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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 572/89

of 2 March 1989

amending Regulation (EEC) No 468/87 laying down general rules applying to the special premium for beef producers

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 4a thereof,

Having regard to the proposal from the Commission,

Whereas, from 3 April 1989, the special premium for beef producers introduced by Article 4a of Regulation (EEC) No 805/68 will be applicable in all Member States;

Whereas Council Regulation (EEC) No 1346/86 of 6 May 1986 on the granting of a calf birth premium in Ireland, Italy and Northern Ireland and on the granting of an additional national premium in Italy ⁽³⁾, as last amended by Regulation (EEC) No 4132/88 ⁽⁴⁾, expires on 2 April 1989; whereas there is as a result no longer any justification for the reduction in the special premium in Ireland specified in Article 2 (2) of Regulation (EEC) No 468/87 ⁽⁵⁾ or for the derogation specified in Article 2 (3) of the said Regulation;

Whereas Member States should be allowed, in line with normal commercial practice, to grant the premium on slaughter or when the animals are first placed on the market for slaughter; whereas appropriate conditions on the granting of the premium and on surveillance must be laid down and these must include administrative measures to ensure that the restriction on the number of qualifying animals is complied with; whereas it is also necessary to ensure that the premium is passed on to the producer;

Whereas the smooth operation of the arrangements might be disrupted were the premium to be applied differently in Ireland and in Northern Ireland; whereas therefore the

United Kingdom should be authorized to apply the premium in Northern Ireland in a manner different from that governing its application in the other regions of its territory,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 468/87 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. Each animal shall qualify only once in its lifetime for application of the premium referred to in Article 4a of Regulation (EEC) No 805/68.

Only animals which are at least six months old at the date of the lodging of a request for a premium may be the subject of such a request.

Member States may raise the minimum age for animals' eligibility to 12 months. In this case, the requests for a premium may not be lodged before the minimum age required less the period during which the animal is held for the period laid down for the purposes of surveillance.

2. The premium amount shall be paid in a single instalment;

2. Article 4 is replaced by the following:

'Article 4

1. By way of derogation from the first subparagraph of Article 2 (1) and from Article 3 (1) and (3), Member States may decide to grant the premium, in their territory, on the slaughter of animals.

In this case:

- (a) male animals with a carcase weight of at least 200 kilograms shall qualify, irrespective of age;
- (b) Member States may stipulate that premium requests be lodged after each slaughtering.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 119, 8. 5. 1986, p. 39.

⁽⁴⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽⁵⁾ OJ No L 48, 17. 2. 1987, p. 4.

2. By way of derogation from the second subparagraph of Article 2 (1) and from Article 3 (1), Member States may decide to grant the premium, in their territory, when animals are first placed on the market for slaughter.

In this case :

- (a) only animals which weigh 370 kilograms or more at the date of the lodging of a request for a premium may be the subject of such a request ;
- (b) requests shall be lodged at the time of the first placing on the market, as referred to in the first subparagraph.

3. Where the provisions referred to in paragraphs 1 and 2 apply :

- (a) Member States shall adopt the administrative procedures necessary to guarantee that the premium is paid or paid back in full to the producer who first placed the animals on the market for slaughter ;
- (b) premium requests must be accompanied by a declaration certifying that the producer referred to under (a) has carried out the fattening, and, where paragraph 1 applies, by proof of slaughter of the animal for which the premium is requested ;
- (c) the competent authorities shall, in order to ensure that the restriction on the number of qualifying animals is observed, keep for each producer receiving the premium a record of the number of animals for which the premium has been given ;

3. Article 5 is amended as follows :

- in the introductory wording, 'Article 4a (4)' is replaced by 'Article 4a (3)',

— (c) is replaced by the following :

'(c) procedures for monitoring the number of male animals declared, compliance with the conditions referred to in Article 3 (1), in particular the length of time the cattle are kept on the holdings in order to ensure sufficient control ;'

— the following is added :

'(e) the procedure for monitoring the number of male animals and for compliance with the conditions referred to in Article 4, in particular with regard to the production methods employed by the producer who has to operate at the final stage of production.' ;

4. the following Article is inserted :

'Article 4a

The United Kingdom shall be authorized to apply in Northern Ireland the provisions of Article 3 and, in the other regions of its territory, those provided for in Article 4 (1) and (2).';

5. the following Article is inserted :

'Article 5a

Before 1 April 1991, the Council will review the implementation of the provisions of Article 4.'

Article 2

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

It shall be applicable to requests lodged as from 3 April 1989.

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

Done at Brussels, 2 March 1989.

For the Council

The President

J. L. SAENZ COSCULLUELA

COUNCIL REGULATION (EEC) No 573/89**of 2 March 1989****amending Regulation (EEC) No 1357/80 introducing a system of premiums for maintaining suckler cows and repealing Regulation (EEC) No 1199/82**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

whereas Regulation (EEC) No 1199/82 should therefore be repealed;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Whereas the system of premiums should include all producers who raise suckler cows,

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

HAS ADOPTED THIS REGULATION:

Having regard to the opinion of the European Parliament ⁽²⁾,*Article 1*

Regulation (EEC) No 1357/80 is hereby amended as follows:

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

1. the first subparagraph of Article 3 (1) is replaced by the following:

Whereas the premium amounts provided for in Regulation (EEC) No 1357/80 ⁽⁴⁾, as last amended by Regulation (EEC) No 4132/88 ⁽⁵⁾, and in Council Regulation (EEC) No 1199/82 of 18 May 1982 on the granting of an additional premium for maintaining suckler cows in Greece, Ireland and Northern Ireland ⁽⁶⁾, as last amended by Regulation (EEC) No 4132/88, are applicable until 2 April 1989;

'The amount of the premium shall be ECU 40 per suckler cow held by the producer on the day on which the application was lodged';

2. the following subparagraph is added to Article 3 (2):

'Should Greece or Ireland, or the United Kingdom as regards Northern Ireland, make use of the authorization referred to in the first subparagraph, the first ECU 20 per cow, granted to producers, shall be financed by the EAGGF Guarantee Section';

Whereas the premium amount referred to by Regulation (EEC) No 1357/80 must be specified for the period beginning 3 April 1989;

3. Article 5 (1) (a) is replaced by the following:

'(a) An individual farmer, whether a natural or legal person, who farms within Community territory and who rears cattle';

Whereas the special economic circumstances that led to the introduction of the additional premium in Greece, Ireland and Northern Ireland persist; whereas therefore this underlying principle should be maintained; whereas the amount of the Community's financial contribution from 3 April 1989 should be set; whereas, however, for the sake of simplicity the provisions on this matter should be incorporated in Regulation (EEC) No 1357/80;

Article 2

Regulation (EEC) No 1199/82 is hereby repealed.

Article 3

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

It should be applicable to requests lodged as from 15 June 1989.

⁽¹⁾ OJ No C 300, 25. 11. 1988, p. 14.

⁽²⁾ Opinion delivered on 17 February 1989 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 15 December 1988 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 140, 5. 6. 1980, p. 1.

⁽⁵⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽⁶⁾ OJ No L 140, 20. 5. 1982, p. 30.

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

Done at Brussels, 2 March 1989.

For the Council

The President

J. L. SAENZ COSCULLUELA

COUNCIL REGULATION (EEC) No 574/89

of 2 March 1989

opening for 1989 a special unilateral import quota for fresh, chilled or frozen high quality beef and veal falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91

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 proposal from the Commission,

Whereas, in view of the situation on the beef and veal markets both inside and outside the Community and of the interest of the Community in maintaining harmonious trade relations with certain third countries, a special unilateral Community tariff quota for 1989 should be opened for the importation at 20 % duty rate of 6 000 tonnes of high quality fresh, chilled or frozen beef and veal falling within CN codes 0201 and 0202 and of products falling within CN codes 0206 10 95 and 0206 29 91;

Whereas all interested Community operators should be guaranteed equal and uninterrupted access to the quota at the specified rate for all imports of the products in question into all Member States until the quota amount is used up; whereas to this end it would be advisable to make arrangements for utilization of the quota involving presentation of a certificate of authenticity guaranteeing the nature, provenance and origin of the products;

Whereas detailed rules for the application of these provisions must be adopted by the procedure laid down in Article 27 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. A special unilateral Community tariff quota for high quality fresh, chilled or frozen beef and veal falling within CN codes 0201 and 0202 and products falling within CN codes 0206 10 95 and 0206 29 91 shall be opened for 1988.

The total volume of the quota shall be 6 000 tonnes by product weight.

2. The customs duty applicable to the quota referred to in paragraph 1 shall be 20 %.

Article 2

Detailed rules for the application of this Regulation shall be determined by the procedure laid down in Article 27 of Regulation (EEC) No 805/68. These shall, in particular:

- (a) guarantee the nature, provenance and origin of the products in question; and
- (b) cover recognition of the document providing the guarantees referred to in (a).

Article 3

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

It shall apply with effect from 1 January 1989.

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

Done at Brussels, 2 March 1989.

For the Council

The President

J. L. SAENZ COSCULLUELA

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

COMMISSION REGULATION (EEC) No 575/89

of 6 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⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 3 March 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 7 March 1989.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

ANNEX

to the Commission Regulation of 6 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	124,05
0712 90 19	21,98	124,05
1001 10 10	55,14	181,48 ⁽¹⁾ ⁽²⁾
1001 10 90	55,14	181,48 ⁽¹⁾ ⁽²⁾
1001 90 91	32,44	116,52
1001 90 99	32,44	116,52
1002 00 00	60,11	113,90 ⁽⁹⁾
1003 00 10	50,67	117,17
1003 00 90	50,67	117,17
1004 00 10	41,73	77,30
1004 00 90	41,73	77,30
1005 10 90	21,98	124,05 ⁽²⁾ ⁽³⁾
1005 90 00	21,98	124,05 ⁽²⁾ ⁽³⁾
1007 00 90	45,32	139,58 ⁽⁴⁾
1008 10 00	50,67	26,17
1008 20 00	50,67	52,92 ⁽⁴⁾
1008 30 00	50,67	0,00 ⁽⁴⁾
1008 90 10	(7)	(7)
1008 90 90	50,67	0,00
1101 00 00	59,77	177,49
1102 10 00	98,51	173,96
1103 11 10	98,98	294,80
1103 11 90	63,11	190,24

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

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

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

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

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

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

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

**COMMISSION REGULATION (EEC) No 576/89
of 6 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 ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular Article 15 (6) thereof,

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

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

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

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

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

Whereas these exchange rates being those recorded on 3 March 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 7 March 1989.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 6 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 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	1,23	1,23	0
0712 90 19	0	1,23	1,23	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	3,56	3,56	4,35
1001 90 99	0	3,56	3,56	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	1,23	1,23	0
1005 90 00	0	1,23	1,23	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	4,97	4,97	6,09

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	6,34	6,34	7,74	7,74
1107 10 19	0	4,73	4,73	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 577/89

of 6 March 1989

reintroducing the preferential customs duty on imports of large-flowered roses
originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas Regulation (EEC) No 4088/87 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⁽³⁾,
(EEC) No 3175/88⁽⁴⁾, (EEC) No 3552/88⁽⁵⁾ and (EEC) No
4078/88⁽⁶⁾ open and provide for the administration of
Community tariff quotas for cut flowers and flower buds,
fresh, originating in Cyprus, Jordan, Morocco and Israel
respectively;

Whereas Article 2 (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⁽⁷⁾
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⁽⁸⁾, as
amended by Regulation (EEC) No 3556/88⁽⁹⁾, 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⁽¹⁰⁾, as last
amended by Regulation (EEC) No 1636/87⁽¹¹⁾,
- 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 large-
flowered roses originating in Morocco by Regulation
(EEC) No 3552/88 was suspended by Commission
Regulation (EEC) No 494/89⁽¹²⁾;

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 large-flowered roses originating in
Morocco; whereas the preferential customs duty should
be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN code
ex 0603 10 51) originating in Morocco the preferential
customs duty set by Regulation (EEC) No 3552/88 is
reintroduced.

Article 2

This Regulation shall enter into force on 7 March 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 271, 1. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 1.

⁽⁵⁾ OJ No L 311, 17. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 8.

⁽⁷⁾ OJ No L 311, 17. 11. 1988, p. 9.

⁽⁸⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁹⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽¹²⁾ OJ No L 57, 28. 2. 1989, p. 30.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 578/89

of 6 March 1989

amending Regulation (EEC) No 1609/88 as regards the latest time of entry into storage for butter sold under Regulation (EEC) No 3143/85

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1109/88⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, as provided for in Article 1 of Commission Regulation (EEC) No 3143/85 of 11 November 1985 on the sale at reduced price of intervention butter intended for direct consumption in the form of concentrated butter⁽³⁾, as last amended by Regulation (EEC) No 231/89⁽⁴⁾, butter put up for sale must have entered storage before a date to be determined; whereas, in view of the level of butter stocks, the date in the first subparagraph of Article 1 of Commission Regulation (EEC) No 1609/88⁽⁵⁾, as last amended by Regulation (EEC) No 472/89⁽⁶⁾, which fixes the latest time of entry into storage of butter sold under Regulation (EEC) No 3143/85, should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The first subparagraph of Article 1 of Regulation (EEC) No 1609/88 is hereby replaced by the following:

'The butter referred to in Article 1 (1) of Regulation (EEC) No 3143/85 must have been taken into storage before 1 August 1986 or between 1 August and 31 December 1987.'

Article 2

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

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁴⁾ OJ No L 29, 31. 1. 1989, p. 27.

⁽⁵⁾ OJ No L 143, 10. 6. 1988, p. 23.

⁽⁶⁾ OJ No L 53, 25. 2. 1989, p. 33.

COMMISSION REGULATION (EEC) No 579/89**of 6 March 1989****fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 13 to 19 February 1989**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 467/87 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, as amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 13 to 19 February 1989 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 13 to 19 February 1989 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 13 February 1989.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

ANNEX

to the Commission Regulation of 6 March 1989 fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 13 to 19 February 1989

(ECU/100 kg net weight)	
CN code	Amount
0201 10 10	26,26474
0201 10 90	26,26474
0201 20 21	26,26474
0201 20 29	26,26474
0201 20 31	21,01179
0201 20 39	21,01179
0201 20 51	31,51769
0201 20 59	31,51769
0201 20 90	21,01179
0201 30 00	35,98269
0202 10 00	26,26474
0202 20 10	26,26474
0202 20 30	21,01179
0202 20 50	31,51769
0202 20 90	21,01179
0202 30 10	35,98269
0202 30 50	35,98269
0202 30 90	35,98269
0206 10 95	35,98269
0206 29 91	35,98269
0210 20 10	21,01179
0210 20 90	29,94180
0210 90 41	29,94180
1602 50 10 ⁽¹⁾	29,94180
1602 50 10 ⁽²⁾	21,01179

⁽¹⁾ Containing 80 % or more by weight of beef meat.

⁽²⁾ Other.

COMMISSION REGULATION (EEC) No 580/89

of 6 March 1989

suspending the preferential customs duties and re-introducing the Common Customs Tariff 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⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

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

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

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

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

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

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

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

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

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

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff 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 fixed by Council Regulation (EEC) No 4078/88 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 8 March 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 271, 1. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 1.

⁽⁵⁾ OJ No L 311, 17. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 8.

⁽⁷⁾ OJ No L 311, 17. 11. 1988, p. 9.

⁽⁸⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁹⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 581/89

of 6 March 1989

fixing the amounts to be paid to recognized olive oil producer organizations and associations thereof for the 1988/89 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2210/88⁽²⁾, and in particular Article 20d (4) thereof,

Whereas Article 20d of Regulation No 136/66/EEC provides that a percentage of the production aid is to be withheld to help finance the work of the producer organizations and associations thereof;

Whereas Article 8 (1) of Commission Regulation (EEC) No 3061/84 of 31 October 1984 laying down detailed rules for the application of the system of production aid for olive oil⁽³⁾, as last amended by Regulation (EEC) No 98/89⁽⁴⁾, provides that the unit amounts to be paid to producer organizations and associations thereof are to be fixed on the basis of forecasts of the overall sum to be distributed; whereas the amount withheld was fixed for the 1988/89 marketing year by Council Regulation (EEC) No 2211/88⁽⁵⁾; whereas the funds which will be available in each Member State as a result of the abovementioned amount withheld must be redistributed to those eligible in a suitable manner; whereas in Spain and Portugal the

amount withheld is less than that collected in the other Member States as a result of the lower level of production aid;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1988/89 marketing year, the amounts provided for in Article 8 (1) (a) and (b) of Regulation (EEC) No 3061/84 shall be as follows:

- for Spain: ECU 0,75 and ECU 1,5 respectively,
- for Portugal: ECU 0,3 and ECU 0,5 respectively,
- for the other Member States: ECU 1,8 and ECU 1,8 respectively.

Article 2

This Regulation shall enter into force on the third 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, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁴⁾ OJ No L 14, 18. 1. 1989, p. 14.

⁽⁵⁾ OJ No L 197, 26. 7. 1988, p. 3.

COMMISSION REGULATION (EEC) No 582/89

of 6 March 1989

correcting Regulation (EEC) No 4061/88 laying down further detailed rules of application as regards import licences for certain processed products obtained from sour cherries originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2247/88 ⁽²⁾, and in particular Articles 14 (3) and 15 (4) thereof,

Having regard to Council Regulation (EEC) No 1201/88 of 28 April 1988 establishing import mechanisms for certain processed products obtained from sour cherries and originating in Yugoslavia ⁽³⁾, and in particular Article 5 thereof,

Whereas Article 2 (2) of Commission Regulation (EEC) No 4061/88 ⁽⁴⁾ does not correspond to the text submitted for an opinion to the Management Committee; whereas

the Regulation adopted by the Commission should be corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The first sentence of Article 2 (2) of Regulation (EEC) No 4061/88 is hereby replaced by the following:

'Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed by more than 3 % that indicated in Sections 17 and 18 of the import licence.'

Article 2

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

Article 1 shall apply to licences issued from 1 January 1989.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 6. 1988, p. 21.

⁽³⁾ OJ No L 115, 3. 5. 1988, p. 9.

⁽⁴⁾ OJ No L 356, 24. 12. 1988, p. 45.

COMMISSION REGULATION (EEC) No 583/89

of 6 March 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2238/88 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 151/89 ⁽³⁾, as last amended by Regulation (EEC) No 539/89 ⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 151/89 'ECU 12,96' is hereby replaced by 'ECU 6,98'.

Article 2

This Regulation shall enter into force on 7 March 1989.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.⁽³⁾ OJ No L 17, 21. 1. 1989, p. 45.⁽⁴⁾ OJ No L 59, 2. 3. 1989, p. 24.

COMMISSION REGULATION (EEC) No 584/89
of 6 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 ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 570/89 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 March 1989.

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

Done at Brussels, 6 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 61, 4. 3. 1989, p. 41.

ANNEX

to the Commission Regulation of 6 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,28 ⁽¹⁾
1701 11 90	34,28 ⁽¹⁾
1701 12 10	34,28 ⁽¹⁾
1701 12 90	34,28 ⁽¹⁾
1701 91 00	41,40
1701 99 10	41,40
1701 99 90	41,40 ⁽²⁾

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 February 1989

on the conclusion of an Agreement in the form of an Exchange of Notes on the extension of and amendments to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coast of the United States

(89/167/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries of the coast of the United States⁽¹⁾, and in particular Articles XIV and XIX (1) thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the United States have conducted consultations as provided for in Article XIV of the Agreement on the extension of and amendments to the Agreement which expires 1 July 1989;

Whereas the two parties agreed to amend and extend the Agreement for a period of two years; whereas agreement should be approved, in the form of an Exchange of Notes to that effect,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Notes on the extension of and amendments to the Agreement

between the Government of the United States of America and the European Economic Community concerning fisheries of the coast of the United States is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 23 February 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L-272, 13. 10. 1984, p. 3.

AGREEMENT

in the form of an Exchange of Notes on the extension of and amendments to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coast of the United States

A. Note from the Government of the United States of America

The United States Mission to the European Communities presents its compliments to the Commission of the European Communities and wishes to draw the attention of the Commission of the European Communities to the agreement between the Government of the United States of America and the European Communities concerning fisheries off the coasts of the United States, signed at Washington on 1 October 1984, and due to expire on 1 July 1989. The United States proposes that the agreement be extended until 1 July 1991, and that it be amended as follows :

- A. In Article III, paragraph 2, replace the words 'necessitated by unforeseen circumstances affecting the stocks' with the word 'appropriate'.
- B. In Article IV, replace the phrase, 'the Magnuson Fishery Conservation and Management Act, as amended, that is : ' with the phrase, 'US law, including :'. Remove quotation marks and replace italic numerals which follow with corresponding arabic numerals.
- C. In Article IV, paragraph 1, replace the phrase 'of United States fish or fishery products' with 'of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation ;'.
- D. In Article IV, paragraph 2, replace the present text with the following : 'Whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from United States processors and the advancement of fisheries trade through the purchase of fish and fishery products for which the foreign nation has requested an allocation ;'.
- E. In Article VII, before the final sentence, insert the following : 'while such fees shall be applied without discrimination, the fee level may vary depending upon, *inter alia*, whether, in the judgment of the United States, vessels or nationals of the Member States of the European Communities are harvesting United States origin anadromous species at unacceptable levels, or whether the European Communities are failing to take sufficient action to benefit the conservation and development of United States fisheries.'
- F. In Article XII, paragraph 4, at the end of the paragraph, add the following sentence : 'The European Communities shall similarly provide such economic data as may be requested by the United States.'
- G. In Article XIX, replace the date '1 July 1989' with the date '1 July 1991'.

The United States proposes that if the extension and the amendments set out in this note are acceptable to the European Communities to that effect shall constitute an agreement between the Government of the United States of America and the European Communities amending the agreement concerning fisheries off the coasts of the United States and extending that agreement until 1 July 1991. This agreement of diplomatic notes following the completion of internal procedures of both parties.

The Mission takes this opportunity to renew to the Commission the assurance of its highest consideration.

*For the Government of the
United States of America*

The United States Mission to
the European Communities

15 September 1988

B. Note from the European Community

The Directorate General for External Relations of the Commission of the European Communities presents its compliments to the United States Mission of the European Communities and has the honour to acknowledge receipt of the Mission's Note of 15 September 1988, which reads as follows :

"The United States Mission to the European Communities presents its compliments to the Commission of the European Communities and wishes to draw the attention of the Commission of the European Communities to the agreement between the Government of the United States of America and the European Communities concerning fisheries off the coasts of the United States, signed at Washington on 1 October 1984, and due to expire on 1 July 1989. The United States proposes that the agreement be extended until 1 July 1991, and that it be amended as follows :

- A. In Article III, paragraph 2, replace the words "necessitated by unforeseen circumstances affecting the stocks" with the word "appropriate".
- B. In Article IV, replace the phrase, "the Magnuson Fishery Conservation and Management Act, as amended, that is : " with the phrase, "US law, including : ". Remove quotation marks and replace italic numerals which follow with corresponding arabic numerals.
- C. In Article IV, paragraph 1, replace the phrase "of United States fish or fishery products" with "of both United States fish and fishery products, particularly fish and fishery products for which the foreign nation has requested an allocation ;".
- D. In Article IV, paragraph 2, replace the present text with the following : "Whether, and to what extent, such nation is cooperating with the United States in both the advancement of existing and new opportunities for fisheries exports from the United States through the purchase of fishery products from United States processors and the advancement of fisheries trade through the purchase of fish and fishery products from United States fishermen, particularly fish and fishery products for which the foreign nation has requested an allocation ;".
- E. In Article VII, before the final sentence, insert the following : "While such fees shall be applied without discrimination, the fee level may vary depending upon, *inter alia*, whether, in the judgment of the United States, vessels or nationals of the Member States of the European Communities are harvesting United States origin anadromous species at unacceptable levels, or whether of European Communities are failing to take sufficient action to benefit the conservation and development of United States fisheries."
- F. In Article XII, paragraph 4, at the end of the paragraph, add the following sentence : "The European Communities shall similarly provide such economic data as may be requested by the United States."
- G. In Article XIX, replace the date "1 July 1989" with the date "1 July 1991".

The United States proposes that if the extension and the amendments set out in this note are acceptable to the European Communities, this note and the reply of the European Communities to that effect shall constitute an agreement between the Government of the United States of America and the European Communities amending the agreement concerning fisheries off the coasts of the United States and extending that agreement until 1 July 1991. This agreement shall enter into force on a date to be agreed upon by exchange of diplomatic notes following the completion of internal procedures of both parties."

The Directorate General for External Relations of the Commission of the European Communities has the honour to confirm that the contents of the above note are acceptable to the European Economic Community and that the above note and this note constitute an Agreement in accordance with the proposal of the Government of the United States of America.

The Directorate General for External Relations of the Commission of the European Communities takes this opportunity to renew to the United States Mission to the European Communities the assurance of its highest consideration.

*On behalf of the Council of the
European Communities*

The Directorate General for
External Relations of the
Commission of the European Communities

27 February 1989

COUNCIL ESTIMATE**of 2 March 1989****concerning young male bovine animals weighing 300 kilograms or less and
intended for fattening for the period 1 January to 31 December 1989****(89/168/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS ESTIMATE:

Introduction

Article 13 (2) of Regulation (EEC) No 805/68 provides that the Council shall, each year before 1 December, draw up, on a proposal from the Commission and by qualified majority vote, an estimate of the young male bovine animals which may be imported under the system laid down under the said Article. This estimate is to take account both of the forecast supplies of young bovine animals intended for fattening within the Community and of Community livestock farmers' requirements. In addition, pursuant to Article 31, the aforementioned Regulation must be applied in such a way that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

I**Community supplies of young bovine animals**

This estimate covers the period 1 January to 31 December 1989. It has been prepared in the light of information available to the Commission and on the basis of the foreseeable trend for 1989 of supplies of and requirements for young male bovine animals intended for fattening in the Community.

In view of the number of breeding females (cows and heifers) anticipated for 1989 (about 35 350 000), some 28 500 000 births of calves are expected during that year. Production over the year of male calves would therefore be about 14 250 000 head.

Community requirements

The number of slaughterings of male calves envisaged for 1989 on the basis of data collected from Member States, should be about 3 800 000 head.

The number of male animals intended for slaughter as oxen, fattened young bulls and bulls for breeding should be about 10 625 000 head.

In the light of information provided by Member States and of the above estimates, it is expected that in 1989 the requirements of Community livestock farmers as regards young male bovine animals for fattening will be 10 625 000 head.

It follows from the foregoing that the Community overall requirements in male calves will be 14 425 000 head in 1989.

These requirements will be only partly satisfied by Community supplies of these animals, which amount to about 14 250 000 head.

The foreseeable Community shortfall for 1989 in male calves for fattening can therefore be estimated as 175 000 head.

Conclusion

The estimate for young male bovine animals weighing 300 kilograms or less intended for fattening which may be imported in 1989 under the arrangements provided for in Article 13 of Regulation (EEC) No 805/68 is fixed at 175 000 head.

Done at Brussels, 2 March 1989.

*For the Council**The President*

J. L. SAENZ COSCULLUELA

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

COUNCIL ESTIMATE

of 2 March 1989

concerning beef and veal intended for the processing industry for the period
1 January to 31 December 1989

(89/169/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

I

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 14 (2) thereof,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS ESTIMATE:

Introduction

Article 14 (2) of Regulation (EEC) No 805/68 provides that each year before 1 December the Council shall draw up an estimate of meat which may be imported under the arrangements laid down in that Article.

This estimate shall cover the period from 1 January to 31 December 1989. It has been prepared in the light of information available to the Commission and on the basis of current forecasts. It is derived from estimates of demand in the industry and of Community supplies of meats of qualities and types of cut suitable for industrial use, hereinafter referred to as 'meat for processing'.

Demand in the industry for meat for processing has been assessed by reference to the quantities of fresh or frozen meat used each year.

Community supplies of meat for processing have been estimated by reference to the quantities of fresh meat normally used for this purpose.

In adopting this estimate, the Council has taken account of the fact that, in accordance with Article 31 of Regulation (EEC) No 805/68, that Regulation must be applied in such a way that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Supplies of meat for processing

According to information supplied to the Commission by the Member States in August 1988, Community supplies of home-produced fresh meat for processing for 1989 can be estimated at 1 100 000 tonnes of meat on the bone.

It is also estimated that at the end of 1988 the Community will hold a public stock of meat as a result of intervention buying. The quantity of this meat satisfying the requirements of meat for processing can be estimated at 158 300 tonnes of meat on the bone.

It can also be considered that at the end of 1988 there will be a stock of meat held in cold stores as a result of the granting of private storage aid for the storage of carcasses, half-carcasses, hindquarters and forequarters of adult bovine animals. The quantity of this meat satisfying the requirements of meat for processing can be estimated at 15 000 tonnes of meat on the bone.

With effect from 1 January 1989 the Community has opened a tariff quota for 53 000 tonnes of frozen meat, which corresponds to 68 900 tonnes of meat on the bone.

Experience indicates that, under this quota, 7 000 tonnes of frozen meat on the bone will be imported for processing in 1989.

For 1989, the quantity of meat originating in Botswana, Kenya, Madagascar, Swaziland and Zimbabwe which may be imported into the Community and which satisfies the requirements for processing may be estimated at 7 700 tonnes of meat on the bone.

For 1989 the total available supplies intended for processing will thus be as follows:

	(tonnes)
— fresh meat:	1 100 000
— frozen meat taken over at intervention:	158 300
— frozen meat stored under the system of private storage aid:	15 000
— frozen meat imported under GATT quota	7 000
— frozen meat imported under ACP Convention arrangements:	7 700
Total	1 288 000

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

II

Industrial demand for meat for processing

According to information supplied to the Commission by the Member States in August 1988, Community demand for meat for processing in 1989 can be estimated at 1 303 000 tonnes of meat on the bone.

This figure includes quantities required for the preparation of preserved foods as specified in Article 14 (1) (a) of Regulation (EEC) No 805/68. This latter quantity is estimated at 216 150 tonnes.

Conclusions

On the basis of the foregoing, demand can only be partially met by Community supplies of such meat.

The forecast Community deficit of beef for the processing industry in 1989 is approximately 15 000 tonnes.

However, having regard to the need to take appropriate account, at the same time, when applying Regulation (EEC) No 805/68, of the objectives set out in Articles 39 and 110 of the Treaty, and above all given the importance

of the imports concerned in the context of the trade relations between the Community and the non-member countries which supply it, the estimate for meat intended for the processing industry which may be imported in 1989 under the arrangements provided for in Article 14 of the aforesaid Regulation is fixed at 20 000 tonnes.

It has been decided to apportion this tonnage, as required by Article 14 (1) of the said Regulation, so that :

- 13 350 tonnes of meat intended for the manufacture of preserved food which does not contain characteristic components other than beef and jelly shall qualify for the total suspension of the levy, and
- 6 650 tonnes of meat intended for the processing industry for the manufacture of products other than the preserved foods referred to in the first indent shall qualify for the total or partial suspension of the levy.

Done at Brussels, 2 March 1989.

For the Council

The President

J. L. SAENZ COSCULLUELA

COMMISSION

COMMISSION DECISION

of 28 February 1989

amending Decision 89/3/EEC in regard to health protection measures in connection with imports of certain fresh meat from the States of Espirito Santo and São Paulo, Brazil

(89/170/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 ⁽¹⁾, as last amended by Directive 88/289/EEC ⁽²⁾, 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 ⁽³⁾, as amended by Decision 87/455/EEC ⁽⁴⁾, 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 Decision 89/3/EEC ⁽⁵⁾, as last amended by Decision 89/154/EEC ⁽⁶⁾, of health protection measures in connection with imports of certain fresh meat from Brazil which will apply from 1 March 1989;

Whereas the last on-the-spot check by Community inspectors showed that the situation in the States of Espirito Santo and São Paulo had improved;

Whereas Decision 89/3/EEC should therefore be amended so that Member States can again authorize importation of fresh meat of bovine animals from the States of Espirito Santo and São Paulo;

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 reference to the States of Espirito Santo and São Paulo in Article 1 of Decision 89/3/EEC is deleted.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 124, 18. 5. 1988, p. 31.

⁽³⁾ OJ No L 142, 28. 5. 1986, p. 51.

⁽⁴⁾ OJ No L 244, 28. 8. 1987, p. 38.

⁽⁵⁾ OJ No L 5, 7. 1. 1989, p. 32.

⁽⁶⁾ OJ No L 59, 2. 3. 1989, p. 35.

COMMISSION DECISION**of 1 March 1989****concerning the establishment of overall quantities of food aid for 1989 and
establishing a list of products to be supplied as food aid****(89/171/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 3972/86
of 22 December 1986 on food-aid policy and food-aid
management ⁽¹⁾, as last amended by Regulation (EEC) No
1870/88 ⁽²⁾, and in particular Article 5 thereof,Whereas, in order to implement Council Regulation
(EEC) No 3972/86, it is necessary to determine the total
quantities of each product to be supplied under the
food-aid operations for 1989 and to establish the products
involved;Whereas the overall quantities of food aid for 1989 should
be decided and the execution of food-aid operations shall
be carried out according to the budgetary resources
actually available;Whereas the measures provided for in this Decision are in
accordance with the opinion of the Food Aid Committee,

HAS ADOPTED THIS DECISION:

Sole Article

1. The total quantities of each product to be supplied
under the 1989 food-aid programme to certain developing
countries and certain organizations are set out in Annex I.
2. The products which may be supplied as food aid are
listed in Annex II.

Done at Brussels, 1 March 1989.

For the Commission

Manuel MARÍN

Vice-President

ANNEX I**Quantities of food aid to be made available in 1989:**

- Cereals :
 - (a) an initial instalment of 927 700 tonnes;
 - (b) a second instalment of up to 432 300 tonnes,
- Milk powder: a maximum of 94 100 tonnes,
- Butteroil: a maximum of 25 000 tonnes,
- Sugar: a maximum of 14 200 tonnes,
- Vegetable oil (seed oil and olive oil): a maximum of 40 000 tonnes,
- Other products: quantities corresponding to not more than 200 000 tonnes of cereal equivalent.

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1, and corrigendum in OJ No
L 42, 12. 2. 1987, p. 54.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

ANNEX II

CN code	Description
0202	Meat of bovine animals, frozen
0210 20	Meat of bovine animals, salted, in brine, dried or smoked
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
ex 0402	Milk and cream, in powder, granules or other solid forms
ex 0405 00	Butteroil
0713	Dried leguminous vegetables, shelled, whether or not skinned or split
0806 20	Dried grapes
ex Chapter 10	Cereals
1101	Cereals flours
1102	
1103	Cereal, groats, meal and pellets
1104	Cereal grains otherwise worked, except rice falling within CN code 1006 ; germ of cereals, whole, rolled, flaked or ground
1106 10 00	Flour and meal of the dried leguminous vegetables falling within CN code 0713
ex 1202	Groundnuts
1509	Olive oil
ex 1507	Vegetable oils and their fractions, whether or not refined, but not chemically modified, for human consumption
ex 1508	
ex 1511	
ex 1512	
ex 1513	
ex 1514	
ex 1515	
1602 50	Other prepared or preserved meat, meat offal or blood of bovine animals
ex 1604 13 to 1604 16	Prepared or preserved fish : sardines, sardinella and brisling or sprats ; tunas, skipjack and Atlantic bonito (<i>Sarda</i> spp.) ; mackerel ; anchovies ; other
1701	Cane or beet sugar and chemically pure sucrose, in solid form
ex 1901	Food preparations of flour, meal, etc., not elsewhere specified or included
ex 1902	Uncooked pasta, not stuffed or otherwise prepared
ex 1905	Sweet biscuits ; waffles and wafers
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
ex 2106 10	Food preparations not elsewhere specified or included ; protein concentrates and textured protein substances derived from milk

COMMISSION DECISION

of 1 March 1989

closing the anti-dumping proceedings concerning imports into Spain of choline chloride originating in Belgium

(IV/AD/87/1 — Choline chloride)

(89/172/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, and in particular Article 380 (1) thereof,

Having regard to Council Regulation (EEC) No 812/86 of 14 March 1986 on protection against imports which are the subject of dumping between the Community of Ten and the new Member States or between the new Member States during the period throughout which the transitional measures laid down by the Act of Accession of Spain and Portugal apply ⁽¹⁾, and in particular Article 5 (8) thereof,

Having consulted the Member States concerned in accordance with Article 8 (3) of Regulation (EEC) No 812/86,

Whereas :

A. PROCEDURE

In a notice published in the *Official Journal of the European Communities* ⁽²⁾, the Commission announced that, after consulting the Member States, it had decided to initiate anti-dumping proceedings concerning imports into Spain of choline chloride originating in Belgium.

The product concerned is 75 % liquid choline chloride falling within CN code 2923 10 10, manufactured and exported to Spain by Union Chimique Belge SA and imported into Spain by the Spanish company Indukern SA.

The proceedings were initiated following a complaint that choline chloride exports from Belgium to Spain were being carried out at dumping prices, thus causing injury to a sector of the Spanish economy. The complaint was based on Article 4 of Regulation (EEC) No 812/86.

The complaint was lodged by Algry SA, which manufactures all the choline chloride produced in Spain; it was supported by Ertisa SA, the sole Spanish producer

of trimetilamine (a base product used in the production of choline chloride).

Pursuant to Article 5 (1) (b) of Regulation (EEC) No 812/86, the Commission advised interested Member States, the complainant and the exporter and importer concerned and, in accordance with the provisions of paragraph 1 (c) of that Article, commenced an investigation to determine whether the Spanish complainant's allegations were well-founded and justified intervention on its part.

The Commission gave interested parties the opportunity to make known their views in writing and to request a hearing.

In order to obtain all the information which it deemed necessary, the Commission sent a questionnaire to the Spanish complainant, the Belgian exporter and the Spanish importer, in order to establish whether there was a dumping margin and injury.

The three companies replied to the questionnaire. At their request, the Belgian exporter, the complainant and Ertisa SA were heard orally.

No comments were received from other interested parties.

The investigation covered the period from 1 January to 31 August 1987.

B. DUMPING

The investigation revealed that there had indeed been dumping during the investigation period, since the ex-factory price actually paid for the product sold for export to Spain was considerably below the ex-factory price charged by Union Chimique Belge SA for the same product on the domestic market.

C. INJURY

The volume of 75 % choline chloride imports from Belgium has increased significantly since the accession of Spain, from 0 in 1984 and 1985 to 954 tonnes in 1986 and 2 257 tonnes in 1987. By contrast, imports of the product from the other Member States, which amounted to 190 tonnes in 1984 and 287 tonnes in 1985, increased to only 318 tonnes in 1986 and fell to a mere 83 tonnes in 1987.

⁽¹⁾ OJ No L 78, 24. 3. 1986, p. 1.

⁽²⁾ OJ No C 255, 25. 9. 1987, and corrigendum in OJ No C 279, 17. 10. 1987.

The dumped imports have led to a fall in choline chloride prices on the Spanish market. Since the complainant made efforts to maintain its production and its market share of choline chloride in Spain, notably by reducing its selling prices, the injury suffered is mainly in the complainant's profitability; however, it is also reflected in a decline in its market share in Spain.

D. RECOMMENDATION

On 18 July 1988, after consulting the Member States concerned, the Commission, acting in accordance with Article 8 (1) of Regulation (EEC) No 812/86, addressed a recommendation to Union Chimique Belge SA that dumping be terminated. The recommendation calls for compliance with a minimum price for choline chloride exports to Spain for sale on the Spanish market.

E. UNDERTAKING

By letter dated 5 August 1988, Union Chimique Belge SA undertook to comply with the Commission's recommendation within the period it laid down.

Consequently, in accordance with Article 5 (8) of Regulation (EEC) No 812/86, the proceedings may be

closed without the Commission having to authorize Spain to introduce anti-dumping duties in respect of the exporter concerned,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceedings concerning imports into Spain of choline chloride originating in Belgium are hereby closed.

Done at Brussels, 1 March 1989.

For the Commission

Sir Leon BRITTAN

Vice-President
