fe, Santa Fe            |
| 1352         | Frigorífico Meatex SA                         | Alejandro Korn, Buenos Aires  |
| 1373         | El Centenario                                 | Venado Tuerto, Santa Fe       |
| 1383         | Barreca Hnos                                  | Vivorata, Buenos Aires        |
| 1399         | FRIA                                          | Casilda, Santa Fe             |
| 1822         | Meatex                                        | Villa Ballester, Buenos Aires |
| 1921         | San Telmo Saciafif                            | Mar del Plata, Buenos Aires   |
| 1930         | Vizental y Cía Sacia                          | San José, Entre Ríos          |
| 1964         | Casasa SA                                     | Dolores, Buenos Aires         |
| 2067         | Cía elaboradora de productos animales Saicagt | Pontevedra, Buenos Aires      |

**COMMISSION DECISION**

of 13 February 1989

**authorizing certain Member States to provide for exceptions to certain provisions of Council Directive 77/93/EEC in respect of potatoes for human consumption originating in Cuba**

(Only the German, French and Dutch texts are authentic)

(89/152/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products <sup>(1)</sup>, as last amended by Directive 88/572/EEC <sup>(2)</sup>, and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, Germany, Luxembourg and the Netherlands,

Whereas under the provisions of Directive 77/93/EEC, potato tubers other than those officially certified as seed potatoes pursuant to other Community provisions, originating in third countries not belonging to the continent of Europe, may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas, however, Article 14 (3) of the said Directive permits exceptions to that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas the early growing in Cuba of potatoes for human consumption from seed potatoes supplied by Member States has become an established practice; whereas part of the early supply of potatoes for human consumption in the Community has been ensured by imports of such material from Cuba;

Whereas information supplied by Cuba and collected in that country has shown that there are good reasons to believe that, in Cuba, potatoes can be grown under adequate health conditions and that, at present, there are no sources for the introduction of exotic potato diseases; whereas Cuba has moreover implemented adequate health and quality standards in its potato production; whereas at least in respect of potatoes derived from seed potatoes supplied by the Community, exotic potato diseases unknown in the Community are not likely to occur;

Whereas, however, in particular, the post-harvest control system in respect of the potatoes intended for the

Community should be monitored in such a way as to ensure that it takes into account the specific concern of the Community; whereas it can therefore be established, on the basis of the information available at present, that there is no risk of harmful organisms spreading, provided that certain special technical conditions are complied with; whereas the Commission will ensure that Cuba makes all technical information available on an annual basis which is necessary to monitor the functioning of the protective measures required under these technical conditions; whereas the potatoes are introduced at a time when they cannot influence the health status of potatoes produced in the Community;

Whereas the requesting Member States were already authorized, by Council Decision 87/306/EEC <sup>(3)</sup> and Commission Decision 88/223/EEC <sup>(4)</sup>, to introduce potatoes for human consumption originating in Cuba under such special technical conditions, in the 1987 and 1988 seasons;

Whereas the requesting Member States should now be authorized to provide for exceptions in respect of potatoes for human consumption originating in Cuba, under the aforementioned special technical conditions, for the next three early-potato seasons; whereas provision should be made for this authorization to be revoked if it is established that the specified conditions have not been met satisfactorily;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. Belgium, Germany, Luxembourg and the Netherlands are hereby authorized to provide, under the conditions laid down in paragraph 2, for exceptions to Article 4 (1), with regard to the prohibitions referred to in Part A (9) (a) of Annex III to Directive 77/93/EEC, for potatoes for human consumption originating in Cuba, with a view to marketing them in their respective territories or between them.

<sup>(1)</sup> OJ No L 26, 31. 1. 1977, p. 20.<sup>(2)</sup> OJ No L 313, 19. 11. 1988, p. 39.<sup>(3)</sup> OJ No L 153, 13. 6. 1987, p. 41.<sup>(4)</sup> OJ No L 100, 19. 4. 1988, p. 44.

2. The following specific conditions shall be satisfied :

- (a) the potatoes shall be potatoes for human consumption ;
- (b) they shall either be immature potatoes, i.e. 'unsuberized' potatoes with loose skin, or they shall have been treated for the suppression of their faculty of germination ;
- (c) they shall have been grown in the province 'Pinar del Rio' ;
- (d) they shall belong to varieties the seed potatoes of which were imported into Cuba only from Member States ;
- (e) they shall be the direct progeny of either seed potatoes officially certified in the previous year as 'basic seed' or 'certified seed' in Member States having supplied Cuba, or of the progeny of such seed potatoes, officially certified in the year before the previous one, if this progeny was produced in the province 'Pinar del Rio' and qualified as seed potatoes in accordance with the current rules applicable in Cuba ;
- (f) they shall have been grown either on farms which have not grown potatoes of varieties other than those specified in (d) over the previous five years, or, in the case of State farms, on land sections which are kept separate from other land where potatoes of varieties other than those specified in (d) have been grown over the last five years ;
- (g) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes ;
- (h) they shall not have been in store-houses where potatoes of varieties other than those specified in (d) have been stored ;
- (i) they shall be free from soil, subject to a tolerance of 0,5 % by weight, and free from leaves and other plant debris ;
- (k) they shall have been sampled by the Cuban plant protection organization, in accordance with international standards, and found, in official examinations carried out by that plant protection organization to meet the tolerances for tubers with defects applicable to Cuban quality class I, as specified in Annex I, up to a maximum total of 4,5 % by number of tubers for all defects and to a maximum total of 2 % by number of tubers for all defects other than potato greening, size-off types and mixing of varieties, provided that the potatoes are free from live larvae, pupae or adults of boring insects ; they shall have met these tolerances

also in any other examination carried out by other bodies for other purposes ;

(1) they shall be packed :

- either in new bags,
  - or in containers which have been disinfected in an appropriate manner ;
- an official label shall be applied to each bag or container, bearing the information specified in Annex II ;

(m) the official plant health certificate required pursuant to Article 12 (1) (b) of Directive 77/93/EEC shall indicate :

- under the section 'Disinfection and/or disinfection treatment', all information related to the possible treatments referred to in (b) second option and/or (l), second indent,
- under the section 'Additional declaration' :
  - name of variety,
  - identification number or name of the farm where the potatoes have been grown and its location,
  - reference allowing the identification of seed lot used in accordance with (e),
  - results of the examination for presence of potatoes with defects in accordance with (k) ;

(n) the conditions set out at (b) and (i) to (m) have been monitored by an inspector dispatched at the request of the Commission ; in that case the monitoring shall be confirmed by him on the official plant health certificate referred to in (m) ;

(o) on arrival, the potatoes shall be inspected by the importing Member State for satisfaction of the requirements specified in (k) ; an additional tolerance of 0,5 % by number of tubers for wet rot may be accepted ; a copy of each official plant health certificate shall be sent to the Commission ;

(p) on arrival, at least six samples of 200 tubers each shall be drawn by the importing Member State from each consignment of imported potatoes ; three of the samples shall be tested for the presence of harmful organisms in the official laboratory of the importing Member State ; three of the samples shall be dispatched to other Member States for official testing. The harmful organisms concerned and the details of testing shall be determined in agreement with the plant protection organizations of the Member States.

## Article 2

1. The authorization shall apply in the periods between 1 February and 20 April each year and shall expire on 20 April 1991.

2. The authorization shall be revoked if it is established that the conditions laid down therein are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

*Article 3*

The Member States concerned shall notify the Commission and the other Member States of the national provisions by which they make use of the authorization and shall report to the Commission annually on their implementation.

*Article 4*

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands.

Done at Brussels, 13 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

*ANNEX I***Tolerances for tubers with defects applicable to Cuban quality class I***(referred to in Article 1 (2) (k))*

| Type of defects                       | Percentage by number of tubers |
|---------------------------------------|--------------------------------|
| <i>Major defects:</i>                 |                                |
| Severe mechanical damage              | 1,0                            |
| Damage caused by diseases (scab)      | 0,5                            |
| Potato greening                       | 2,0                            |
| Wet rot                               | 0,25                           |
| Dry rot                               | 0,5                            |
| <i>Minor defects:</i>                 |                                |
| Presence of soil                      | 0,5                            |
| Slight mechanical damage              | 1,0                            |
| Damage caused by insects              | 1,0                            |
| Size-off types by transverse diameter | 1,0                            |
| Mixing of varieties                   | 0,0                            |

*ANNEX II***Information required on the label***(referred to in Article 1 (2) (l))*

1. Name of the authority issuing the label.
2. Name of the exporters' organization.
3. Indication 'Cuban potatoes for human consumption'.
4. Variety.
5. Province of production.
6. Size.
7. Declared net weight.
8. Indication 'In accordance with EEC requirements 1989'.
9. A mark printed or stamped on behalf of the Cuban plant protection organization.

## COMMISSION DECISION

of 13 February 1989

concerning the correlation of samples taken for residue examination with animals and their farms of origin

(89/153/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 85/358/EEC of 16 July 1985 supplementing Directive 81/602/EEC concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action<sup>(1)</sup>, as last amended by Directive 88/146/EEC<sup>(2)</sup>, and in particular Article 6 thereof,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues<sup>(3)</sup>, and in particular Article 9 thereof,

Whereas according to Article 6 (1) (a) of Directive 85/358/EEC and Article 9 (1) (a) of Directive 86/469/EEC it is the responsibility of the Commission to establish, in accordance with Article 10 of Directive 85/358/EEC and Article 15 of Directive 86/469/EEC, the information needed to identify a farm animal and its farm of origin in the event of this information being required by the competent authorities following the result of examination of official samples;

Whereas in order to ensure that such information can be established in respect of any farm animal it is necessary for all farm animals to be identified when they are moved from a holding; whereas the methods of identification for farm animals and their holdings should be decided by the competent authorities on the basis of existing methods; whereas owners or persons in charge of farm animals must be obliged to inform the competent authorities, upon request, of details of the movements of animals on to or from their holdings; whereas persons engaged in the transport, marketing or slaughter of animals must also be obliged to inform the competent authorities, upon request, of the details of the movements of animals in which they have dealt;

Whereas the Member States must inform each other and the Commission of the methods which they adopt in order to ensure the identification and tracing of farm animals;

Whereas it is necessary at the time of sampling to obtain and record all information necessary to identify the animal and the sample; whereas this information must

remain correlated with the sample until the results of any laboratory examination are known;

Whereas the owner or person in charge of the animal should be obliged, in the case of a positive result, to supply any additional information necessary to identify the holding of origin;

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States shall ensure that:

- when farm animals are moved out of the holding on which they are kept, they are identified in such a way as to enable their holding of origin, or the holding from which they have come, and their movements, to be traced rapidly. The arrangements for identifying the animals and for tracing the holding or holdings on which they have been kept shall be determined by the competent authority,
- any owner or person in charge of farm animals is required to supply the competent authority, on request by that authority, with information concerning farm animals entering or leaving his holding,
- all persons engaged in the transport, marketing or slaughter of farm animals are able to supply the competent authority with information concerning the movement of animals which they have transported, marketed or slaughtered and to furnish all the details concerning such information.

2. Member States shall inform each other and the Commission, within the Standing Veterinary Committee and within 12 months of the date of publication of this Decision in the *Official Journal of the European Communities*, of the measures which they adopt in respect of each species of farm animal in order to implement paragraph 1. They shall thereafter inform each other and the Commission of any changes made to those measures.

*Article 2*

Member States shall ensure that at the time official samples are taken from animals on farms or at slaughter-houses, before or after slaughter, the following information is obtained and recorded:

<sup>(1)</sup> OJ No L 191, 23. 7. 1985, p. 46.

<sup>(2)</sup> OJ No L 70, 16. 3. 1988, p. 16.

<sup>(3)</sup> OJ No L 275, 26. 9. 1986, p. 36.

- the name and address of the owner or person in charge of the animal,
- the address of the premises where the sample is taken,
- the species, sex and age of the animal,
- the type, amount and method of collection,
- the identification of the animal, or a reference permitting the farm of origin of the animal to be identified.

This information shall remain correlated with the sample until the results of any laboratory examinations are known.

#### *Article 3*

Where the results of laboratory examination of official samples indicate a need for further investigation or measures, the competent authority shall require the owner

or person in charge of the animal to supply any additional information necessary to identify the holding or holdings on which the animal has been kept.

#### *Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 13 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

**COMMISSION DECISION****of 14 February 1989****repealing Decision 88/310/EEC and amending Decision 89/3/EEC in regard to health protection measures in connection with imports of certain fresh meat from the state of Goiás, Brazil****(89/154/EEC)**

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries <sup>(1)</sup>, as last amended by Directive 88/289/EEC <sup>(2)</sup>, and in particular Article 16 thereof,

Whereas the requirements as regards animal health conditions and veterinary certification for imports of fresh meat from Brazil are laid down in Commission Decision 86/195/EEC <sup>(3)</sup>, as amended by Decision 87/455/EEC <sup>(4)</sup>, with particular reference to the situation of foot-and-mouth disease obtaining in Brazil at that time;

Whereas this situation led to the adoption by Commission Decisions 88/310/EEC <sup>(5)</sup> and 89/3/EEC <sup>(6)</sup> of health protection measures in connection with imports of certain fresh meat from Brazil;

Whereas these measures are for the moment applicable only to certain categories of fresh meat from the state of Goiás; whereas for the other Brazilian States they are applicable from 1 March 1989;

Whereas the last on-the-spot check by Community inspectors showed that the situation in the state of Goiás had improved;

Whereas Decision 88/310/EEC should therefore be repealed and Decision 89/3/EEC amended so that Member States can again authorize importation of fresh meat of bovine animals from the state of Goiás;

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

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 88/310/EEC is hereby repealed.

*Article 2*

1. The reference to the state of Goiás in Article 1 of Decision 89/3/EEC is deleted.

2. Article 4 of Decision 89/3/EEC is deleted.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 14 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 124, 18. 5. 1988, p. 31.

<sup>(3)</sup> OJ No L 142, 28. 5. 1986, p. 51.

<sup>(4)</sup> OJ No L 244, 28. 8. 1987, p. 38.

<sup>(5)</sup> OJ No L 136, 2. 6. 1988, p. 20.

<sup>(6)</sup> OJ No L 5, 7. 1. 1989, p. 32.

## COMMISSION DECISION

of 16 February 1989

on improving the efficiency of agricultural structures in the Federal Republic of Germany pursuant to Regulation (EEC) No 797/85

(Only the German text is authentic)

(89/155/EEC)

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

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures <sup>(1)</sup>, as last amended by Regulation (EEC) No 1137/88 <sup>(2)</sup>, and in particular Article 25 (3) thereof,

Whereas the Government of the Federal Republic of Germany, pursuant to Article 24 (4) of Regulation (EEC) No 797/85, forwarded the provisions of the Land of Schleswig-Holstein for encouraging the conversion of arable land into grassland in order to prevent the pollution of underground water;

Whereas, pursuant to Article 25 (3) of Regulation (EEC) No 797/85, the Commission has to decide whether the conditions for a financial contribution from the Community to the common measure referred to in Title V of the said Regulation are satisfied in the light of the compatibility of the abovementioned provisions with the aforementioned Regulation and bearing in mind the objectives of the latter and the need to ensure that the various measures are properly related;

Whereas, under Title V of Regulation (EEC) No 797/85, Member States may introduce in those areas which are particularly sensitive from the point of view of the protection of the environment and of natural resources and from the point of view of the maintenance of the landscape and the countryside, measures to contribute towards the introduction or the maintenance of compatible farming practices;

Whereas these measures involve the grant of an annual premium per hectare to farmers who undertake, under a specific programme for a demarcated area, to apply, for at least five years, specific farming practices;

Whereas the provisions forwarded satisfy the objectives of Title V of Regulation (EEC) No 797/85;

Whereas, the provisions adopted by the Land of Schleswig-Holstein relate to the demarcation of areas sensitive from the point of view of the protection of the

environment; whereas they determine adequately the conditions under which farming practices compatible with the requirements of the protection of those areas are to be carried out; whereas the amount of the aid is fixed by reference to the undertaking entered into by farmers and the income losses resulting therefrom; whereas they therefore satisfy the conditions and the objectives of Title V of Regulation (EEC) No 797/85;

Whereas the EAGGF Committee has been consulted on the financial aspects;

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*

The provisions adopted by the Land of Schleswig-Holstein to encourage the conversion of arable land into grassland in order to prevent pollution of underground water and forwarded by the Government of the Federal Republic of Germany pursuant to Article 24 (4) of Regulation (EEC) No 797/85 satisfy the conditions for a Community financial contribution to the scheme referred to in Title V of the said Regulation.

*Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(2)</sup> OJ No L 108, 29. 4. 1988, p. 1.

**COMMISSION DECISION****of 17 February 1989****amending Decision 78/45/EEC as regards the number of Scientific Committee  
on Cosmetology members****(89/156/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Decision 78/45/EEC of 19 December 1977 establishing a Scientific Committee on Cosmetology <sup>(1)</sup>, and in particular Article 4 thereof,

Whereas Decision 78/45/EEC establishing a Scientific Committee on Cosmetology specifies that the Committee shall consist of not more than 15 members; whereas the enlargements of the Community since the establishment of the Committee and the increase in the Committee's workload make it necessary to provide for an increase in the maximum number of members specified in the above text;

Whereas the Decision concerned therefore needs to be amended,

HAS DECIDED AS FOLLOWS:

*Article 1*

In Article 3 of Decision 78/45/EEC, '15 members' is hereby replaced by '18 members'.

Done at Brussels, 17 February 1989.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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<sup>(1)</sup> OJ No L 13, 17. 1. 1978, p. 24.

## COMMISSION DECISION

of 20 February 1989

on improving the efficiency of agricultural structures in Ireland pursuant to  
Council Regulation (EEC) No 797/85

(Only the English text is authentic)

(89/157/EEC)

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

Having regard to Council Regulation (EEC) No 797/85 of  
12 March 1985 on improving the efficiency of agricultural  
structures <sup>(1)</sup>, as last amended by Regulation (EEC) No  
1137/88 <sup>(2)</sup>, and in particular Article 25 (3) thereof,

Whereas on 3 November 1988 the Irish Government  
forwarded the following provisions pursuant to Article 24  
(4) of Regulation (EEC) No 797/85:

— Amendment to the Farm Improvement Programme  
concerning the conditions under which aid is granted  
in the pig production sector;

Whereas pursuant to Article 25 (3) of Regulation (EEC)  
No 797/85, the Commission has to decide whether the  
conditions for a financial contribution from the  
Community are satisfied in the light of the compatibility  
of the abovementioned provisions with the aforemen-  
tioned Regulation and bearing in mind the objectives of  
the latter and the need to ensure that the various  
measures are properly related;

Whereas the abovementioned provisions satisfy the  
conditions and the objectives of Regulation (EEC) No  
797/85;

Whereas the EAGGF Committee has been consulted on  
the financial aspects;

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*

In view of the provisions forwarded, the measures adopted  
in Ireland pursuant to Regulation (EEC) No 797/85  
continue to satisfy the conditions for a Community  
financial contribution to the common measure provided  
for in Article 1 of Regulation (EEC) No 797/85.

*Article 2*

This Decision is addressed to Ireland.

Done at Brussels, 20 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 93, 30. 3. 1985, p. 1.

<sup>(2)</sup> OJ No L 108, 29. 4. 1988, p. 1.

## COMMISSION DECISION

of 20 February 1989

on import licences in respect of beef and veal products originating in Botswana,  
Kenya, Madagascar, Swaziland and Zimbabwe

(89/158/EEC)

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 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories <sup>(1)</sup>, as last amended by Regulation (EEC) No 1821/87 <sup>(2)</sup>, and in particular Article 22 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 3182/88 <sup>(4)</sup>, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 486/85 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 February 1989, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the remaining quantities, in respect of which licences may be applied for from 1 March 1989, should be fixed within the scope of the total quantity of 30 000 tonnes to which should be added, where appropriate, automatically the additional quantity of 8 100 tonnes referred to in Article 5 (2) and (3) of Regulation (EEC) No 486/85;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection

problems upon importation of bovine animals and swine and fresh meat from third countries <sup>(5)</sup>, as last amended by Directive 88/657/EEC <sup>(6)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The following Member States shall issue on 21 February 1989 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

United Kingdom:

- 650,0 tonnes originating in Botswana,
- 550,0 tonnes originating in Zimbabwe;

Germany:

- 100,0 tonnes originating in Botswana;

the Netherlands:

- 50,0 tonnes originating in Botswana,
- 7,830 tonnes originating in Zimbabwe.

*Article 2*

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of March 1989 in respect of the following quantities of boned beef and veal:

|             |                  |
|-------------|------------------|
| Botswana:   | 17 561,0 tonnes  |
| Kenya:      | 142,0 tonnes     |
| Madagascar: | 7 579,0 tonnes   |
| Swaziland:  | 3 363,0 tonnes   |
| Zimbabwe:   | 7 052,17 tonnes. |

*Article 3*

This Decision is addressed to the Member States, with the exception of Portugal.

Done at Brussels, 20 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(2)</sup> OJ No L 172, 30. 6. 1987, p. 102.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 13.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(6)</sup> OJ No L 382, 31. 12. 1988, p. 3.

## COMMISSION DECISION

of 21 February 1989

recognizing that Denmark applies to heat-treated milk intended for direct home consumption the microbiological standards laid down for step 2 in Directive 85/397/EEC

(89/159/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 85/397/EEC of 5 August 1985 on animal health and public health problems affecting intra-community trade in heat-treated milk<sup>(1)</sup>, as last amended by Regulation (EEC) No 3768/85<sup>(2)</sup>, and in particular Article 10 (1), thereof,

Whereas Article 10 (1) of the said Directive provides that a Member State which, from 1 January 1989, applies to heat-treated milk intended for home consumption the microbiological standards laid down for step 2 may, after such application has been established in accordance with the procedure laid down in Article 14, make the entry of sterilized and UHT-milk subject to the standards laid down in that step for the finished product, and the entry of pasteurized milk subject to the standards laid down for both untreated and pasteurized milk;

Whereas the authorities of Denmark, by letter of 16 November 1988, have informed the Commission of the national public health requirements on heat-treated milk, intended for direct home consumption;

Whereas these requirements will enter into force on 1 January 1989;

Whereas after examination at the meeting of the Standing Veterinary Committee on 19 December 1988, it has been established that Denmark from 1 January 1989 will apply the microbiological standards for step 2, laid down in Annex A, Chapters VI and VII of the said Directive, on heat-treated milk, intended for direct home

consumption; whereas on the other hand the authorities of Denmark have engaged themselves not to send milk for direct human consumption from their territory to that of other Member States, if such milk does not satisfy the microbiological standards laid down for step 2;

Whereas this Decision does not affect the conditions of entry into the territory of Denmark of dairy products, in particular those in relation to the microbiological level of the milk used for their production;

Whereas this Decision is in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

From 1 January 1989 Denmark applies to heat-treated milk intended for direct home consumption the microbiological standards laid down for step 2 in Directive 85/397/EEC.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 21 February 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 226, 24. 8. 1985, p. 13.

<sup>(2)</sup> OJ No L 362, 31. 12. 1985, p. 8.