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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 787/89
of 20 March 1989**

**amending Regulation (EEC) No 1883/78 laying down general rules for the
financing of interventions by the European Agricultural Guidance and
Guarantee Fund, Guarantee Section**

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 729/70 of
21 April 1970 on the financing of the common
agricultural policy⁽¹⁾, as last amended by Regulation
(EEC) No 2048/88⁽²⁾, and in particular Article 3 (2)
thereof,

Having regard to proposal from the Commission,

Whereas Article 6 of Regulation (EEC) No 1883/78⁽³⁾, as
last amended by Regulation (EEC) No 2050/88⁽⁴⁾,
stipulates that material operations arising from the storage
and, where appropriate, processing of intervention
products are to be financed by means of standard
amounts uniform throughout the Community; whereas
the same rules should apply to financing by the EAGGF
Guarantee Section of costs arising from special measures
designed to guarantee the utilization and/or destination of
products held by intervention agencies for given purposes,
such measures being laid down by Community rules,

Article 1

The following subparagraph is hereby added to Article 6
of Regulation (EEC) No 1883/78:

'Costs arising from the special measures designed to
guarantee the utilization and/or destination of products
held by intervention agencies for given purposes, which
are adopted under the common organizations of the
market and the costs of which are borne by the EAGGF
Guarantee Section shall also be financed by standard
amounts uniform throughout the Community. The
standard amounts shall be determined in accordance with
the procedure laid down in the first subparagraph.'

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 to expenditure incurred from 1 January
1987.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 6.

COUNCIL REGULATION (EEC) No 788/89

of 20 March 1989

amending Regulation (EEC) No 3247/81 on the financing by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, of certain intervention measures, particularly those involving the buying-in, storage and sale of agricultural products by intervention agencies

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 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, as last amended by Regulation (EEC) No 787/89 ⁽²⁾, and in particular Article 4 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, as a result of the amendment, made by Regulation (EEC) No 2050/80 ⁽³⁾, of Article 8 of Regulation (EEC) No 1883/78, which provides for depreciation of the purchase value of products bought into public intervention, the carry-over prices specified in Article 4 (3) of Regulation (EEC) No 3247/81 ⁽⁴⁾, as last amended by Regulation (EEC) No 2632/85 ⁽⁵⁾, no longer correspond to the prices to be repaid to the EAGGF Guarantee Section should the product taken into storage have deteriorated or been destroyed; whereas a new price reference applicable in such cases must be determined;

Whereas the Annex to Regulation (EEC) No 3247/81 should also be adapted to take account of the financing, according to the system of standard amounts, of special measures to guarantee the utilization and/or destination of products held by intervention agencies for given purposes, pursuant to Article 6 of Regulation (EEC) No 1883/78,

Article 1

Regulation (EEC) No 3247/81 is hereby amended as follows:

1. The first indent of Article 4 (3) is replaced by the following:

— the price to be entered in the accounts shall be the basic intervention price applicable for the standard quality on the first day of the current financial year. Where appropriate, the percentage applicable to the intervention price upon purchase of the product shall be applied to this price. The conversion rate applicable shall be that applying on the same day,

2. In Annex I the following point is added under point 1 of 'I. Costs, material operations':

'(g) by special measures to guarantee the utilization and/or destination of the product'.

Article 2

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

Article 1 (1) shall apply to expenditure incurred from 1 October 1988 and Article 1 (2) to expenditure incurred from 1 January 1987.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 6.

⁽⁴⁾ OJ No L 327, 14. 11. 1981, p. 1.

⁽⁵⁾ OJ No L 251, 20. 9. 1985, p. 1.

COUNCIL REGULATION (EEC) No 789/89**of 20 March 1989****instituting specific measures for nuts and locust beans and amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas the situation on the market for nuts, that is essentially that for almonds, hazelnuts or filberts, walnuts and pistachios, is markedly out of step with technical and commercial requirements from the point of view of both technical production conditions, which are typified by a large number of small holdings and a low level of mechanization, leading in turn to low productivity and high costs, and marketing conditions;

Whereas the same situation is a feature of locust bean cultivation; whereas, in certain regions of the Community, such cultivation is closely linked to orchards producing nuts and may be amalgamated with nut cultivation to constitute one homogenous plantation; whereas therefore the measures introduced for nuts should be extended to cover locust beans;

Whereas the formation of producers' organizations, placing an obligation on their members to comply with rules adopted by the organizations in order to improve product quality and to adapt the volume of supply to market requirements, would be a suitable way of remedying the said structural deficiencies; whereas provisions for facilitating the formation and operation of such organizations should be adopted;

Whereas an incentive of this kind can be provided in the first instance by granting a flat-rate aid for the formation of these organizations which would be paid at the end of the first and second marketing year following the date of an organization's specific recognition by the appropriate Member State, and in addition to the aid provided for in Article 14 of Regulation (EEC) No 1035/72⁽²⁾, as last amended by Regulation (EEC) No 2238/88⁽³⁾; whereas provisions should be made for the Community to co-finance this scheme by paying 50 % of the aid granted by the Member State;

Whereas, in order to allow producers' organizations which produce and market nuts and/or locust beans to concentrate supplies, to stagger the release on to the market of their products, particularly by creating the appropriate storage capacity, and to improve product quality, the creation of revolving funds for these organizations should be encouraged; whereas such an incentive could be provided by financial contributions from the Member State and from the Community to setting up such revolving funds, with a ceiling determined with reference to the value of the products marketed by the producers' organizations over a given marketing year;

Whereas in the interests of further encouraging producers who are members of an organization to modernize their orchards in order to meet market requirements, the granting of aid for the formation of an organization and for the creation of a revolving fund should be made conditional on presentation of a quality and marketing improvement plan which must be approved by the national authorities designated by the Member States; whereas, in order to be consistent with the aims of the scheme, this plan must seek primarily to bring about a genetic and cultural improvement of products grown in plantations which are given over to producing one homogenous product and are not scattered among other plantations; whereas a specific aid should be granted for the drawing up of such a plan and should be co-financed by the Member States and the Community; whereas the level of the aid should nevertheless be restricted and the aid itself temporary and degressive to allow a progressive shift of financial responsibility on to the producers;

Whereas, in the interests of bringing the products to the attention of all existing and potential users, promoting marketing which is in line with market needs and giving impetus to the activity of nut producers' organizations, provision should be made for the Community to contribute to the financing of measures to develop and improve the consumption and use of these products;

Whereas it is appropriate to include locust beans among the products covered by the common organization of the market in fruit and vegetables and to amend Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the markets in certain products listed in Annex II to the Treaty⁽⁴⁾, as last amended by Regulation (EEC) No 3911/87⁽⁵⁾,

⁽¹⁾ Opinion delivered on 17 March 1989 (not yet published in the Official Journal).

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁴⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽⁵⁾ OJ No L 370, 30. 12. 1987, p. 36.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1035/72 is hereby amended as follows:

1. The following is added to Article 1 (2):

'CN code	Description
1212 10 10	Locust beans'

2. The following indent is added to the first subparagraph of Article 1 (3):

'— nuts, fresh or dried, and locust beans from 1 September to 31 August.'

3. The following Title is inserted:

TITLE IIa

Specific measures for nuts and locust beans

Article 14a

The measures provided for by this Title shall apply to:

- almonds falling within CN codes 0802 11 90 and 0802 12 90,
- hazelnuts or filberts falling within CN codes 0802 21 00 and 0802 22 00,
- walnuts falling within CN codes 0802 31 00 and 0802 32 00,
- pistachios falling within CN code 0802 50 00,
- locust beans falling within CN code 1212 10 10.

Article 14b

1. Without prejudice to Article 14, Member States shall grant an additional flat-rate aid, as an incentive to formation, to producers' organizations whose economic activity centres on the production and marketing of nuts and/or locust beans and which have presented a quality and marketing improvement plan approved by the competent national authorities pursuant to Article 14d.

The aid shall be granted to producers' organizations recognized by the competent national authority under the provisions of this Article.

2. The level of the aid referred to in paragraph 1 shall be calculated according to the quantity of nuts and/or locust beans marketed by the producers' organization during the first marketing year which follows the date of its specific recognition, as referred to in paragraph 1. A single amount of aid shall be fixed for each quantity tranche. The aid shall be paid at the end of the first and second marketing years which follow recognition.

The aid granted shall be refunded by the European Agricultural Guidance and Guarantee Fund, Guidance Section, at a rate of 50 %.

3. The Member States shall notify to the Commission details of the producers' organizations recognized under this Article, giving their membership figures and the quantities marketed by each during the first marketing year.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall determine the size of the tranches referred to in paragraph 2 and the amount of aid to apply within the span of each tranche.

Article 14c

1. Member States shall grant a specific aid to producers' organizations which set up a revolving fund in accordance with this Article and which have presented a quality and marketing improvement plan approved by the competent national authorities pursuant to Article 14d.

2. The revolving fund shall be used to stabilize supply by providing funding for the storage needed to allow an appropriate timing of sales on the market, and to permit an improvement in packaging in the interests of better marketing. The producers' organization shall use the fund in particular to finance storage, sorting, cracking and packaging.

3. The specific aid shall be paid once only, subject to the fund being financed as follows:

- 45 % by the producers' organization,
- 10 % by the Member State.

The Community contribution shall be 45 % of the capital of the fund. However, the overall financial commitment of the Member State and the Community may not exceed 16,5 % of the value of the production marketed by the producers' organization in one marketing year.

Article 14d

1. Producers' organizations shall qualify for the aid provided for in Articles 14b and 14c provided they present a quality and marketing improvement plan approved by the competent authorities of the appropriate Member State.

The plan referred to in the first subparagraph shall have as its primary aim the improvement, by means of varietal conversion or cultural improvement, of the quality of produce from orchards which are given over to producing one homogenous crop and are not scattered among other plantations and, where needed, the improvement of marketing. It shall implement the types of measures adopted according to the procedure referred to in Article 33.

2. The approved plan shall qualify for Community aid of 45 % for its execution provided it is funded to a level of 45 % by the producers' organizations and a level of 10 % by the Member State.

Funding from the Member State and aid from the Community shall nevertheless be subject to a ceiling. The ceiling shall be determined on the basis of the area of a crop which is not scattered among other plantations and on the basis of a maximum amount per hectare.

Funding from the Member State and aid from the Community shall be paid over a period of 10 years. The maximum level shall progressively decrease.

3. Acting by a qualified majority on a proposal from the Commission, the Council shall fix:

- the maximum amount per hectare imposed on funding from the Member State and aid from the Community,
- the rate at which funding from the Member State and aid from the Community shall decrease.

4. Member States shall forward to the Commission the plans submitted to them by the producers' organizations. These plans may be approved by the competent authority of the Member State only after they have been forwarded to the Commission, and once a 60-day period, during which the Commission may request changes or rejection, has elapsed.

Article 14e

1. The Community shall provide 50 % of the funding for measures aimed at developing and improving the consumption and use of nuts and/or locust beans in the Community.

2. The measures referred to in paragraph 1 shall have as their aim:

- to promote product quality, particularly by means of market research and research into new product uses, including ways to adapt the products to the findings of this research,
- the development of new packaging methods,
- the dissemination of marketing advice to the various economic operators in the sector,

— organization of, and participation in, trade fairs and other events.

3. Following the procedure referred to in Article 33, the Commission shall give details of the measures referred to in paragraph 2 or shall define new measures.

Article 14f

1. The aid provided for in Articles 14c, 14d and 14e shall be deemed to be intervention intended to stabilize the agricultural markets within the meaning of Article 3 (1) of Regulation (EEC) No 729/70 ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾.

2. As regards the aid referred to in paragraph 1, the Commission may, at the request of the interested Member State and in accordance with the procedure provided for in Article 13 of Regulation (EEC) No 729/70, decide to pay an initial part of allocations on the basis of the quality and marketing improvement plans approved by the Member States.

Article 14g

The Commission shall, in accordance with the procedure provided for in Article 33, adopt detailed rules for the application of this Title. These rules shall include measures of a kind which will enable use of the financial contribution provided by the Community to be monitored.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

4. In Annex I, under the heading 'fruit', the following is added:

'almonds, hazelnuts or filberts and walnuts'.

Article 2

In the Annex to Regulation (EEC) No 827/68 the line which refers to locust beans falling within CN code 1212 10 10 is deleted.

Article 3

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

It shall apply from 1 September 1989.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 790/89
of 20 March 1989

fixing the level of additional flat-rate aid for the formation of producers' organizations and the maximum amount applied to aid for quality and marketing improvement in the nut- and locust bean-growing sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 789/89⁽²⁾, and in particular Articles 14b (4) and 14d (3) thereof,

Having regard to the proposal from the Commission,

Whereas the level of the additional flat-rate aid aimed at encouraging the formation of organizations of nut and/or locust bean producers should be fixed in such a way as to provide a genuine incentive, taking account of both the very low percentage of production marketed through producers' organizations and the small size of existing organizations;

Whereas, in the case of the quality and marketing improvement aid provided for in Article 14d of Regulation (EEC) No 1035/72, the maximum amount placed on the financial contributions from the Member State and the Community must be set at a realistic level which takes account of the main aim of genetic and cultural improvement and of the area of orchards which may be converted annually,

HAS ADOPTED THIS REGULATION:

Article 1

The additional flat-rate for the formation of organizations of nut and/or locust bean producers provided for in Article 14b of Regulation (EEC) No 1035/72 is hereby fixed as follows:

- 60 ecus/t for the tranche up to 1 000 tonnes.
- 70 ecus/t for the tranche from 1 000 to 2 000 tonnes.
- 75 ecus/t for the tranche above 2 000 tonnes

of nuts and/or locust beans marketed by producers' organizations during their first marketing year.

Article 2

The maximum amount per hectare referred to in Article 14d (2) of Regulation (EEC) No 1035/72 is hereby fixed at ECU 300 for the first five years and at ECU 210 for the following five years.

Article 3

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

It shall apply from 1 September 1989.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 118, 20.5.1972, p. 91.

⁽²⁾ See page 3 of this Official Journal.

COUNCIL REGULATION (EEC) No 791/89

of 20 March 1989

amending Regulation (EEC) No 2169/81 laying down the general rules for the system of aid for cotton

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton annexed thereto, as last amended by Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas Article 4 (3) of Regulation (EEC) No 2169/81⁽²⁾, as last amended by Regulation (EEC) No 2261/88⁽³⁾, states that the world market price for ginned cotton is to be determined for a product as defined in Greece; whereas, as a result of the accession of Spain, that reference to a particular situation in Greece should be deleted and replaced by a definition used in international trade;

Whereas under the terms of Article 5 (2) of Regulation (EEC) No 2169/81 the application for aid may be lodged before submission of the application for supervised storage; whereas in order to ensure that the system of aid operates properly, it should be stipulated, that in such cases, the application is not valid unless security is lodged as a guarantee of submission of the application for supervised storage within the period set;

Whereas following adjustment by Regulation (EEC) No 1964/87⁽⁴⁾ of the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece, Article 6 (4) and Article 7 (1) of Regulation (EEC) No 2169/81 should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2169/81 is hereby amended as follows:

1. in Article 4 (3), 'as defined in Greece' is deleted;

2. the following subparagraph is added to Article 5 (2):

'Should the application for aid be lodged before that for supervised storage, the application for aid shall not be valid unless adequate security is lodged to guarantee submission of the application for supervised storage within the period set';

3. in Article 6 (4), 'Article 8 (1)' is replaced by 'Article 8';

4. Article 7 (1) is replaced by the following:

'1. Actual production in each marketing year shall be determined before the end thereof using the procedure referred to in Article 11 (1), account being taken in particular of the quantities in respect of which aid has been requested.'

Article 2

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

However, Article 1 (2) shall apply from 1 May 1989.

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

Done at Brussels, 20 March 1989.

For the Council

The President

C. ROMERO HERRERA

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 199, 26. 7. 1988, p. 8.

⁽⁴⁾ OJ No L 184, 3. 7. 1987, p. 14.

**COMMISSION REGULATION (EEC) No 792/89
of 29 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 28 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 30 March 1989.

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

Done at Brussels, 29 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 29 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	126,20
0712 90 19	21,98	126,20
1001 10 10	55,14	182,56 ⁽¹⁾ ⁽²⁾
1001 10 90	55,14	182,56 ⁽¹⁾ ⁽²⁾
1001 90 91	32,44	117,83
1001 90 99	32,44	117,83
1002 00 00	60,11	109,55 ⁽³⁾
1003 00 10	50,67	110,36
1003 00 90	50,67	110,36
1004 00 10	41,73	76,74
1004 00 90	41,73	76,74
1005 10 90	21,98	126,20 ⁽²⁾ ⁽³⁾
1005 90 00	21,98	126,20 ⁽²⁾ ⁽³⁾
1007 00 90	45,32	135,93 ⁽⁴⁾
1008 10 00	50,67	21,55
1008 20 00	50,67	32,43 ⁽⁵⁾
1008 30 00	50,67	0,00 ⁽⁶⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	50,67	0,00
1101 00 00	59,77	179,32
1102 10 00	98,51	167,73
1103 11 10	98,98	296,48
1103 11 90	63,11	192,22

⁽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 793/89
of 29 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 28 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 30 March 1989.

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

Done at Brussels, 29 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 29 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	3	4	5	6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	1,62
1001 10 90	0	0	0	1,62
1001 90 91	0	0	0	0,81
1001 90 99	0	0	0	0,81
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	1,12

B. Malt

CN code	Current	1st period	2nd period	3rd period	4th period
	3	4	5	6	7
1107 10 11	0	0	0	1,44	1,44
1107 10 19	0	0	0	1,08	1,08
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 794/89**of 28 March 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⁽¹⁾, as last amended by Regulation (EEC) No 3773/87⁽²⁾, 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 31 March 1989.

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

Done at Brussels, 28 March 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ 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 0701 90 59	New potatoes	32,06	1 398	260,58	66,79	226,01	5 631	25,00	49 105	75,33	20,76
1.20	0702 00 10 0702 00 90	Tomatoes	85,05	3 709	691,17	177,15	599,49	14 937	66,32	130 249	199,81	55,06
1.30	0703 10 19	Onions (other than sets)	10,25	447	83,29	21,35	72,24	1 800	7,99	15 696	24,08	6,63
1.40	0703 20 00	Garlic	222,28	9 694	1 806,28	462,97	1 566,70	39 038	173,32	340 388	522,19	143,91
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 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>)	121,35	5 292	986,16	252,76	855,36	21 313	94,63	185 840	285,09	78,57
1.100	ex 0704 90 90	Chinese cabbage	53,45	2 331	434,42	111,34	376,80	9 388	41,68	81 865	125,59	34,61
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	63,10	2 752	512,79	131,43	444,77	11 082	49,20	96 634	148,24	40,85
1.120	ex 0705 29 00	Endives	46,56	2 031	378,42	96,99	328,23	8 178	36,31	71 312	109,40	30,15
1.130	ex 0706 10 00	Carrots	28,52	1 243	231,76	59,40	201,02	5 009	22,23	43 675	67,00	18,46
1.140	ex 0706 90 90	Radishes	107,24	4 677	871,53	223,38	755,93	18 835	83,62	164 236	251,95	69,43
1.150	0707 00 11 0707 00 19	Cucumbers	69,24	3 019	562,67	144,22	488,04	12 160	53,99	106 033	162,66	44,83
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	159,31	6 948	1 294,63	331,83	1 122,91	27 980	124,23	243 969	374,27	103,15
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna spp., Phaseolus spp.</i>)	175,40	7 650	1 425,38	365,34	1 236,31	30 806	136,77	268 607	412,07	113,56
1.180	ex 0708 90 00	Broad beans	42,69	1 862	346,98	88,93	300,96	7 499	33,29	65 387	100,31	27,64
1.190	0709 10 00	Globe artichokes	90,17	3 933	732,81	187,82	635,61	15 837	70,31	138 095	211,85	58,38
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	353,75	15 428	2 874,64	736,81	2 493,35	62 128	275,84	541 716	831,05	229,03
1.200.2	ex 0709 20 00	— other	408,68	17 824	3 321,06	851,23	2 880,56	71 776	318,68	625 842	960,11	264,60
1.210	0709 30 00	Aubergines (egg-plants)	94,92	4 140	771,38	197,71	669,06	16 671	74,02	145 364	223,00	61,46
1.220	ex 0709 40 00	Celery stalks and leaves	46,98	2 049	381,79	97,85	331,15	8 251	36,63	71 947	110,37	30,41
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	117,73	5 134	956,72	245,22	829,82	20 677	91,80	180 291	276,58	76,22
1.250	0709 90 50	Fennel	22,39	976	182,01	46,65	157,86	3 933	17,46	34 299	52,61	14,50
1.260	0709 90 70	Courgettes	57,48	2 507	467,12	119,73	405,16	10 095	44,82	88 028	135,04	37,21
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	44,17	1 926	358,97	92,01	311,36	7 758	34,44	67 647	103,77	28,60
2.30	ex 0804 30 00	Pineapples, fresh	47,88	2 088	389,13	99,73	337,51	8 410	37,34	73 330	112,49	31,00
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	189,74	8 275	1 541,88	395,20	1 337,37	33 324	147,95	290 563	445,75	122,85
2.50	ex 0804 50 00	Guavas and mangoes, fresh	165,90	7 236	1 348,20	345,56	1 169,37	29 138	129,37	254 064	389,76	107,41
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	43,11	1 880	350,38	89,80	303,90	7 572	33,62	66 028	101,29	27,91

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	39,21	1 710	318,69	81,68	276,42	6 887	30,58	60 057	92,13	25,39
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	35,23	1 535	285,76	73,29	248,71	6 169	27,43	53 811	82,71	22,91
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	74,35	3 242	604,20	154,86	524,06	13 058	57,97	113 861	174,67	48,14
2.70.2	ex 0805 20 30	— Monreales and Satsumas	50,52	2 203	410,57	105,23	356,11	8 873	39,39	77 370	118,69	32,71
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	55,66	2 427	452,33	115,93	392,33	9 776	43,40	85 240	130,76	36,04
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	68,71	2 996	558,38	143,12	484,32	12 068	53,58	105 226	161,42	44,49
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	34,70	1 513	282,03	72,29	244,62	6 095	27,06	53 149	81,53	22,47
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	177,61	7 746	1 443,30	369,93	1 251,86	31 193	138,49	271 984	417,25	114,99
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	39,09	1 705	317,69	81,43	275,55	6 866	30,48	59 868	91,84	25,31
2.90.2	ex 0805 40 00	— pink	56,60	2 468	460,00	117,90	398,98	9 941	44,14	86 686	132,98	36,65
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	108,50	4 732	881,72	225,99	764,77	19 056	84,60	166 158	254,90	70,25
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	69,15	3 016	562,00	144,04	487,45	12 146	53,92	105 907	162,47	44,77
2.120.2	ex 0807 10 90	— Other	269,04	11 734	2 186,30	560,37	1 896,31	47 251	209,79	412 001	632,05	174,19
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	55,31	2 412	449,48	115,21	389,86	9 714	43,13	84 704	129,94	35,81
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	65,15	2 841	529,50	135,71	459,26	11 443	50,80	99 782	153,07	42,18
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 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	112,03	4 886	910,44	233,36	789,68	19 677	87,36	171 570	263,20	72,54
2.180	ex 0809 30 00	Nectarines	130,36	5 685	1 059,39	271,53	918,87	22 896	101,65	199 639	306,26	84,40
2.190	0809 40 11 0809 40 19	Plums	99,22	4 327	806,30	206,66	699,36	17 426	77,37	151 946	233,10	64,24
2.200	0810 10 10 0810 10 90	Strawberries	189,78	8 277	1 542,26	395,30	1 337,69	33 332	147,99	290 634	445,86	122,88
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.)	176,86	7 713	1 437,20	368,37	1 246,57	31 061	137,91	270 836	415,49	114,51
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	271,77	11 853	2 208,50	566,07	1 915,57	47 731	211,92	416 185	638,47	175,96
2.250	ex 0810 90 90	Lychees	294,55	12 846	2 393,61	613,51	2 076,13	51 732	229,68	451 069	691,99	190,71

COMMISSION REGULATION (EEC) No 795/89

of 29 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 ⁽¹⁾, as last amended by Regulation (EEC) No 2306/88 ⁽²⁾, 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 Regulation (EEC) No 766/68 of the Council of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, 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 Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; 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 Regulation (EEC) No 394/70 of the Commission of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88 ⁽⁷⁾; 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁹⁾,
- 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 30 March 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 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	30,06 ⁽¹⁾	
1701 11 90 910	30,31 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	30,06 ⁽¹⁾	
1701 12 90 910	30,31 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3268
1701 99 10 100	32,68	
1701 99 10 910	34,15	
1701 99 10 950	34,15	
1701 99 90 100		0,3268

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

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

COMMISSION REGULATION (EEC) No 796/89
of 29 March 1989
on the supply of various lots of butteroil as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1870/88 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid managements ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 1 357 tonnes of butteroil;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation Nos** (1): 61/89, 62/89, 63/89, 67/89 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, 00145 Rome — Telex 626675 WFP I
4. **Representative of the recipient** (2):
 - A1: WFP Representative — House No 7, Block 5, A.F.E., Cama'a Avenue, PO Box 913 — Khartoum
 - A2 + A4: See OJ No C 103, 16. 4. 1987
 - A3: WFP Representative — 11 — 3216, ain Mreisse, Nsouli Building, Above Lenacar — PO Box 3216 — Beirut.
5. **Place or country of destination**: see Annex III
6. **Product to be mobilized**: butteroil
7. **Characteristics and quality of the goods** A1, A2, A3: (3) (4) (5) (6); A4: (3) (4) (5) (6) (7): to be manufactured from intervention butter (OJ No C 216, 14. 8. 1987, p. 7, I.3.1 and I.3.2)
8. **Total quantity**: 1 357 tonnes
9. **Number of lots**: 1 (A1: 1 000 tonnes, A2: 302 tonnes, A3: 25 tonnes, A4: 30 tonnes)
10. **Packaging and marking**: 5kg and see OJ No C 216, 14. 8. 1987, p. 7 and 8 (I.3.3. and I.3.4.)
Supplementary markings on the packaging: see Annex III and OJ No 216, 14. 8. 1987, p. 8 (I.3.4.)
11. **Method of mobilization**: Purchase of butter from:
 - Agriculture House,
 - Kildare Street / Dublin 2
 - tel. 78 90 11
 - telex 24280 + -or 25118 + -The addresses of the places of storage are given in Annex II
Selling price determined in accordance with Article 2 of Commission Regulation (EEC) No 2315/76 (OJ No L 267, 25. 9. 1986, p. 12)
12. **Stage of supply**: Free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 10. to 24. 5. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 17. 4. 1989 at 12 noon.
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 24. 4. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 17. to 31. 5. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecu
24. **Address for submission of tenders**:
 - Bureau de l'aide alimentaire,
 - à l'attention de Monsieur N. Arend,
 - Bâtiment Loi 120, bureau 7/58,
 - 200, rue de la Loi,
 - B-1049 Brussels
 - telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (5): refund applicable on 3. 3. 1989 fixed by Commission Regulation (EEC) No 547/89 (OJ No L 60, 3 March 1989, p. 13)

Footnotes

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity and certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (³) Commission delegate to be contacted by the successful tenderer: see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7, (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the Office referred to in point 24 of this Annex;
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05.
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) Veterinary certificate issued by an official entity stating that the product derives from healthy animals, was processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease.
- (⁷) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a health certificate.
- (⁸) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate of origin.
- (⁹) The successful tenderer shall give the beneficiaries' representative, at the time of delivery, a certificate in English stating that the butteroil does not contain any pork fat (lard).
-

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

Número de la partida Partiets nummer Nummer der Partie Αριθμός παρτίδων Number of lot Numéro du lot Numero della partita Nummer van de partij Número do lote	Cantidad Mængde Menge Τόνοι Quantity Quantité Quantità Hoeveelheid Quantidade	Nombre y dirección del almacenista Lagerindehaverens navn og adresse Name und Adresse des Lagerhalters Όνομα και διεύθυνση εναποθηκευτού Address of store Nom et adresse du stockeur Nome e indirizzo del detentore Naam en adres van de depothouder Nome e direcção do armazenista
A1 61/89	1 250 000 kg	— 89 575 kg : Norish Food City Ltd Tullynahinra Castleblaney County Monaghan — 33 250 kg : J P Beemsterboer Koel en Vrieshuizen Fleevoweg 105 Harderwijk 3840 AC Nederland — 630 000 kg : B V Doalimpex Pijpkade 34-36 1948 NR Beverwijk Nederland — 145 650 kg : Vriesoord Larenweg 100 52534 's Hertogenbosch Nederland — 351 525 kg : Nemijtek Vrieshuizen Veilingkade 4, 4815HC Breda Nederland
A2 62/89	377 500 kg	377 500 kg : Norish Food City Ltd Tullynahinra Castleblaney County Monaghan
A3 63/89	31 250 kg	31 250 kg : Norish Food City Ltd Tullynahinra Castleblaney County Monaghan
A4 67/89	37 500 kg	— 27 500 kg : Norish Food City Ltd Tullynahinra Castleblaney County Monaghan — 10 000 kg : Autozero Ltd Bannow Road Cabra West Dublin 7

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III — ALLEGATO III —
BIJLAGE III — ANEXO III*

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A1	1 357	1 000	WFP	Sudan	Action No 61/89 / Sudan 0391200 / Action of the World Food Programme / Port Sudan
A2		302	WFP	Maroc	Action n° 62/89 / Maroc 0259201 / Action du programme alimentaire mondial / Casablanca
A3		25	WFP	Lebanon	Action No 63/89 / Lebanon 0052402 / Action of the World Food Programme / Beirut
A4		30	WFP	Pakistan	Action No 67/89 / Pakistan 0278100 / Action of the World Food Programme / Karachi

COMMISSION REGULATION (EEC) No 797/89**of 29 March 1989****fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 6 to 12 March 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 6 to 12 March 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 6 to 12 March 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 6 March 1989.

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

Done at Brussels, 29 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 29 March 1989 fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 6 to 12 March 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 798/89
of 29 March 1989

adjusting the agricultural conversion rates for the pigmeat sector in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts ⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽²⁾, as last amended by Regulation (EEC) No 1889/87 ⁽³⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the drachma during the reference period 22 to 28 March 1989 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 546/89 ⁽⁵⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 3521/88 ⁽⁷⁾, and Commission Regulation (EEC) No 806/89 ⁽⁸⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Greece, effective from 1 April 1989; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to avoid the creation of these new monetary compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	1 ECU = ... Dra	Applicable until	1 ECU = ... Dra	Applicable from
'Pigmeat	165,268	31 March 1989	166,169	1 April 1989'

Article 2

This Regulation shall enter into force on 1 April 1989.

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 60, 3. 3. 1989, p. 11.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁷⁾ OJ No L 307, 12. 11. 1988, p. 28.

⁽⁸⁾ OJ No L 90, 1. 4. 1989, p. 1.

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

Done at Brussels, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 799/89

of 29 March 1989

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 2229/88⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Regulation (EEC) No 1579/74 of the Commission of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured

from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Regulation (EEC) No 2742/75 of the Council⁽⁹⁾, as last amended by Regulation (EEC) No 1009/86⁽¹⁰⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of 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⁽¹¹⁾, as amended by Regulation (EEC) No 1821/87⁽¹²⁾;

Whereas, Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 90 and 0714 90 10 originating in certain third countries⁽¹³⁾, as amended by Regulation (EEC) No 3837/88⁽¹⁴⁾, lays down the terms on which the import levy is limited to 6 % *ad valorem*;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹⁰⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽¹²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽¹³⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽¹⁴⁾ OJ No L 340, 10. 12. 1988, p. 1.

Whereas Regulation (EEC) No 2730/75 of the Council of 29 October 1975 on glucose and lactose ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

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 Council Regulation (EEC) No 1676/85 ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾,

— 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75, shall be as set out in the Annex hereto.

Article 2

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, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 March 1989 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
0714 10 10 (1)	55,19	119,75	114,92
0714 10 91	52,17	116,73	114,92
0714 10 99	55,19	119,75	114,92
0714 90 11	52,17	116,73	114,92 (2)
0714 90 19	55,19	119,75	114,92 (2)
1102 20 10	48,30	234,89	228,85
1102 20 90	26,97	132,70	129,68
1102 30 00	3,02	115,91	112,89
1102 90 10	104,29	216,15	210,11
1102 90 30	83,85	147,84	141,80
1102 90 90	50,78	145,40	142,38
1103 12 00	83,85	147,84	141,80
1103 13 11	48,30	225,89	219,85
1103 13 19	48,30	234,89	228,85
1103 13 90	26,97	132,70	129,68
1103 14 00	3,02	115,91	112,89
1103 19 10	116,94	210,95	204,91
1103 19 30	99,95	216,15	210,11
1103 19 90	50,78	145,40	142,38
1103 21 00	67,13	219,29	213,25
1103 29 10	116,94	210,95	204,91
1103 29 20	99,95	216,15	210,11
1103 29 30	83,85	147,84	141,80
1103 29 40	48,30	234,89	228,85
1103 29 50	3,02	115,91	112,89
1103 29 90	50,78	145,40	142,38
1104 11 10	56,23	122,08	119,06
1104 11 90	110,38	239,50	233,46
1104 12 10	47,11	83,38	80,36
1104 12 90	92,50	163,60	157,56
1104 19 10	67,13	219,29	213,25
1104 19 30	116,94	210,95	204,91
1104 19 50	48,30	234,89	228,85
1104 19 91	6,04	197,74	191,70
1104 19 99	90,32	257,30	251,26
1104 21 10	86,49	189,79	186,77
1104 21 30	86,49	189,79	186,77
1104 21 50	136,47	297,87	291,83
1104 21 90	56,23	122,08	119,06
1104 22 10	80,83	144,82	141,80
1104 22 30	80,83	144,82	141,80
1104 22 50	72,19	129,07	126,05
1104 22 90	47,11	83,38	80,36
1104 23 10	40,59	206,44	203,42
1104 23 30	40,59	206,44	203,42
1104 23 90	26,97	132,70	129,68

CN code	Import levies (ECU/tonne)		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1104 29 10*10 (*)	48,16	160,59	157,57
1104 29 10*20 (*)	84,96	154,43	151,41
1104 29 10*30 (*)	77,93	226,36	223,34
1104 29 10*40 (*)	77,93	226,36	223,34
1104 29 10*90 (*)	77,93	226,36	223,34
1104 29 30*10 (*)	57,32	192,57	189,55
1104 29 30*20 (*)	101,60	185,16	182,14
1104 29 30*30 (*)	77,93	226,36	223,34
1104 29 30*40 (*)	77,93	226,36	223,34
1104 29 30*90 (*)	77,93	226,36	223,34
1104 29 91	37,64	123,86	120,84
1104 29 95	65,86	119,14	116,12
1104 29 99	50,78	145,40	142,38
1104 30 10	31,50	94,89	88,85
1104 30 90	23,65	101,40	95,36
1106 20 10	55,19	119,75	113,10 (*)
1106 20 91	58,35	217,20	193,02 (*)
1106 20 99	58,35	225,25	201,07 (*)
1107 10 11	71,29	221,76	210,88
1107 10 19	56,02	168,45	157,57
1107 10 91	103,74	218,66 (*)	207,78
1107 10 99	80,27	166,13	155,25
1107 20 00	91,74	191,81 (*)	180,93
1108 11 00	95,22	265,78	245,23
1108 12 00	58,35	217,20	196,65
1108 13 00	58,35	217,20	196,65
1108 14 00	58,35	217,20	98,32
1108 19 10	30,83	183,59	152,76
1108 19 90	58,35	217,20	98,32 (*)
1109 00 00	317,10	627,22	445,88
1702 30 51	146,03	353,21	256,49
1702 30 59	104,29	263,14	196,65
1702 30 91	146,03	353,21	256,49
1702 30 99	104,29	263,14	196,65
1702 40 90	104,29	263,14	196,65
1702 90 50	104,29	263,14	196,65
1702 90 75	148,38	365,43	268,71
1702 90 79	102,41	253,36	186,87
2106 90 55	104,29	263,14	196,65
2302 10 10	21,34	56,73	50,73
2302 10 90	38,88	114,70	108,70
2302 20 10	21,34	56,73	50,73
2302 20 90	38,88	114,70	108,70
2302 30 10	21,34	56,73	50,73
2302 30 90	38,88	114,70	108,70
2302 40 10	21,34	56,73	50,73
2302 40 90	38,88	114,70	108,70
2303 10 11	228,30	425,62	244,28

-
- (1) 6 % *ad valorem*, subject to certain conditions.
- (2) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (3) In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- arrow-root falling within CN codes 0714 90 11 and 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (4) TARIC code : wheat.
- (5) TARIC code : rye.
- (6) TARIC code : millet.
- (7) TARIC code : sorghum.
- (8) TARIC code : others.
-

COMMISSION REGULATION (EEC) No 800/89

of 29 March 1989

fixing the import levies on compound feedingstuffs

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 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Regulation (EEC) No 2743/75 of the Council of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regula-

tion (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⁽⁵⁾, as last amended by Regulation (EEC) No 1821/87⁽⁶⁾;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁷⁾, as last amended by Regulation (EEC) No 2229/88⁽⁸⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁹⁾, as amended by Regulation (EEC) No 3296/88⁽¹⁰⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC⁽¹¹⁾, as last amended by Regulation (EEC) No 31/76⁽¹²⁾, and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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 Council Regulation (EEC) No 1676/85⁽¹³⁾, as last amended by Regulation (EEC) No 1636/87⁽¹⁴⁾,

⁽¹⁾ OJ No L 61, 26. 2. 1985, p. 4.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽⁵⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁶⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽⁷⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽⁸⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁰⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽¹¹⁾ OJ No L 61, 26. 2. 1985, p. 4.

⁽¹²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽¹³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽¹⁴⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽¹⁵⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽¹⁶⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽¹⁷⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹⁸⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

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, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1989 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	Third countries (other than ACP and OCT)	ACP and OCT
2309 10 11	10,88	31,22	20,34
2309 10 13	10,88	481,37	470,49
2309 10 31	10,88	74,45	63,57
2309 10 33	10,88	524,60	513,72
2309 10 51	10,88	138,02	127,14
2309 10 53	10,88	588,17	577,29
2309 90 31	10,88	31,22	20,34
2309 90 33	10,88	481,37	470,49
2309 90 41	10,88	74,45	63,57
2309 90 43	10,88	524,60	513,72
2309 90 51	10,88	138,02	127,14
2309 90 53	10,88	588,17	577,29

COMMISSION REGULATION (EEC) No 801/89
of 29 March 1989

fixing the maximum export refund for white sugar for the 47th 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⁽¹⁾, as last amended by Regulation (EEC) No 2306/88⁽²⁾, 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⁽³⁾, 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 47th 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 47th 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 ECU 36,781 per 100 kilograms.

Article 2

This Regulation shall enter into force on 30 March 1989.

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

Done at Brussels, 29 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 102, 21. 4. 1988, p. 14.

COMMISSION REGULATION (EEC) No 802/89
of 29 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 785/89 ⁽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 30 March 1989.

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

Done at Brussels, 29 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 84, 29. 3. 1989, p. 44.

ANNEX

to the Commission Regulation of 29 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	34,18 ⁽¹⁾
1701 11 90	34,18 ⁽¹⁾
1701 12 10	34,18 ⁽¹⁾
1701 12 90	34,18 ⁽¹⁾
1701 91 00	41,05
1701 99 10	41,05
1701 99 90 ...	41,05 ⁽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 (OJ No L 151, 30. 6. 1968, p. 42).

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

COMMISSION REGULATION (EEC) No 803/89
of 29 March 1989
fixing the amount of the subsidy on oil seeds

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 No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2210/88 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 546/89 ⁽⁴⁾,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 682/89 ⁽⁷⁾, as amended by Regulation (EEC) No 724/89 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 682/89 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas, in the absence of the target price for the 1989/90 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum

guaranteed quantities, the amount of the subsidy in the case of advance fixing for this period for colza and rape seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices and where appropriate, the effects of the application of the system of maximum guaranteed quantities of the 1989/90 marketing year are known,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza and rape will be confirmed or replaced as from 30 March 1989 to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

Article 2

This Regulation shall enter into force on 30 March 1989.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 60, 3. 3. 1989, p. 11.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 73, 17. 3. 1989, p. 32.

⁽⁸⁾ OJ No L 79, 22. 3. 1989, p. 20.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	0,580	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	19,378	19,536	19,453	19,212	16,264	15,863
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	46,16	46,54	46,35	45,80	38,81	38,10
— Netherlands (Fl)	51,48	51,90	51,69	51,05	43,23	42,28
— BLEU (Bfrs/Lfrs)	935,70	943,33	939,33	927,69	785,34	765,98
— France (FF)	141,46	142,63	141,90	140,00	118,02	114,87
— Denmark (Dkr)	169,52	170,90	170,13	167,98	142,04	138,46
— Ireland (£ Irl)	15,733	15,862	15,781	15,570	13,125	12,774
— United Kingdom (£)	12,119	12,220	12,146	11,946	10,023	9,631
— Italy (Lit)	30 252	30 500	30 261	29 720	25 011	23 960
— Greece (Dr)	2 207,06	2 208,34	2 151,72	2 076,81	1 677,26	1 520,77
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	89,44	180,43	180,43
— in another Member State (Pta)	3 073,29	3 098,95	3 082,67	3 037,05	2 660,97	2 567,66
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 214,99	4 244,19	4 212,16	4 151,72	3 605,54	3 482,84

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7 (1)	5th period 8 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,080	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	21,878	22,036	21,953	21,712	18,764	18,363
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	52,07	52,44	52,25	51,70	44,71	44,00
— Netherlands (Fl)	58,10	58,52	58,30	57,67	49,85	48,90
— BLEU (Bfrs/Lfrs)	1 056,42	1 064,05	1 060,04	1 048,41	906,06	886,69
— France (FF)	160,43	161,59	160,86	158,96	136,98	133,83
— Denmark (Dkr)	191,62	193,01	192,24	190,09	164,14	160,56
— Ireland (£ Irl)	17,843	17,972	17,891	17,680	15,234	14,884
— United Kingdom (£)	13,807	13,907	13,834	13,633	11,710	11,318
— Italy (Lit)	34 339	34 588	34 348	33 807	29 098	28 048
— Greece (Dr)	2 597,11	2 598,39	2 541,77	2 466,86	2 067,31	1 910,82
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	474,98	565,96	565,96
— in another Member State (Pta)	3 458,82	3 484,48	3 468,20	3 422,58	3 046,50	2 953,19
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	470,02	470,02	470,02
— in another Member State (Esc)	4 685,01	4 714,21	4 682,17	4 621,74	4 075,56	3 952,86

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	5,170
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	22,850	23,228	23,394	23,435	23,435
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	54,39	55,29	55,68	55,79	55,79
— Netherlands (Fl)	60,69	61,69	62,13	62,24	62,24
— BLEU (Bfrs/Lfrs)	1 103,36	1 121,61	1 129,62	1 131,60	1 131,60
— France (FF)	167,36	170,23	171,44	171,77	171,77
— Denmark (Dkr)	200,07	203,41	204,87	205,23	205,23
— Ireland (£ Irl)	18,614	18,934	19,068	19,104	19,104
— United Kingdom (£)	14,387	14,643	14,747	14,749	14,749
— Italy (Lit)	35 815	36 435	36 611	36 546	36 546
— Greece (Dr)	2 683,87	2 724,73	2 713,10	2 692,73	2 692,73
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	797,28
— in another Member State (Pta)	3 654,96	3 712,98	3 732,84	3 727,63	3 727,63
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 555,29	6 628,32	6 643,72	6 637,12	6 637,12
— in another Member State (Esc)	6 388,70	6 459,87	6 474,88	6 468,45	6 468,45
3. Compensatory aids:					
— in Spain (Pta)	3 604,83	3 662,85	3 684,16	3 679,43	3 679,43
4. Special aid:					
— in Portugal (Esc)	6 388,70	6 459,87	6 474,88	6 468,45	6 468,45

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
DM	2,082340	2,078630	2,074810	2,071430	2,071430	2,061570
Fl	2,350040	2,346990	2,344670	2,342150	2,342150	2,333630
Bfrs/Lfrs	43,616100	43,610300	43,595000	43,577500	43,577500	43,500300
FF	7,050680	7,053270	7,056340	7,058590	7,058590	7,064000
Dkr	8,123990	8,122750	8,121170	8,118810	8,118810	8,114230
£Irl	0,779560	0,778983	0,778594	0,778384	0,778384	0,777556
£	0,648048	0,649652	0,651106	0,652485	0,652485	0,657300
Lit	1 529,24	1 534,44	1 540,33	1 546,01	1 546,01	1 562,72
Dr	175,57200	177,42700	178,94200	180,37900	180,37900	184,62300
Esc	171,41300	172,09200	172,92900	173,53800	173,53800	175,61600
Pta	129,72000	130,18700	130,65000	131,07000	131,07000	132,51600

COMMISSION REGULATION (EEC) No 804/89

of 29 March 1989

fixing the export refunds on olive oil

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

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil ⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Regulation (EEC) No 616/72 ⁽⁴⁾ of the Commission, as last amended by Regulation (EEC) No 2962/77 ⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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 ⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁷⁾,
- 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;

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal ;
whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

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, 29 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1989 fixing the export refunds on olive oil

<i>(ECU/100 kg)</i>	
Product code	Amount of refund (1)
1509 10 90 100	63,50
1509 10 90 900	100,00
1509 90 00 100	69,00
1509 90 00 900	105,00
1510 00 90 100	16,50
1510 00 90 900	50,00

(1) For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

NB : The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 805/89**of 29 March 1989****fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) 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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3421/88 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3421/88 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 March 1989.

Article 2

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, 29 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 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 301, 4. 11. 1988, p. 39.

ANNEX

to the Commission Regulation of 29 March 1989 fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88

(ECU/100 kg)	
Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	—
1509 90 00 100	72,00
1509 90 00 900	110,07
1510 00 90 100	—
1510 00 90 900	55,50

NB: The products codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 November 1988

on the Belgian funds for the promotion of the farming of poultry and other small animals and of fruit and vegetable growing

(Only the Dutch and French texts are authentic)

(89/216/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 93 (2) and Article 12 thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 3207/88 ⁽²⁾, and in particular Article 19 thereof, and Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 2238/88 ⁽⁴⁾, and in particular Article 31 thereof, as well as the corresponding provisions of other EEC regulations on the organization of the markets in agricultural products,

After giving notice to the parties concerned, in accordance with Article 93 (2) of the EEC treaty, to submit their comments ⁽⁵⁾,

Whereas :

I

The Belgian Permanent Representation to the European Communities communicated to the Commission by letter

of 26 August 1986 details on the funds for the promotion of the farming of poultry and other small animals and of fruit and vegetable growing. The Commission had, on 3 April 1986, requested information on the existing legislation concerning poultry-farming and the farming of small animals, which had been brought to its attention.

The measures in question were instituted by a Royal Decree of 28 February 1985, later amended by Royal Decrees of 14 October 1985 and 23 April 1986. These provide for a system of financing the promotion of outlets for the products concerned from obligatory contributions. According to the information provided by the Belgian authorities, the aid is granted for promotional schemes, participation in fairs and exhibitions, market research, attendance at conferences, and so on.

The schemes are funded from resources accruing from the collection of obligatory contributions. These are levied by ONDAH (Office national des débouchés agricoles et horticoles) on the internal market (production, trade, packaging and slaughter), as well as on imports (eggs in shell not including eggs for hatching, egg products, poultrymeat, compound feedingstuffs) and exports (egg products, fruit and vegetables, including witloof chicory). The event generating the levy may be quantity, value or occupation (occupational levy), as the case may be. The various Royal Decrees give the levels of the contributions.

The Belgian authorities also stated that the contributions were supplemented by a State subsidy. This formed part of the State's grant to ONDAH for the promotion of outlets for agricultural products.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 286, 20. 10. 1988, p. 2.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁵⁾ OJ No C 275, 14. 10. 1987, p. 2.

II

The Commission notified the Belgian Government by letter of 30 March 1987 of its decision to initiate the procedure provided for in Article 93 (2) of the EEC Treaty in respect of the aid, in the absence of sufficient information both on the contributions and on the aid itself.

Under the same procedure, the Commission gave notice to the Belgian Government to submit its comments.

The Commission likewise gave notice to the other Member States as well as interested parties other than Member States to submit their comments.

III

By letters of 5 August and 21 December 1987, the Belgian authorities communicated to the Commission:

- that where the aid was concerned, all of ONDAH's promotion campaigns complied with the positive and negative criteria set out in the framework for national aid for advertising,
- a draft decree doing away with the contributions collected on imports of eggs in shell, egg products and poultrymeat.

It should be noted that the draft was adopted on 25 April 1988 and published in the *Moniteur Belge* on 14 May 1988.

IV

The Belgian authorities failed to comply with their obligations under Article 93 (3) of the EEC Treaty firstly by not giving notification of the aid in the form of a draft, and secondly by putting it into effect without allowing the Commission to deliver its comments.

The aid, funded by compulsory contributions and a State grant, is such as to affect trade between the Member States and to distort or threaten to distort competition within the meaning of Article 92 (1) of the EEC Treaty by favouring the sectors concerned. However, the aid does comply with the framework for national aid for the advertising of agricultural products and certain products not listed in Annex II to the EEC Treaty, excluding fishery products⁽¹⁾. It is such as to facilitate the development of the sectors concerned without adversely affecting trading conditions to an extent contrary to the common interest, and may therefore qualify for the exception provided for in Article 92 (3) (c) of the Treaty.

This conclusion cannot be upheld however, since some of the aid is funded through charges which run counter to

the obligations laid down in Article 12 *et seq.* of the Treaty, and which apply in full to agriculture (Joined Cases 90 and 91/63, 13. 11. 1964, *Commission v. Belgium and Luxembourg*, [1964] ECR 1217).

Decisions of the Court of Justice of the European Communities have concluded that the funding of a State aid from an obligatory charge collected for that purpose is an intrinsic component of such an aid, and that assessment must comprise an examination from the standpoint of Community law of both the aid and its funding (Case 47/69, 25. 6. 1970, *France v. Commission*, [1970] ECR 487).

In this connection, Article 3, paragraphs 2 and 3 of the Royal Decree of 28 February 1985 provide that a producer of vegetables for cold storage is to pay a levy of Bfrs 40 per are of glasshouse crop, with a minimum levy of Bfrs 1 000 per enterprise, Bfrs 22,5 per are of crops grown under plastic, with a minimum levy of Bfrs 500 per enterprise, and Bfrs 15 per are of outdoor crop, with a minimum levy of Bfrs 500 per enterprise, while exporters of fruit and vegetables recognized by the 'Office national des débouchés agricoles et horticoles' are to pay a levy of Bfrs 5 000 per year.

Since the basic amounts on which these charges are levied are not comparable, the export levy should be considered as a charge having an effect equivalent to a customs duty on exports, and as such incompatible with Article 12 of the EEC Treaty.

The same conclusion applies to Article 1 of the Decree of 25 April 1988 amending Article 2 of the Decree of 28 February 1985, paragraph 4 of which provides that enterprises specializing in egg products are to pay an annual levy of Bfrs 12 000, while enterprises recognized by the 'Office national des débouchés agricoles et horticoles' as exporters of egg products are to pay an annual levy of Bfrs 30 000.

The levy should be considered to be a charge with an effect equivalent to a customs duty on exports, and as such incompatible with Article 12 of the EEC Treaty, as a result of the fact that it is set at a higher level for products which are exported than for products which are marketed within the state concerned (Case 51/74, 23. 1. 1975, *Van der Hulst v. Produktschap voor Siergewassen*, [1975] ECR 79).

Given that available figures do not make a distinction between aids funded from the levies considered to run counter to Article 12 of the Treaty and aids funded from other levies and from the state grant, all of the aids financed by ONDAH pursuant to Article 1 of the law of 11 April 1983 for the farming of poultry and small animals and for fruit and vegetable growing must be considered incompatible with the common market and must therefore be abolished.

⁽¹⁾ OJ No C 302, 12. 11. 1987, p. 6.

This Decision is without prejudice to any measures the Commission may see fit to take as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS DECISION:

Article 1

The aid funded by levies collected pursuant to the Royal Decree of 28 February 1985, as last amended by the Royal Decree of 25 April 1988, contravene Article 93 (3) of the Treaty. In addition, it is incompatible with the common market within the meaning of Article 92 of the Treaty, and must be abolished.

Article 2

The Belgian Government shall inform the Commission, within two months of being notified of this Decision, of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 30 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION
of 30 November 1988
on a national aid scheme for beef in Italy
(Only the Italian text is authentic)

(89/217/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and in particular the first subparagraph of Article 93 (2) thereof,

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 24 thereof,

After giving notice to the parties concerned, pursuant to Article 93 (2) of the EEC Treaty, to submit their comments⁽³⁾,

Whereas :

I

1. On 29 January 1988, in the light of information it had received, the Commission asked the Italian authorities for information as to the existence of an aid scheme for beef.

The Italian Government did not reply within the time limit laid down.

2. The measure in question was as follows :

According to AIMA (Italian State Intervention Agency for Agricultural Produce) circular No 226/C of 22 January 1988, a decision had been taken by the CIPE (Joint Ministerial Committee for Economic Planning) that the beef hindquarter belonging to the same half-carcase as a forequarter sent into intervention could, after freezing, be left on consignment with the same intervention store.

The aid paid — Lit 2 000 per kilogram (ECU 1,35 per kilogram) — was, according to the circular referred to above, intended to offset part of the market transport costs of the goods left on consignment, and the loss of value of the meat as a result of freezing.

The scheme, which became applicable on 1 February 1988, was intended to cover up to 6 500 tonnes of beef for five weeks. The anticipated total cost of the aid was Lit 13 000 million (ECU 8,125 million).

The requirements applicable were as follows :

— the hindquarter had to be presented when the forequarter was sent into Community intervention,

- the meat could, after freezing, be removed from the store 72 hours or more but not more than 150 days after being placed in storage,
- the person storing the meat could ask that the hindquarter be boned under the supervision of the AIA (Associazione Italiana Allevatori — Italian Stockfarmers' Association) and could then store the resulting boneless meat,
- the application for the storage of the hindquarter had to be submitted at the same time as that for the buying in of the forequarter,
- the aid became payable 90 days after the product had been put into storage, provided that the payment in respect of the forequarter sent into intervention had been made.

II

1. By letter of 8 February 1988 the Commission notified the Italian Government that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of the aid scheme in question.

2. In its letter the Commission informed the Italian authorities that it felt that the scheme constituted operating aid which could have no lasting effect on the development of the sector concerned; the effects of the measure would cease to be felt as soon as the scheme itself was withdrawn. The Commission pointed out that, in its opinion, such schemes were in principle incompatible with the common market.

The Commission added that the Community rules for beef and veal constituted a fully comprehensive system which precluded the introduction, by a Member State, of supplementary income-support schemes for beef/veal producers.

Furthermore, the Italian Government's measure supplemented those already adopted by the Community. Commission Regulation (EEC) No 828/87 of 23 March 1987 specifying products in the beef and veal sector which are eligible for buying in⁽⁴⁾, as amended by Regulation (EEC) No 654/89⁽⁵⁾, lays down that only Category A, Class U, R and O Forequarters are eligible for intervention in Italy.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No C 41, 13. 2. 1988, p. 3.

⁽⁴⁾ OJ No L 80, 24. 3. 1987, p. 8.

⁽⁵⁾ OJ No L 71, 15. 3. 1989, p. 38.

The purpose of that Regulation is to ensure that the hindquarters are marketed at once. The national scheme constituted private storage aid and, thanks to it, Italian operators could store their products whereas operators in the other Member States were forced to dispose of theirs at once or perhaps bear the cost of storing them.

Moreover, the aid, which in effect encouraged the storage of hindquarters, could have been seen by Italian operators as a further incentive to send meat (forequarters) into intervention, and thereby possibly result in an increase in the EAGGF expenditure concerned. It was thus contrary to the common interest.

The proposed aid accordingly constituted an infringement of Community rules.

3. Under the procedure referred to above, the Commission gave notice to the Italian Government to submit its comments.

The Commission also gave notice to the other Member States and to parties concerned other than Member States to submit their comments.

III

By letter of 12 February 1988 the Italian Government replied to the letter in which the Commission had formally requested it to submit its comments.

The Italian authorities confirmed both the existence of the aid and the information which the Commission had received.

They stated that the scheme had not been notified to the Commission, since it had only shortly before then been adopted by the CIPE (on 21 January 1988), and that the requests submitted by the Commission showed that such notification would have been superfluous, since the Commission was already aware of the aid and all the details pertaining thereto.

Moreover, the Italian Government could not submit its comments within the time limit set by the Commission in its letter, since the time allowed was very short.

According to the Italian authorities :

- (a) the hindquarters were not purchased by the intervention agency, since the product remained the storer's sole property ;
- (b) the scheme did not constitute private storage aid since payment of the aid was not conditional on a minimum storage period of four months. The aid was in fact a contribution towards the cost of freezing, to enable producers to keep their products for a longer period. The purpose of the measure was to prevent a further market slump ; in short, it meant fewer forequarters would go into intervention ;

- (c) it was not a production aid but a measure which aimed, in the common interest, at restoring more suitable market conditions ;
- (d) it did not affect intra-Community trade, since Italy's self-sufficiency in beef/veal is barely 60 % and the surpluses of the other Member States are marketed in Italy ;
- (e) it was adopted in the light of a particularly dramatic situation, in which prices expressed in Ecus had suffered sharp falls, of more than 15 %, compared with the same period a year earlier.

IV

1. The Italian authorities have failed to fulfil their obligations pursuant to Article 93 (3) of the Treaty, firstly by not notifying the Commission of the proposed measure and secondly by implementing it with effect from 1 February 1988 without a decision being taken by the Commission in that respect.

The resulting situation is particularly serious since, in substance, the scheme constitutes an infringement of the beef/veal market organization and is incompatible with the common market under Article 92 of the EEC Treaty.

2. Regarding the points put forward by the Italian authorities it should be emphasized that :

- (a) the Commission did not claim that the measure consisted of buying in by the intervention agency, but that it was a national scheme which in effect encouraged private storage.

Since payment of the aid was conditional on the goods being placed on consignment, the Commission felt that the aid was designed to encourage operators to store the said goods by withdrawing them from the market and freezing them. The scheme is of major importance in economic terms, since the aid totals ECU 1 350 per tonne of hindquarters, whereas the corresponding Community scheme for 1987 provided for the granting of about ECU 500 per tonne for the private storage, for four months, of beef hindquarters ;

- (b) on the other hand the Commission took account of the fact that the measure designed to cover both the losses resulting from the freezing of the meat and the cost of taking the latter to market would result in the withdrawal from the market of a certain quantity of meat and would enable operators to store hindquarters. It is for that reason that the Commission regarded the scheme as an incentive to store beef hindquarters. Moreover, the Commission noted that, instead of reducing the number of forequarters sent into intervention, the measure — as stated in the AIMA decision of 22 January 1988 — concerned hindquarters and that, in order to qualify under the national aid scheme, those hindquarters had to be

presented when the forequarters were sent into intervention. The scheme could not, therefore, reduce the quantities sent into intervention; in fact, the opposite may well have been true, with operators being encouraged by the aid for hindquarters to send forequarters into intervention;

- (c) the Commission feels, moreover, that contrary to the claims made by the Italian authorities, the aid could well have encouraged production, since it enabled producers to supply the products concerned and begin a new cycle of beef/veal production more rapidly. The measure would thus have had the effect of increasing production during the year in question;
- (d) the scheme may have affected trade, since a unilateral change in a given component of the costs normally borne by the operators in question can disrupt the equilibrium on the market concerned. In this respect the measure may have enabled Italian operators to offer their meat at more favourable prices than operators in the other Member States who also supply beef to the Italian market but who do not receive aid under the Italian scheme in question; the effect of the aid may therefore be to reduce the quantities imported from the other Member States, thus affecting intra-Community trade;
- (e) the Commission feels that measures designed to resolve difficulties on the beef/veal market should be taken at Community level, in particular in order to forestall even greater difficulties resulting from the introduction of unilateral national schemes which may adversely affect the situation in other Member States;
- (f) accordingly, the grounds put forward by the Italian authorities cannot be regarded as valid.

V

1. Articles 92 to 94 to the Treaty apply, by virtue of Article 24 of Regulation (EEC) No 805/68, to the production of and the trade in the products covered by the aid.

The scheme gives an advantage to the operators concerned in that they can sell their products on better terms than operators who do not receive the aid. Operators who send beef into intervention may also, thanks to the aid, be in a position to pay a higher price to beef/veal producers than would otherwise be the case, given the conditions normally obtaining on the market in beef and veal.

The scheme therefore distorts competition between those receiving the aid and those — both in Italy and the other Member States — who do not.

2. Italy has to import beef/veal. According to the statistics for 1986, its gross domestic production was 919 000 tonnes and slaughterings totalled 1 179 000 head. Community consumption is 1 587 000 tonnes (the figure for human consumption is 27,7 kilograms per person per year).

Self-sufficiency is accordingly fairly low (58 %). The difference between total slaughterings and domestic consumption is covered by imports from the other Member States and from third countries (570 920 tonnes and 144 448 tonnes respectively). Exports to the other Member States and to third countries total 52 443 tonnes and 88 669 tonnes respectively⁽¹⁾.

Imports during the five-week period in which the scheme was applicable in Italy are put at about 55 000 tonnes.

The quantity of beef covered by the aid therefore corresponds to more than 10 % of those imports.

3. Although in Italy demand tends to exceed production, frequent use is made of public intervention. A total of 47 000 tonnes of beef was bought in in 1986.

During the period in question and contrary to the Italian authorities' claims, there was a net increase in the buying in of meat (forequarters) in the Community. This is clearly shown by a comparison of the quantities bought in from 1 February to 6 March 1988, when the scheme in question was in operation, i.e. a weekly average of about 1 100 tonnes, with the figure before and after that period: about 402 tonnes per week.

4. Moreover, with a view to underlining the economic importance of the aid, reference can be made to a similar Community scheme applicable, by way of Commission Regulation (EEC) No 2437/87 of 12 August 1987 providing for the grant of private storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters from adult bovine animals, during a six-week period in 1987⁽²⁾. About 12 000 tonnes of meat was placed in private storage under contract in Italy pursuant to that measure, which was adopted in the light of serious difficulties on the market in beef (third recital).

The Commission therefore feels that a very large quantity (6 500 tonnes of hindquarters alone) was withdrawn from the market as a result of the national scheme, with a direct impact both during the period of payment of the aid and the storage offtake period.

⁽¹⁾ All the figures are for 1986. Source: *Eurostat*.

⁽²⁾ OJ No L 225, 13. 8. 1987, p. 13.

It can adversely affect been imports and, by the same token intra-Community trade in that product.

The scheme in question therefore fulfils the criteria set out in Article 92 (1) of the Treaty whereby such aids are in principle adjudged to be incompatible with the common market.

5. The exceptions provided for Article 92 (2) are evidently not applicable in this case. Those provided for in paragraph 3 of that Article specify the objectives concerned, which are to be pursued in the interest of the Community, and not in the exclusive interest of specific national economic sectors. A strict interpretation must be put on those exceptions when scrutinizing any regional or sectoral aid scheme or any individual application of a general aid scheme.

In particular those exceptions are allowed only in cases where the Commission has determined that the aid is required in order to achieve one of the objectives specified by the provisions in question. To allow an exception in the case of aid without imposing such a requirement would be tantamount to allowing trade between Member States to be adversely affected and competition to be distorted without any justification in terms of the Community interest and, by the same token, unwarranted benefits for same Member States.

In this particular case there is no evidence that such a requirement has been met. The Italian Government has not given, and the Commission has not found, any reasons for regarding the scheme in question as having fulfilled the requirements for an exception pursuant to Article 92 (3) of the Treaty.

It is not aid to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b) since it may, by way of its possible effect on trade, be contrary to the common interest.

Nor is it a measure designed to remedy a serious disturbance in the economy of the Member State concerned, within the meaning of that provision.

Concerning the exceptions provided for in Article 92 (3) (a) and (c) in respect of aid designed to promote or facilitate the economic development of areas or the development of certain economic activities as referred to in subparagraph (c), it should be pointed out that, being an aid scheme, the measure cannot bring about a lasting improvement in the conditions of the economic sector

receiving the aid since, if the aid were to be discontinued, the said conditions would, in structural terms, be identical to those obtaining prior to the entry into force of the national measure.

Accordingly, the aid should be regarded as operating aid for the undertakings concerned, i.e. a type of aid which the Commission has, in principle, always opposed, since the conditions under which it is granted are not such as to make it eligible under the exceptions provided for in Article 92 (3) (a) and (c).

6. Moreover, for the products in question, which are covered by an EEC market organization, the extent to which Member States may take direct action in the operation of market organization featuring a common price is limited, since the Community now has sole jurisdiction over such matters.

Granting such aid in this sector is contrary to the principle whereby Member States may no longer take unilateral action on farmers' incomes via this type of aid, since the incomes in question are determined by measures which are provided for in the EEC market organization. Italy's aid is accordingly to be regarded as constituting an infringement of the market organization concerned.

There is further evidence that the measure constitutes an infringement, namely that the market withdrawals which it encourages supplement those currently in force under Regulation (EEC) No 828/87, on public buying in of forequarters.

By increasing the quantities sent into intervention the aid may also result in increased expenditure by the European Agricultural Guidance and Guarantee Fund.

In that respect it is to be regarded as contrary to the common interest. Even if an exception in the case of agricultural products had been possible under Article 92 (3) of the Treaty, it would have been precluded by the fact that the aid in question constitutes an infringement of the market organizations.

7. The aid in question is accordingly incompatible with the common market within the meaning of Article 92 of the Treaty.

8. This Decision is without prejudice to the conclusions which the Commission may draw as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF),

HAS ADOPTED THIS DECISION:

Article 1

The aid scheme adopted by the CIPE (Comitato Interministeriale per la Pianificazione Economica) and implemented as set out in AIMA (Azienda di Stato per gli Interventi nel Mercato Agricolo) No 226/C of 22 January 1988 which provides for the payment of an amount in respect of beef hindquarters in order to offset to a certain extent:

- the loss of value which occurs when fresh meat is frozen, and
- the cost of taking the product to market

is illegal under 93 (3) of the Treaty. It is, moreover, incompatible with the common market.

Article 2

The Italian Government shall inform the Commission, within two months from notification of this Decision, of

the measures taken to ensure compliance with this Decision.

Article 3

The Commission reserves the right to draw conclusions from the granting of this illegal aid as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President
