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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 885/89
of 5 April 1989**

on the arrangements applying to imports for 1989 of products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in third countries which are not members of the GATT, other than China

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) No 430/87 ⁽¹⁾, as amended by Regulation (EEC) No 3837/88 ⁽²⁾, the Council defined 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 for 1987, 1988, 1989 and where applicable, 1990; whereas, however, for products covered by CN codes 0714 10 90 and 0714 90 10, imported from third countries which are not members of the GATT, other than China, referred to in Article 1 (2) (d) of Regulation (EEC) No 430/87, the quantities qualifying under the arrangements in question were determined for 1987 only;

Whereas the quantities for 1989 should be fixed for the products in question as defined in accordance with the tariff nomenclature amended by Regulation (EEC) No 3174/88 ⁽³⁾;

Whereas those quantities should be determined taking into account on the one hand the measures which the Community has had to adopt to stabilize agricultural production and on the other hand the need to maintain the pattern of trade with those countries while ensuring that the balance of the internal market in cereal products is not disturbed;

Whereas, moreover, imports which are traditionally for uses other than animal feed and which involve a limited quantity of products should be permitted under the same tariff conditions,

HAS ADOPTED THIS REGULATION:

Article 1

For products originating in third countries which are not members of the GATT, other than China, referred to in Article 1 (2) (d) of Regulation (EEC) No 430/87, the collection of the levy applicable to imports subject to a ceiling of 6 % *ad valorem* shall, for 1989:

1. be limited to 30 000 tonnes in the case of products falling within CN codes 0714 10 99 and 0714 90 19;
2. be limited to 2 000 tonnes in the case of products falling within CN codes 0714 10 91 and 0714 90 11.

Article 2

The Commission shall adopt the detailed rules for applying this Regulation in accordance with the procedure laid down in Article 26 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽⁴⁾, as last amended by Regulation (EEC) No 166/89 ⁽⁵⁾.

Article 3

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

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

Done at Luxembourg, 5 April 1989.

For the Council

The President

M. CHAVES GONZALEZ

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 340, 10. 12. 1988, p. 1.

⁽³⁾ OJ No L 298, 31. 10. 1988, p. 1.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽⁵⁾ OJ No L 20, 25. 1. 1989, p. 16.

COUNCIL REGULATION (EEC) No 886/89

of 5 April 1989

opening and providing for the administration of a Community tariff quota for
onions, fresh or chilled, originating in Egypt (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Article 1 of the Additional Protocol to the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt ⁽¹⁾ provides, for the period 1 February to 15 May, for a Community tariff quota to be opened for the importation into the Community of 10 100 tonnes of onions, fresh or chilled, falling within CN codes ex 0703 10 11 and ex 0703 10 19 and originating in Egypt; whereas, within the limits of this tariff quota, the customs duty shall progressively be abolished over the same periods and in accordance with the same timetables as those laid down in Articles 75 and 268 of the Act of Accession of Spain and Portugal; whereas, on 1989, the quota duty shall be equal to 63,6 % of the duty applicable;

Whereas, to take into account the fact Egypt benefits in the period 1 February to 30 April from a customs duty less than that in Spain and Portugal, this tariff quota should be opened for the period 1 to 15 May; whereas, taking into account the seasonal nature of the imports of these products, the volume of this quota should be fixed at the level of the traditional average imports in this period, that is to say 5 532 tonnes;

Whereas Council Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey on the other ⁽²⁾ lays down that two Member States will postpone implementation of the preferential arrangements for the

products in question until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the above tariff quotas apply only to the Community as constituted on 31 December 1985;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for this quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, in the present case, it seems advisable not to allocate this quota among the Member States without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and according to the procedure specified in Article 1 (2);

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 to 15 May 1989 the customs duty applicable to imports into the Community as constituted on 31 December 1985 of the following products, originating in Egypt, shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1703	ex 0703 10 11 ex 0703 10 19	Onions, fresh or chilled:	5 532	7,6
		Seed		
		Other		

⁽¹⁾ OJ No L 297, 21. 10. 1987, p. 11.

⁽²⁾ OJ No L 250, 1. 9. 1987, p. 1.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

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

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

shall be informed by the Commission in accordance with the same procedures.

Article 4

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

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

3. Member States shall charge imports of the said products against their drawings as and when the goods are entered with the customs authorities under cover of declarations of entry into free circulation.

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

Article 5

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

Article 6

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

It shall apply from 1 May 1989.

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

Done at Luxembourg, 5 April 1989.

For the Council

The President

M. CHAVES GONZALEZ

COUNCIL REGULATION (EEC) No 887/89

of 5 April 1989

amending for the third time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 170/83 states that the conservation measures necessary to achieve the aims set out in Article 1 thereof must be formulated in the light of the available scientific advice;

Whereas Regulation (EEC) No 1866/86⁽²⁾, as last amended by Regulation (EEC) No 2178/88⁽³⁾, lays down certain technical measures for the conservation of fishery resources found in the waters of the Baltic Sea, the Belts and the Sound;

Whereas, by its letter of 29 October 1988, the International Baltic Sea Fishery Commission, established by the Baltic Sea Convention, notified the contracting parties of certain recommendations to modify those technical measures as adopted at the 14th session of the International Commission;

Whereas the abovementioned Convention provides that the Community must bring these recommendations into force in the waters of the Baltic Sea and the Belts subject to the objection procedure laid down in Article XI of the Convention,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1866/86 is hereby amended as follows:

1. Article 2 (1) shall be replaced by the following:

'1. It shall be prohibited to retain on board the following species of fish which have been taken in the waters and during the periods listed below.

Species	Waters	Period of Prohibition
Flounder (<i>Platichthys flesus</i>)	Subdivision 26	1 February to 30 April
Flounder	Subdivision 28 and 29 south of latitude 59°30'N	1 February to 30 April
Flounder	Subdivision 32	1 February to 30 June
Female Flounder	Subdivision 22 except for the geographical area described in Annex II	1 February to 30 April
Plaice (<i>Pleuronectes platessa</i>)	Subdivision 26	1 February to 30 April
Plaice	Subdivisions 27, 28 and 29 south of latitude 59°30'N	1 February to 30 April
Female plaice	Subdivision 22 except for the geographical area described in Annex II and subdivision 24 and 25	1 February to 30 April
Turbot (<i>Psetta maxima</i>)	Subdivisions 22, 24, 25 and 26	1 June to 31 July
Brill (<i>Scophthalmus rhombus</i>)	Subdivisions 22, 24, 25 and 26	1 June to 31 July'

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 162, 18. 6. 1986, p. 1.

⁽³⁾ OJ No L 191, 22. 7. 1988, p. 7.

2. The following shall be added to Article 5 :

'3. It shall be prohibited to use gill nets having meshes of a smaller size than those laid down in Annex IV for the waters, species or groups of species of fish concerned.'

3. Article 6 (1) shall be replaced as from 1 January 1990 by the following :

'1. When nets are inspected the gauges to be used for determining mesh sizes shall be 2 mm thick, flat, of durable material and capable of retaining their shape. They shall have either a series of parallel-edged sides connected by intermediate tapering edges with a taper of 1 cm in 8 on each side, or only tapering edges with a taper as defined above. Each gauge shall be inscribed on its face with the width in millimetres both on the parallel-sided section if any, and on the tapering section. In the case of the latter the width shall be inscribed every 1 mm interval and the indication of the width shall appear at regular intervals. The inscriptions shall not extend to the edges of the gauge which shall be smooth with a nominal rounding of 0,5 mm.'

4. The following shall be added to Annex IV :

'Species	Waters	Type of net	Minimum mesh size length of long diagonal
Cod (<i>Gadus morhua</i>)	Subdivisions 22 to 32	Gill net	From 1 January 1990 : 105 mm'

Article 2

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

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

Done at Luxembourg, 5 April 1989.

For the Council

The President

M. CHAVES GONZALEZ

COMMISSION REGULATION (EEC) No 888/89

of 6 April 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 5 April 1989;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2401/88 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

ANNEX

to the Commission Regulation of 6 April 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	23,43	130,98
0712 90 19	23,43	130,98
1001 10 10	57,12	188,94 ⁽¹⁾ ⁽²⁾
1001 10 90	57,12	188,94 ⁽¹⁾ ⁽²⁾
1001 90 91	33,89	121,21
1001 90 99	33,89	121,21
1002 00 00	61,56	111,92 ⁽⁶⁾
1003 00 10	52,12	112,73
1003 00 90	52,12	112,73
1004 00 10	43,18	84,44
1004 00 90	43,18	84,44
1005 10 90	23,43	130,98 ⁽²⁾ ⁽³⁾
1005 90 00	23,43	130,98 ⁽²⁾ ⁽³⁾
1007 00 90	46,77	139,86 ⁽⁴⁾
1008 10 00	52,12	24,45
1008 20 00	52,12	35,34 ⁽⁴⁾
1008 30 00	52,12	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	52,12	0,00
1101 00 00	61,97	184,22
1102 10 00	100,71	171,22
1103 11 10	102,11	306,43
1103 11 90	65,30	197,33

⁽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 889/89

of 6 April 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 5 April 1989;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 6 April 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0,16	0,16	0
0712 90 19	0	0,16	0,16	0
1001 10 10	0	2,82	2,82	2,82
1001 10 90	0	2,82	2,82	2,82
1001 90 91	0	1,21	1,21	2,82
1001 90 99	0	1,21	1,21	2,82
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0,16	0,16	0
1005 90 00	0	0,16	0,16	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	1,69	1,69	3,96

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	2,15	2,15	5,02	5,02
1107 10 19	0	1,61	1,61	3,75	3,75
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 890/89

of 6 April 1989

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 April 1989 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 7 April 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 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	75,00 ⁽¹⁾
1510 00 90	119,00 ⁽²⁾

⁽¹⁾ For imports of oil falling within this subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this subheading :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,00

COMMISSION REGULATION (EEC) No 891/89

of 5 April 1989

on special detailed rules for the application of the system of import and export
licences for cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 166/89 ⁽²⁾, and in particular Articles 12 (2), 15 (5) and 16 (6) 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 Articles 10 (2), 13 (5) and 17 (6) thereof,Whereas the special detailed rules for the application of the system of import and export licences for cereals and rice were laid down in Commission Regulation (EEC) No 2042/75 ⁽⁵⁾, as last amended by Regulation (EEC) No 314/89 ⁽⁶⁾;

Whereas the provisions of Regulation (EEC) No 2042/75 have been frequently and sometimes substantially amended; whereas, in the interests of clarity and efficiency, those rules should be consolidated and, as experience has shown, further amended;

Whereas, in view of the practices specific to trade in cereals and rice, provision should be made for additional rules and for rules derogating from the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁷⁾;

Whereas the abovementioned trade practices justify an increase in the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88; whereas they should also be taken into account in the arrangements for the release of securities;

Whereas, in the case of tendering procedures for the export of intervention stocks, the quantity and destination

in respect of which the licence is issued should be specified, and provision should be made for particular information to be included in the export licence, in the case of tendering for export refunds, exports of cereal-based compound feedingstuffs, food aid and the advance fixing of export levies; whereas provision should also be made for a special entry in import licences for starch products, taking account of the possibility provided for in Article 3 (1) (b) of Commission Regulation (EEC) No 1579/74 ⁽⁸⁾, as amended by Regulation (EEC) No 1740/78 ⁽⁹⁾, of adjusting the levy by reference to any alteration in the production refund;

Whereas provision should be made in case of a tender for the refund or levy amounts that must be mentioned in the licence to be expressed in ecus to facilitate use of the licences inside the Community;

Whereas, in the case of food aid, it should be indicated in the export licence that no export levy is to be applied, in accordance with Article 3 (5) of Council Regulation (EEC) No 2747/75 ⁽¹⁰⁾, as amended by Regulation (EEC) No 2560/77 ⁽¹¹⁾, and Article 3 (5) of Council Regulation (EEC) No 1432/76 ⁽¹²⁾;

Whereas the period of validity of import and export licences should be fixed for different products according to market requirements and the need for sound management; whereas, as a result of the state of competition on the world market, a particularly long period of validity should be granted in respect of malt exports, but the expiry date should be fixed at 30 September for licences with a long period of validity issued before 1 July, so that export commitments are not made for the following marketing year before the beginning of the barley harvest;

Whereas, in view of the danger of licences being issued for excessive quantities, provision should be made for a period of reflection of three days before the actual issue of an export licence in respect of cereal-based compound feedingstuffs;

Whereas those provisions of Article 44 of Regulation (EEC) No 3719/88 concerning applications for export licences for certain products in connection with an

⁽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 213, 11. 8. 1975, p. 5.⁽⁶⁾ OJ No L 37, 9. 2. 1989, p. 5.⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.⁽⁸⁾ OJ No L 168, 25. 6. 1974, p. 7.⁽⁹⁾ OJ No L 202, 26. 7. 1978, p. 8.⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 82.⁽¹¹⁾ OJ No L 303, 28. 11. 1977, p. 1.⁽¹²⁾ OJ No L 166, 25. 6. 1976, p. 39.

invitation to tender issued in an importing non-member country should be made more restrictive and thus more in keeping with commercial practice in the cereals trade ;

Whereas, given the state of competition on the world market for cereals and rice, provision should be made in the case of the main products, including durum wheat, for the grant of export licences with a special period of validity and for relatively large minimum quantities, with a more advantageous minimum quantity in respect of exports to ACP countries ; whereas the granting of the licence should be subject to certain additional conditions concerning, in particular, presentation of the delivery contract to the competent agency within a specified time ;

Whereas the levels of the security to be lodged for import and export licences should be fixed, setting different levels for different product groups according to the possible variations in the refund or levy during the period of validity of the licence and granting preferential treatment in respect of deliveries to ACP countries ;

Whereas the amounts of the import levy and the export refund to be applied in cases where the period of validity of the licence is extended as a result of *force majeure* pursuant to Article 37 of Regulation (EEC) No 3719/88 should be indicated ;

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

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down special detailed rules for the application of the system of import and export licences established by :

- Article 12 of Regulation (EEC) No 2727/75,
- Article 10 of Regulation (EEC) No 1418/76.

Article 2

1. The obligation to import or to export shall be considered to have been fulfilled where the quantity imported or exported falls short by not more than 7 % below the quantity shown on the licence.

2. Regarding the import and export licences, the percentages 95 % and 5 % referred to in Article 33 of Regulation (EEC) No 3719/88 are hereby replaced by the percentages 93 % and 7 % respectively.

Article 3

1. Where the application for an export licence is submitted in connection with an invitation to tender issued pursuant to Article 7 of Commission Regulation (EEC) No 1836/82 ⁽¹⁾, the licence shall be issued only for

those quantities in respect of which the applicant has obtained a contract.

The export licence shall be valid for no more than the quantity indicated in section 17. The figure '0' shall be entered in section 19.

2. Applications for export licences as provided for in Article 8 (2) (a) of Regulation (EEC) No 1836/82 shall show the relevant destination in section 7. The holder of the licence shall be obliged to export the products in question to that destination.

A group of countries for which the same export refund or levy rate applies shall be considered to constitute a single destination.

Article 4

1. Where the export refund is fixed by tender, the rate of refund appearing in the statement of award of contract shall be entered in letters and figures in section 22 of the licence. This rate shall be expressed in ecus and shall be preceded by one of the following forms of words :

- Tipo de la restitución de base a la exportación adjudicado : ...
- Tilslagssats for basiseksportrestitutionen : ...
- Zuschlagener Satz der Grundaufuhrerstattung : ...
- Ποσοστό της κατακυρωθείσας επιστροφής δάσεως κατά την εξαγωγή : ...
- Tendered rate of basic export refund : ...
- Taux de la restitution de base à l'exportation adjudgé : ...
- Tasso della restituzione di base all'esportazione aggiudicato : ...
- Gegunde basisrestitutie bij uitvoer : ...
- Taxa da restituição de base à exportação adjudcada : ...

2. Where the export levy is fixed by tender, the rate of levy appearing in the statement of award of contract shall be entered in letters and figures in section 22 of the licence. This rate shall be expressed in ecus and shall be preceded by one of the following forms of words :

- Tipo de la exacción reguladora a la exportación adjudicado : ...
- Tilslagssats for eksportafgiften : ...
- Zuschlagener Satz der Ausfuhrabschöpfung : ...
- Ποσοστό της κατακυρωθείσας εισφοράς κατά την εξαγωγή : ...
- Tendered rate of export levy : ...
- Taux du prélèvement à l'exportation adjudgé : ...
- Tasso del prelievo all'esportazione aggiudicato : ...
- Gegunde heffing bij uitvoer : ...
- Taxa do direito nivelador de exportação adjudicado : ...

3. Where the licence referred to in paragraphs 1 and 2 concerns products of the rice sector, the rates to be used for the conversion of the amount of the refund or of the levy into the currency of the Member State where customs formalities are carried out shall be shown in section 22 of the licence to six significant figures.

⁽¹⁾ OJ No L 202, 9. 7. 1982, p. 23.

'Significant figures' means:

- when the value of the conversion rate calculated is higher than one, all digits,
- when the value of the conversion rate calculated is less than one, all digits after the decimal point, but excluding any zero or zeros between the decimal point and the first digit greater than zero.

Article 5

1. For products falling within CN codes 1102 20 and 1103 13, the applicant may, in his application for an export licence, indicate products falling within two contiguous subdivisions of either of the subheadings.

The two subdivisions indicated in the application shall appear on the export licence.

2. For products falling within CN code 2309, excluding 2309 10 70, 2309 90 10, 2309 90 70, 2309 90 91 and 2309 90 99, and containing less than 50 % by weight of milk products, the application for an export licence shall contain:

- in section 15, the description of the product and its cereal content in conformity with the refund nomenclature,
- in section 16, the reference: 'ex 2309'.

The application may contain in section 15 the contiguous cereal content categories referred to in the first indent of the preceding subparagraph.

The details in the application shall appear on the export licence.

Article 6

Section 20 of a licence issued for exports under the terms of the Food Aid Convention shall contain one of the following entries:

- Ayuda alimentaria
- Fødevarehjælp
- Nahrungsmittelhilfe
- Επισιτιστική βοήθεια
- Food aid
- Aide alimentaire
- Aiuto alimentare
- Voedselhulp
- Ajuda alimentar

and section 7 shall contain the name of the country of destination. The licence shall be valid only for such an export.

Article 7

1. For the purposes of Article 3 (1) (b) of Regulation (EEC) No 1579/74, the import licence shall contain in section 24 one of the following entries:

- Exacción reguladora que deberá ajustarse eventualmente con arreglo a las disposiciones de la letra b)

del apartado 1 del artículo 3 del Reglamento (CEE) nº 1579/74

- Eventuel ændring af afgiften i overensstemmelse med bestemmelserne i artikel 3, stk. 1, litra b), i forordning (EØF) nr. 1579/74
- Abschöpfung ist gegebenenfalls gemäß den Bestimmungen von Artikel 3 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 1579/74 zu berichtigen
- Εισφορά που ενδεχομένως προσαρμόζεται σύμφωνα με τις διατάξεις του άρθρου 3 παράγραφος 1 στοιχείο β) του κανονισμού (ΕΟΚ) αριθ. 1579/74
- Levy to be adjusted where necessary in accordance with the provisions of Article 3 (1) (b) of Regulation (EEC) No 1579/74
- Prélèvement à ajuster éventuellement conformément aux dispositions de l'article 3 paragraphe 1 point b) du règlement (CEE) nº 1579/74
- Prelievo da adattare eventualmente in conformità delle disposizioni dell'articolo 3, paragrafo 1, lettera b) del regolamento (CEE) n. 1579/74
- Heffing is eventueel aan te passen overeenkomstig de bepalingen van artikel 3, lid 1, onder b), van Verordening (EEG) nr. 1579/74
- Direito nivelador a ajustar eventualmente nos termos do nº 1, alínea b), do artigo 3º do Regulamento (CEE) nº 1579/74.

2. For the purposes of the second subparagraph of Article 3 (4) of Regulation (EEC) No 2747/75, the second subparagraph of Article 3 (4) of Regulation (EEC) No 1432/76 and Article 3 (1) of Commission Regulation (EEC) No 2007/75⁽¹⁾, the export licence shall be completed as follows:

- Fijación anticipada de la exacción reguladora a la exportación solicitada
- Forudfastsættelse af eksportafgiften er begæret
- Vorausfestsetzung der Ausfuhrabschöpfung beantragt
- Αιτηθείς προκαθορισμός της εισφοράς κατά την εξαγωγή
- Advance fixing of export levy requested
- Préfixation du prélèvement à l'exportation demandée
- Fissazione in anticipo del prelievo all'esportazione richiesta
- Vaststelling vooraf van de uitvoerheffing aangevraagd
- Prefixação do direito nivelador de exportação solicitada
- in section 21 the words shall be struck out and replaced by the words set out in section 21 of the import licence.
- section 22 shall contain in letters and figures the rate(s) in ecus of the levy as fixed in advance.

⁽¹⁾ OJ No L 203, 1. 8. 1975, p. 7.

In addition, for the purposes of Article 3 (2) of Regulation (EEC) No 2007/75, section 22 of the export licence shall contain one of the following entries:

- Exacción reguladora a la exportación que deberá ajustarse eventualmente con arreglo a las disposiciones del apartado 2 del artículo 3 del Reglamento (CEE) nº 2007/75
- Eventuel ændring af eksportafgiften i overensstemmelse med bestemmelserne i artikel 3, stk. 2, i forordning (EØF) nr. 2007/75
- Ausfuhrabschöpfung ist gegebenenfalls gemäß den Bestimmungen von Artikel 3 Absatz 2 der Verordnung (EWG) Nr. 2007/75 zu berichtigen
- Εισφορά κατά την εξαγωγή που ενδεχομένως προσαρμόζεται σύμφωνα με τις διατάξεις του άρθρου 3 παράγραφος 2 του κανονισμού (ΕΟΚ) αριθ. 2007/75
- Export levy to be adjusted where necessary in accordance with the provisions of Article 3 (2) of Regulation (EEC) No 2007/75
- Prélèvement à l'exportation à ajuster éventuellement conformément aux dispositions de l'article 3 paragraphe 2 du règlement (CEE) nº 2007/75
- Prelievo all'esportazione da adattare eventualmente in conformità delle disposizioni dell'articolo 3, paragrafo 2 del regolamento (CEE) n. 2007/75
- Uitvoerheffing is eventueel aan te passen overeenkomstig de bepalingen van artikel 3, lid 2, van Verordening (EEG) nr. 2007/75
- Direito nivelador de exportação a ajustar eventualmente de acordo com o disposto no nº 2 do artigo 3º do Regulamento (CEE) nº 2007/75.

3. For the purposes of Article 3 (5) of Regulation (EEC) No 2747/75 and Article 3 (5) of Regulation (EEC) No 1432/76, section 22 of the export licence shall contain one of the following entries:

- Exacción reguladora inaplicable a la exportación
- Eksportafgift ikke anvendelig
- Ausfuhrabschöpfung nicht anwendbar
- Μη εφαρμοζόμενη εισφορά κατά την εξαγωγή
- Export levy not applicable
- Prélèvement à l'exportation non applicable
- Prelievo all'esportazione non applicabile
- Uitvoerheffing niet van toepassing
- Direito nivelador de exportação não aplicável.

Article 8

1. Import licences for products listed in Article 1 of Regulation (EEC) No 2727/75 and Article 1 of Regulation (EEC) No 1418/76 shall be valid from their day of issue within the meaning of Article 21 (1) of Regulation (EEC)

No 3719/88 until the end of the period as prescribed in Annex I to this Regulation.

2. Where a special period of validity for import licences is provided for for imports originating in and coming from certain third countries, sections 7 and 8 of the application for the licence and of the licence itself shall state the country or countries of export and of origin. The licence shall carry with it the obligation to import from that country or those countries.

Article 9

1. Export licences for products listed in Article 1 of Regulation (EEC) No 2727/75 and Article 1 of Regulation (EEC) No 1418/76 shall be valid from their day of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88 until the end of the period as prescribed in Annex to this Regulation.

2. Notwithstanding paragraph 1, export licences for products falling within CN codes 11707 10 19, 1107 10 99 and 1107 20 00 shall be valid from the day of issue, within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88, until:

- 30 September of the current calendar year, in respect of licences issued from 1 January to 30 April,
- the end of the 11th month following that of issue, in respect of licences issued from 1 July to 31 October,
- 30 September of the following calendar year, in respect of licences issued from 1 November to 31 December.

Licences shall not be issued in pursuance of this paragraph from 1 May to 30 June. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights deriving from the licences referred to in this paragraph shall not be transferable.

3. Export licences for products falling within CN codes 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51, and 2309 90 53 with advance fixing of the refund shall be issued on the third working day following the day the application was lodged, provided that no measure to suspend advance fixing of the refund is taken during that period.

4. Until 1 July 1989, export licences for products falling within CN code 1103 11 10 with advance fixing of the refund shall be issued on the fourth working day following the day on which the application was lodged.

If applications for export licences as referred to in this paragraph exceed the quantities which may be committed for export for the 1988/89 marketing year under a refund, the Commission shall fix a uniform percentage reduction in the quantities. Applications for licences may be withdrawn within two days of the date of publication of the percentage reduction.

Article 10

1. Where export is effected pursuant to an invitation to tender opened in an importing third country, export licences for common wheat, durum wheat, rye, barley, maize, rice, wheat flour and rye flour, groats and meal of durum wheat and products falling within CN code 2309, not including codes 2309 10 70, 2309 10 90, 2309 90 10, 2309 90 70, 2309 90 91 and 2309 90 99, containing less than 50 % by weight of milk products shall be valid from their date of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88 until the date on which the obligations deriving from the award are to be fulfilled.

2. However, the period of validity of such licences may not exceed four months following the month in which the licence was issued within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88.

3. Notwithstanding the third subparagraph of Article 44 (3) of Regulation (EEC) No 3719/88, the licence application or applications may not be lodged more than four working days before the closing date for the submission of tenders in response to the invitation to tender.

4. Notwithstanding Article 44 (5) of Regulation (EEC) No 3719/88, the maximum period between the closing date for the submission of tenders and the notification given to the issuing agency by the applicant concerning the outcome of the invitation to tender as provided for in Article 44 (5) (a) to (d) of that Regulation shall be six working days.

Article 11

1. In special cases, the period of validity of an export licence for common wheat, durum wheat, rye, barley, maize, rice, wheat flour and rye flour, groats and meal of durum wheat and products falling within CN code 2309, excluding codes 2309 10 70, 2309 10 90, 2309 90 10, 2309 90 70, 2309 90 91 and 2309 90 99, containing less than 50 % by weight of milk products, may be longer than that laid down in Article 9 (1) where the licence is applied for with a view to a transaction requiring a longer period of validity, on presentation of supporting documents duly authenticated by the Member State.

2. In such cases, the interested party shall lodge with the competent authority an application for an export licence accompanied by an application for advance fixing of the export refund or export levy applicable on the day of submission of the application for the intended destination together with an indication of the minimum and maximum quantity that he intends to export and an indication of the minimum and maximum period necessary for completion of the transaction envisaged; however, the minimum quantity may not be less than 75 000 tonnes in the case of common wheat, durum wheat, rye, barley, maize, wheat flour and rye flour and products falling within CN code 2309, not including codes 2309 10 70, 2309 10 90, 2309 90 10, 23 90 70, 2309 90 91 and 2309 90 99, containing less than 50 % by weight of milk products and 15 000 tonnes in the case of

groats and meal of durum wheat and rice. Notwithstanding Article 14 (2) of Regulation (EEC) No 3719/88, such application shall not be accompanied by the lodging of a security.

For exports to an ACP country or group of countries which are signatories to the Lomé Convention, the minimum quantity provided for in the preceding subparagraph shall be reduced to:

- 20 000 tonnes for common wheat, durum wheat, rye, barley, maize, wheat flour and rye flour and products falling within CN code 2309, not including codes 2309 10 70, 2309 10 90, 2309 90 10, 2309 90 70, 2309 90 91 and 2309 90 99, containing less than 50 % by weight of milk products, and
- 5 000 tonnes for groats and meal of durum wheat and rice.

Applications relating to a group of ACP countries must specify the name of each country of destination.

3. The Member State of the competent authority receiving the application shall notify the Commission, which shall decide thereon in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75 or in Article 26 of No 1418/76, with particular reference to the quantity and to the economic aspects of the exportation envisaged, and if it allows the application shall set a time limit within which the applicant concerned must submit the contract to the competent authority. The latter shall inform the applicant of the Commission's decision.

4. Where the period of validity fixed for the licence is the same as the applied for, the applicant shall, within the time limit set in accordance with paragraph 3, submit to the competent authority a signed original of the contract, together with a copy thereof. This document shall specify at least the quantity contracted for, which must lie within the limits of the minimum and maximum indicated in the licence application, the destination, the period within which exportation is to be carried out, which must lie within the minimum and maximum periods indicated, the price fixed for the duration of the contract and the terms of payment. The licence shall then be issued after lodging of the security provided for in Article 12 (1) of Regulation (EEC) No 2727/75 or in Article 10 (1) of Regulation (EEC) No 1418/76. The country of destination shall be indicated in section 7 and the licence shall carry with it the obligation to export to that country.

If the applicant has been unable to conclude such a contract, he shall so inform the competent authority within the time limit set for submission of the contract and the licence shall not be issued.

5. Except in cases of *force majeure*, if the applicant does not comply with paragraph 4 the licence shall not be issued.

6. Where the period of validity fixed is different from that applied for, but is longer than that laid down in Article 9, the provisions of paragraphs 4 and 5 shall apply. However, the applicant may, within the time limit set for submission of the contract, cancel his application for a licence.

7. Where an extension of the period of validity laid down for in Article 9 is refused, the licence shall not be issued.

8. Licences issued under the conditions provided for in this Article shall not be subject to the provisions of Article 9 (3).

Article 12

The amount of the security for licences for the products listed in Article 1 of Regulation (EEC) No 2727/75 and Article 1 of Regulation (EEC) No 1418/76 shall be as follows:

- (a) ECU 0,60 per tonne in the case of import and export licences in respect of which the import levy export refund or export levy is not fixed in advance;
- (b) in the case of import licences with advance fixing of the levy:
 - ECU 16 per tonne for products falling within CN codes 0709 90 60, 0712 90 19, 1001 10 10, 1001 10 90, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00, 1004 00, 1005 10 90, 1005 90 00, 1006 (excluding 1006 10 10), 1007 00 and 1008,
 - ECU 4 per tonne for other products;
- (c) ECU 30 per tonne for products falling within CN code 1103 11 10 and for the products listed in Article 1 of Regulation (EEC) No 1418/76 in the case of export licences in respect of which the refund or levy is fixed in advance. For exports to ACP countries, the security shall be ECU 15 per tonne;
- (d) ECU 15 per tonne for the other products listed in Article 1 (a), (b), (c) and (d) of Regulation (EEC) No 2727/75 with the exception of the products falling within CN code 1107 in the case of export licences in respect of which the refund or levy is fixed in

advance. For exports to ACP countries, the security shall be ECU 7 per tonne;

- (e) ECU 12 per tonne for products falling within CN code 1107 in the case of export licences in respect of which the export refund or levy is fixed in advance.

However, in respect of licences issued in accordance with Article 9 (2), the security shall be:

- ECU 24 per tonne in respect of licences issued from 1 January to 30 April,
- ECU 30 per tonne in respect of licences issued from 1 July to 31 December.

Article 13

Where, pursuant to Article 37 of Regulation (EEC) No 3719/88, the period of validity of a licence is extended and the rate of the import levy or export refund has been fixed in advance:

- the premium or corrective amount to be applied shall be that applicable, on the day when the original licence application was lodged, in respect of import or export during the last month of the normal period of validity of the licence,
- the rate of the import levy or export refund shall be adjusted according to the threshold price in force during the actual month of import or export.

Article 14

1. Regulation (EEC) No 2042/75 is hereby repealed.
2. References to Regulation (EEC) No 2042/75 shall be treated as references to this Regulation.

Article 15

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

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

Done at Brussels, 5 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Period of validity of import licences

A. For cereals

CN code	Description of goods	Period of validity
0709 90 60	Sweet corn, fresh or chilled	45 days
0712 90 19	Dried sweet corn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid maize for sowing	
1001 90 91	Common wheat and meslin seed	
1001 90 99	Spelt, common wheat and meslin other than for sowing	
1002 00 00	Rye	
1003 00	Barley	
1004 00	Oats	
1005 10 90	Maize other than hybrid seed	
1005 90 00	Maize other than seed	
1007 00 90	Grain sorghum other than hybrids for sowing	
1008	Buckwheat, millet and canary seed ; other cereals	60 days
1001 10	Durum wheat	
1011 00 00	Wheat or meslin flour	
1102 10 00	Rye flour	
1103 11 00	Wheat groats and meal	Until the end of the fourth month following that of issue
	The products listed in Annex A to Regulation (EEC) No 2727/75	

B. For rice

1006 10 21	Rice in the husk (paddy rice)	Until the end of the second month following that of issue
1006 10 23		
1006 10 25		
1006 10 27		
1006 10 92		
1006 10 94		
1006 10 96		
1006 10 98		
1006 20	Husked (cargo or brown) rice	
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	
1006 40 00	Broken rice	Until the end of the third month following that of issue
1102 30 00	Rice flour	Until the end of the fourth month following that of issue
1103 14 00	Rice groats and meal	
1103 29 50	Rice pellets	
1104 19 91	Flaked rice	
1108 19 10	Rice starch	

ANNEX II

Period of validity of export licences

A. For cereals

CN code	Description of goods	Period of validity
0709 90 60	Sweet corn, fresh or chilled	Until the end of the second month following that of issue
0712 90 19	Dried sweet corn, whole, cut, sliced, broken or in powder, but not further prepared, other than hybrid maize for sowing	
1001 90 91	Common wheat and meslin seed	
1001 90 99	Spelt, common wheat and meslin other than for sowing	
1002 00 00	Rye	
1003 00	Barley	
1004 00	Oats	
1005 10 90	Maize other than hybrid seed	
1005 90 00	Maize other than seed	
1007 00 90	Grain sorghum other than hybrids for sowing	
1008	Buckwheat, millet and canary seed ; other cereals	Until the end of the fourth month following that of issue
1001 10	Durum wheat	
1101 00 00	Wheat or meslin flour	
1102 10 00	Rye flour	
1103 11 00	Common wheat and spelt groats and meal	Until the end of the sixth month following that of issue
	The products listed in Annex A to Regulation (EEC) No 2727/75	
1103 11 10	Durum wheat groats and meal	
	The abovementioned products exported on licences in which section 12 contains the words 'Community food aid, Regulation (EEC) No 2330/87'	Until the end of the fourth month following that of issue

B. For rice

1006 10 21	Rice in the husk (paddy rice)	90 days
1006 10 23		
1006 10 25		
1006 10 27		
1006 10 92		
1006 10 94		
1006 10 96		
1006 10 98		
1006 20	Husked (cargo or brown) rice	90 days
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	

CN code	Description of goods	Period of validity
1006 40 00	Broken rice	30 days
1102 30 00	Rice flour	} Until the end of the fourth month following that of issue
1103 14 00	Rice groats and meal	
1103 29 50	Rice pellets	
1104 19 91	Flaked rice	
1108 19 10	Rice starch	
	The abovementioned products exported on licences in which section 12 contains the words 'Community food aid, Regulation (EEC) No 2330/87'	Until the end of the fourth month following that of issue

COMMISSION REGULATION (EEC) No 892/89
of 6 April 1989
fixing the aid for cotton

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 3026/88 ⁽⁴⁾, as last amended by Regulation (EEC) No 848/89 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 3026/88 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be 47,012 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 271, 1. 10. 1988, p. 69.

⁽⁵⁾ OJ No L 89, 1. 4. 1989, p. 52.

COMMISSION REGULATION (EEC) No 893/89

of 6 April 1989

re-establishing the preferential customs duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

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

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

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

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

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

Whereas the preferential customs duty fixed for multiflorous (spray) carnations originating in Israel by Regulation (EEC) No 4078/88 was suspended by Commission Regulation (EEC) No 864/89⁽¹²⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN code ex 0603 10 53) originating in Israel the preferential customs duty set by Regulation (EEC) No 4078/88 is reintroduced.

Article 2

This Regulation shall enter into force on 8 April 1989.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 271, 1. 10. 1988, p. 7.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 1.

⁽⁵⁾ OJ No L 311, 17. 11. 1988, p. 2.

⁽⁶⁾ OJ No L 359, 28. 12. 1988, p. 8.

⁽⁷⁾ OJ No L 311, 17. 11. 1988, p. 9.

⁽⁸⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁹⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽¹⁰⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹¹⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽¹²⁾ OJ No L 91, 4. 4. 1989, p. 29.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 894/89

of 6 April 1989

repealing Regulation (EEC) No 4180/88 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 4180/88 of 30 December 1988 ⁽²⁾ applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 4180/88 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 4180/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.⁽²⁾ OJ No L 367, 31. 12. 1988, p. 73.

COMMISSION REGULATION (EEC) No 895/89**of 6 April 1989****introducing a countervailing charge on cabbage lettuce originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 783/89⁽³⁾ introduced a countervailing charge on cabbage lettuce originating in Israel;

Whereas for cabbage lettuce originating in Israel there were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of cabbage lettuce originating in Israel can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 783/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 84, 29. 3. 1989, p. 40.

COMMISSION REGULATION (EEC) No 896/89

of 6 April 1989

introducing a countervailing charge on cucumbers originating in Poland

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

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

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

Whereas Article 25 (1) of Regulation (EEC) No 1035/72
provides that, if the entry price of a product imported
from a third country remains at least 0,6 ECU below the
reference price for two consecutive market days, a coun-
tervailing charge must be introduced in respect of the
exporting country concerned, save in exceptional circum-
stances; whereas this charge is equal to the difference
between the reference price and the arithmetic mean of
the last two entry prices available for that exporting
country;

Whereas Commission Regulation (EEC) No 291/89 of 3
February 1989 fixing for the 1989 marketing year the
reference prices for cucumbers⁽³⁾ fixed the reference price
for products of class I at 92,76 ECU per 100 kilograms
net for the month of April 1989;

Whereas the entry price for a given exporting country is
equal to the lowest representative prices recorded for at
least 30 % of the quantities from the exporting country
concerned which are marketed on all representative
markets for which prices are available less the duties and
the charges indicated in Article 24 (3) of Regulation (EEC)
No 1035/72; whereas the meaning of representative price
is defined in Article 24 (2) of Regulation (EEC) No
1035/72;

Whereas, in accordance with Article 3 (1) of Commission
Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by
Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken

into consideration must be recorded on the representative
markets or, in certain circumstances, on other markets;
whereas it is necessary to multiply the prices with the
coefficient fixed in the first indent of Article 1 (2) of
Regulation (EEC) No 291/89;

Whereas, for cucumbers originating in Spain (except the
Canary Islands) the entry price calculated in this way has
remained at least 0,6 ECU below the reference price for
two consecutive market days; whereas a countervailing
charge should therefore be introduced for these cucum-
bers;

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

- in the case of currencies which are maintained in rela-
tion 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 Regula-
tion (EEC) No 1676/85⁽⁶⁾, as last amended by Regula-
tion (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 rela-
tion to the Community currencies referred to in the
previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 33,01 ECU per 100 kilograms
net is applied to cucumbers (CN codes 0707 00 11 and
0707 00 19) originating in Poland.

Article 2

This Regulation shall enter into force on 8 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 33, 4. 2. 1989, p. 29.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION REGULATION (EEC) No 897/89
of 6 April 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 879/89 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 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 93, 6. 4. 1989, p. 17.

ANNEX

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

(ECU/100 kg)

CN code	Levy
1701 11 10	31,74 ⁽¹⁾
1701 11 90	31,74 ⁽¹⁾
1701 12 10	31,74 ⁽¹⁾
1701 12 90	31,74 ⁽¹⁾
1701 91 00	39,19
1701 99 10	39,19
1701 99 90	39,19 ⁽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 898/89

of 6 April 1989

fixing the export refunds 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 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 the fourth subparagraph of Article 16 ⁽²⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC of the Commission ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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;

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

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, 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 Cereals,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 April 1989.

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

Done at Brussels, 6 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 6 April 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	04	21,00 (2)
	02	20,00 (2)
1001 90 91 000	01	0
1001 90 99 000	05	44,00
	06	49,00
	07	22,00
	08	21,00
	09	19,00
	02	20,00
1002 00 00 000	06	49,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	48,00
	07	22,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	62,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	78,00
1101 00 00 120	01	78,00
1101 00 00 130	01	70,00
1101 00 00 150	01	60,00
1101 00 00 170	01	50,00
1101 00 00 180	01	40,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	78,00
1102 10 00 200	01	78,00
1102 10 00 300	01	78,00
1102 10 00 500	01	78,00
1102 10 00 900	—	—
1103 11 10 100	01	201,00
1103 11 10 200	01	190,00
1103 11 10 500	01	169,00
1103 11 10 900	01	160,00
1103 11 90 100	01	78,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Algeria,
- 05 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 06 Zone II b),
- 07 Poland,
- 08 China,
- 09 Soviet Union.

(²) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Commission Regulation (EEC) No 1569/77 (OJ No L 174, 14. 7. 1977, p. 15), with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis) ; 7 % maximum, of which 5 % of soft wheat or other cereals.

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

COMMISSION REGULATION (EEC) No 899/89
of 6 April 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 798/89 ⁽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 last amended by Regulation (EEC) No 851/89 ⁽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, rape and sunflower 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, rape and sunflower 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, rape and sunflower seed will be confirmed or replaced as from 7 April 1989 to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 7 April 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 85, 30. 3. 1989, p. 24.

⁽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 89, 1. 4. 1989, p. 56.

⁽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, 6 April 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 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)
1. Gross aids (ECU):						
— Spain	0,580	0,580	0,580	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,847	20,658	20,352	16,576	16,232	15,807
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	49,61	49,17	48,46	39,53	38,73	37,94
— Netherlands (Fl)	55,36	54,87	54,06	44,06	43,15	42,16
— BLEU (Bfrs/Lfrs)	1 006,64	997,51	982,73	800,40	783,79	763,27
— France (FF)	152,92	151,36	148,96	120,47	117,77	114,43
— Denmark (Dkr)	182,61	180,89	178,16	144,83	141,75	137,96
— Ireland (£ Irl)	17,008	16,834	16,567	13,398	13,097	12,726
— United Kingdom (£)	13,033	12,879	12,656	10,115	9,864	9,454
— Italy (Lit)	32 735	32 393	31 803	25 553	24 964	23 879
— Greece (Dr)	2 482,92	2 424,07	2 334,04	1 742,87	1 674,40	1 513,55
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	180,43	180,43	180,43
— in another Member State (Pta)	3 288,66	3 264,11	3 214,99	2 708,52	2 658,49	2 563,14
(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)	4 495,51	4 458,19	4 383,74	3 663,07	3 596,60	3 472,68

(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 4	1st period 5	2nd period 6	3rd period 7 (1)	4th period 8 (1)	5th period 9 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,080	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	23,347	23,158	22,852	19,076	18,732	18,307
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	55,51	55,08	54,36	45,43	44,63	43,84
— Netherlands (Fl)	61,98	61,48	60,68	50,68	49,77	48,78
— BLEU (Bfrs/Lfrs)	1 127,35	1 118,23	1 103,45	921,12	904,51	883,99
— France (FF)	171,88	170,32	167,92	139,43	136,73	133,39
— Denmark (Dkr)	204,71	203,00	200,27	166,93	163,86	160,06
— Ireland (£ Irl)	19,118	18,944	18,676	15,507	15,206	14,835
— United Kingdom (£)	14,720	14,567	14,344	11,803	11,552	11,142
— Italy (Lit)	36 823	36 480	35 890	29 641	29 051	27 967
— Greece (Dr)	2 872,97	2 814,12	2 724,09	2 132,92	2 064,45	1 903,60
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	565,96	565,96	565,96
— in another Member State (Pta)	3 674,19	3 649,64	3 600,52	3 094,05	3 044,02	2 948,67
(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)	4 965,53	4 928,21	4 853,75	4 133,09	4 066,62	3 942,70

(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 4	1st period 5	2nd period 6	3rd period 7	4th period 8 ⁽¹⁾
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	5,170	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	23,578	24,026	24,026	24,026	19,780
2. Final aids:					
(a) Seed harvested and processed in ⁽²⁾ :					
— Federal Republic of Germany (DM)	56,11	57,16	57,16	57,16	47,12
— Netherlands (Fl)	62,61	63,80	63,80	63,80	52,55
— BLEU (Bfrs/Lfrs)	1 138,51	1 160,14	1 160,14	1 160,14	955,11
— France (FF)	172,98	176,41	176,41	176,41	144,41
— Denmark (Dkr)	206,54	210,51	210,51	210,51	173,04
— Ireland (£ Irl)	19,239	19,620	19,620	19,620	16,061
— United Kingdom (£)	14,746	15,053	15,053	15,029	12,205
— Italy (Lit)	37 031	37 771	37 697	36 567	30 686
— Greece (Dr)	2 812,48	2 875,16	2 842,90	2 814,30	2 185,21
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	1 062,53
— in another Member State (Pta)	3 763,63	3 831,78	3 826,58	3 816,02	3 417,95
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 697,16	6 783,96	6 766,99	6 751,18	5 939,65
— in another Member State (Esc)	6 526,97	6 611,56	6 595,02	6 579,61	5 788,70
3. Compensatory aids:					
— in Spain (Pta)	3 715,43	3 786,47	3 781,27	3 770,71	3 372,64
4. Special aid:					
— in Portugal (Esc)	6 526,97	6 611,56	6 595,02	6 579,61	5 788,70

⁽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.

⁽²⁾ 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 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9
DM	2,082500	2,078960	2,075480	2,071950	2,071950	2,062840
Fl	2,347840	2,344700	2,341920	2,339330	2,339330	2,330280
Bfrs/Lfrs	43,598299	43,584400	43,576300	43,557000	43,557000	43,479400
FF	7,026120	7,029040	7,030650	7,034110	7,034110	7,037200
Dkr	8,109520	8,111450	8,112230	8,111980	8,111980	8,109550
£Irl	0,780153	0,779759	0,779128	0,779004	0,779004	0,778345
£	0,652515	0,654099	0,655507	0,656873	0,656873	0,661612
Lit	1 526,77	1 531,85	1 537,57	1 543,15	1 543,15	1 559,48
Dr	176,15400	177,61300	179,29100	180,77800	180,77800	185,00500
Esc	171,68700	172,38600	173,27000	173,94500	173,94500	175,86100
Pta	129,60900	130,02800	130,45800	130,86600	130,86600	132,24900

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 November 1988

on Decree-Law No 370/87 of 7 September 1987 of the Italian Government subsequently converted into Law No 460 of 4 November 1987 on production and marketing, including new standards for the production and marketing of wine sector products

(Only the Italian text is authentic)

(89/228/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) thereof,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 2964/88 ⁽²⁾, and in particular Article 76 thereof,

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

Whereas :

I

1. By letter of 14 September 1987, recorded as received on 14 October 1987, the Permanent Representation of Italy to the European Communities notified the Commission of Decree-Law No 370 of 7 September 1987 concerning the production and marketing of wine sector products.

2. The scheme involved an aid for producers of rectified concentrated grape must, provided for in Article 1 (1) of the Decree-Law, and the fixing of a maximum price for rectified concentrated must for users of must on

which the aid had been paid, provided for in Article 1 (2) of the Decree-Law.

II

1. By letter No SG(87)D/15201 of 11 December 1987 the Commission informed the Italian Government that it had decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of this aid scheme.

2. In the same letter the Commission informed the Italian authorities that it considered the aid to be an operating aid incompatible within the common market and therefore ineligible for an exception pursuant to Article 92 of the Treaty.

It also considered that :

- the aid for producers of rectified concentrated must provided for in Article 1 (1) of the Decree-Law, and
- the fixing of a maximum selling price for rectified concentrated must for users of must on which the aid had been paid, provided for in Article 1 (2) of the Decree-Law

constituted schemes infringing Council Regulation (EEC) No 822/87. The Commission argued that these rules must be seen as forming a complete and comprehensive system leaving Member States no power to take any complementary measures.

This means that the proposed schemes do not therefore qualify for any of the exceptions provided for in Article 92 (3) of the Treaty. The aid is therefore incompatible with the common market within the meaning of Article 92 of the Treaty.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽³⁾ Letters of 7 March 1988 from the Commission to the Governments of the other Member States and communication to the other parties concerned (OJ No C 69, 15 March 1988, p. 4).

This being so, the Commission decided to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of these measures.

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

It also gave notice to the other Member States and to the other parties concerned to submit their comments.

III

By letter of 22 January 1988, the Italian Government replied to the Commission's letter of notice.

1. It announced the conversion into law (Law No 460 of 4 November 1987), with amendments, of Decree No 370 of 7 September 1987: the main provisions concerning the aid scheme are the following:

- Article 1 (1) provides in principle for the grant to must producers of an aid per degree of alcohol and per litre of rectified concentrated must produced from grapes grown in Italy, and
- Article 1 (5) lays down, nonetheless, that the aid will be paid directly to producers of table wines, wines with a registered designation of origin (DOC) and wines with a registered and guaranteed designation of origin (DOCG) for the 1987/88 wine year;
- Article 1 (2) provides for fixing a maximum price for concentrated grape must.

The Minister of Agriculture's Decree No 480 of 21 November 1987 fixes the aid referred to in Article 1 (5) at Lit 3 300 per degree of alcohol and per litre of concentrated grape must for the 1987/88 marketing year.

2. The following comments were submitted:

- (a) The purpose of the scheme introduced by the Decree-Law and the Law is to correct a situation in the Community in which distortions are created by the existence of certain areas where the oenological practice of enrichment with sucrose is permitted, and of others — including Italy — where enrichment is permitted only via the use of concentrated grape must or rectified concentrated grape must.

Enrichment using the last two products is clearly more expensive than enrichment through the use of sucrose.

The Community therefore provided for aid for producers using concentrated grape must and rectified concentrated grape must to increase the alcoholic strength of their wine. This aid should in

theory have closed the gap between the respective costs of the two oenological procedures, but there in fact remains a considerable difference between the two, favouring those producers who use sucrose.

That is why the Italian Government asked the Commission, in memorandum No B/11699 of 12 September 1987, to grant a Community aid to top up that already granted in accordance with Commission Regulation (EEC) No 2287/87⁽¹⁾, as last amended by Regulation (EEC) No 3627/87⁽²⁾. In that memorandum, the Minister for Agriculture argued that if an aid of this nature placed too great a strain on the Community budget the problem could be solved by using national resources.

Faced with a situation in which a solution was required urgently, the Italian authorities found themselves obliged to tackle the problem at national level.

Rectified concentrated grape must is produced mainly from grapes harvested in zone C III, for which the Community lays down (Article 45 (1) of Regulation (EEC) No 822/87) that aid may be granted for the enrichment of the harvest if the patterns of trade in musts and coupage wines cannot otherwise be maintained. The amount of aid granted by the Community in zone C III was insufficient, in comparison with the aid granted in other zones, to maintain the patterns of trade in musts and coupage wines. Following the introduction of Community aid, exports of musts and coupage wines from zone C III dropped to insignificant levels.

- (b) Aid for rectified concentrated grape must was granted for mainly technical reasons, similar to those which explain why sucrose may be used in other Member States; the product is completely neutral, producing no adverse organoleptic effect in the finished product (wine). In the light of these considerations, the aid scheme could not be seen as incompatible with Article 92 (1) of the Treaty, since it cannot affect trade between Member States and does not favour the production of Italian wine over the wine of other producer countries in the Community and, in this respect, there is equal treatment in economic terms. Moreover, as provided for in Article 92 (3) of the Treaty, the aid may be considered to be compatible with the common market in the sense that it is intended to promote the economic development of the wine sector in certain regions thanks to a more

⁽¹⁾ OJ No L 209, 31. 7. 1987, p. 26.

⁽²⁾ OJ No L 341, 3. 12. 1987, p. 24.

widespread use of must for the manufacture of rectified concentrated grape must, which means a reduction in the quantity of surplus wine, without affecting trading conditions to an extent contrary to the common interest.

- (c) The purpose of the provision on the fixing of the maximum selling price for rectified concentrated grape must, which came into force on 1 September 1988, is to see that the aid actually benefits wine producers enriching their wine and does not assist speculation by manufacturers of rectified concentrated grape must.

To this end paragraph 4 of Article 1 of Law No 460 lays down that the aid must be paid only to duly-approved producers of rectified concentrated grape must and not, as has been the practice hitherto, to purchasers of the product.

The maximum price, fixed by the Ministry of Agriculture and Forestry, following consultation with national bodies operating in the wine sector, takes account of expenditure incurred in the purchase of the rectified concentrated grape must and of the aid for which the manufacturers of this product will qualify.

The obligation under the Law to pay the aid directly to manufacturers of rectified concentrated must will have a twin effect:

- (1) it will favour users of rectified concentrated grape must, who will benefit from the aid at the moment of purchase, and
- (2) it will focus inspections on a small number of operators — the manufacturers of rectified concentrated must.

IV

With regard to the arguments put forward by the Italian authorities, the Commission considered, on the basis of the information available, that the amount of Community aid provided for in Regulation (EEC) No 2287/87 (1987/88 marketing year) was sufficient and complied with the criteria of Regulation (EEC) No 822/87; the Italian Government's request that the aid be increased was therefore considered to be unjustified. The Italian authorities having been informed of this, it was not for them to implement any independent national measures outside the scope of the market organization. According to information which has reached the Commission, moreover, it would appear that some aid has already been granted.

The rules on the organization of the market in wine must be seen as forming a complete and comprehensive

system, leaving Member States no power to take any complementary measures.

The aid scheme is therefore incompatible with the common market and does not qualify for any of the exceptions provided for in Article 92 (3) of the Treaty.

In view of the above, the arguments put forward by the Italian authorities cannot be accepted.

V

Some 76 million hectolitres of wine were produced in Italy during 1986/87, i. e. around 36 % of Community production.

Italy exported some 10,8 million hectolitres, around 2,8 million to non-member countries and 8 million to the other Member States. Exports took up 14,2 % of the country's production (10,5 % for exports to the other Member States). The market share of Italian exports represented 31,7 % of overall Community exports of wine during 1986/87.

Italy imported some 448 000 hectolitres of wine, 443 000 of which came from the other Member States.

Italian exports of grape must (non-concentrated, concentrated, rectified, etc.) totalled 66 400 tonnes in 1987⁽¹⁾, around 58 000 tonnes of which (87 %) went to the other Member States and 8 400 tonnes to non-member countries. Italy is second only to Greece as a Community exporter, with a market share of around 24 % of all Community exports.

Imports into Italy from the other Member States totalled around 19 000 tonnes, i. e. almost all Italian imports of must. Italy is the fourth biggest Community importer (12,4 % of all Community imports).

Community aid for the use in winemaking of concentrated grape must and rectified concentrated grape must in respect of the 1986/87 wine year (Commission Regulation (EEC) No 2556/86⁽²⁾) involved 944 650 hectolitres in Italy; a total of 1 246 producers received aid.

VI

1. Articles 92 to 94 of the Treaty apply to production of and trade in wine sector products by virtue of Article 76 of Regulation (EEC) No 822/87.

⁽¹⁾ One tonne = about 10 hectolitres.

⁽²⁾ OJ No L 228, 14. 8. 1986, p. 14.

The aid gives a special advantage to the must producers to whom it is granted since it will facilitate, artificially, a more widespread utilization of must for the manufacture of rectified concentrated must.

It also benefits users in that it is accompanied by a scheme fixing a ceiling price for the sale of concentrated must for which aid has been granted.

Nevertheless, as regards the 1987/88 wine year, the aid is being granted directly to the users of concentrated must. In this form it brings a financial advantage to producers of wine by reducing their production costs; this advantage is felt indirectly by the producers of concentrated must, in that it encourages, artificially, the use of that product. The scheme therefore distorts competition between Italian producers qualifying for the aid and producers of the same products elsewhere in the Community.

Moreover, to the extent that only must produced from grapes of Italian origin may be used, the benefits of the aid are reserved exclusively for Italian grape growers.

By favouring the utilization and production of concentrated must, this state aid measure may bring about an increase in the utilization of concentrated must and therefore in its production; it could also affect trade in concentrated must and wine between the Member States.

The aid scheme therefore meets the criteria set out in Article 92 (1) of the Treaty on incompatibility with the common market.

2. The exceptions from incompatibility with the common market provided for in Article 92 (2) are clearly inapplicable in this case.

Moreover, this aid scheme must be considered to be an operating aid for the undertakings involved; the Commission has always opposed this type of aid on principle since the granting thereof is not linked to any conditions which would allow it to qualify for one of the exceptions provided for in Article 92 (3).

3. These products are subject to a market organization, and there are limitations on Member States' powers to intervene directly in the operation of market organizations comprising a system of common prices, this being an area where the Community now has exclusive powers. The aid scheme therefore ignores the principle whereby the Member States no longer have the power to make unilateral arrangements relating to farmers' incomes.

The degree of infringement caused by the aid and by the price fixing is compounded by the fact that it comes on top of the Community aid provided for in Article 45 of Regulation (EEC) No 822/87. The Community aid is granted to users of concentrated must for the enrichment of certain wines. The State aid and the fixing of a maximum selling price for concentrated must could serve to increase the production of must and wines; they could also result in increased EAGGF guidance and guarantee expenditure. In view of this, the aid scheme must be considered to be contrary to the common interest.

Moreover, Article 1 (1) of Law No 460 of 4 November 1987 lays down that the grant of aid to must producers is restricted to grapes grown in Italy. This distinction between Italian produce and imported produce constitutes discrimination within the meaning of Article 30 *et seq.* of the Treaty.

4. Even if an exception pursuant to Article 92 (3) of the EEC Treaty had been conceivable, the fact that the aid scheme infringes the market organization in question rules out the application of any such exception to it.

5. The aid is consequently illegal to the extent that it has been granted in infringement of the third sentence of Article 93 (3) of the Treaty. It is also incompatible with the common market within the meaning of Article 92 of the EEC Treaty.

6. To the extent that initial payments may already have been made pursuant to the Ministry of Agriculture's Decree No 480 of 21 November 1987, this Decision is without prejudice to any measures the Commission has the intention to take shortly 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 which is provided for in Article 1 of the Italian Government's Decree-Law No 370 of 7 September 1987, converted into Law No 460 of 4 November 1987 on new standards for the production and marketing of wine sector products and on the penalties for failure to comply with Community rules on agriculture, the amount of which for 1987/88 is determined in accordance with Decree No 480 of 21 November 1987, is illegal in that it infringes Article 93 (3) of the Treaty. It is also incompatible with the common market and must be abolished.

Article 2

The Italian 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

The Commission reserves the right to take measures, in response to the granting of this illegal aid, as regards the financing of the common agricultural policy by the European Agricultural Guidance and Guarantee Fund.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 21 December 1988

on a national scheme to encourage the use of milk for feeding calves

(Only the French text is authentic)

(89/229/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the 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, in accordance with Article 93 (2) of the EEC Treaty, to submit their comments⁽³⁾,

Whereas :

I

By letter of 15 January 1988, the French Government notified the Commission of a draft aid scheme to encourage the use of milk for feeding calves.

Details of the scheme are as follows :

According to the information received from the French Government, aid of FF 500 would be paid for each calf fed for three months on milk produced on the holding on which it was kept. The calves would have to have been born on that holding, or acquired between 1 December 1987 and 1 March 1988. The maximum number of calves for which the aid could be claimed would be equal to the number of cows present on 1 January 1988. A ceiling of FF 10 000 per holding is planned. The aid would be granted on condition that the stock farmer reduced his milk deliveries by at least 600 litres per calf for which the subsidy was claimed.

Information from a number of sources seems to indicate that aid payments have already begun.

According to the French authorities, the aim of the scheme is to reduce milk deliveries in the final quarter of 1987/88.

The aid was initially expected to cost a total of FF 100 million (ECU 14,5 million).

II

1. The Commission notified the French Government by letter of 19 February 1988 of its decision to initiate the

procedure provided for in Article 93 (2) of the EEC Treaty in respect of the proposed scheme.

2. In this letter, the Commission informed the French authorities that it took the view that the draft aid scheme was an operating aid which could not have any lasting effect on the sector, since its effects would disappear when the scheme lapsed. The Commission considers such schemes to be incompatible in principle with the common market.

In addition, Community rules and regulations concerning cattle farming constitute a full and comprehensive system which includes no provision for Member States to take additional income support measures for beef and veal producers.

Moreover, the scheme planned by the French Government is in addition to schemes already established at Community level: Council Regulation (EEC) No 1357/80⁽⁴⁾, as last amended by Regulation (EEC) No 573/89⁽⁵⁾, has already introduced a system of premiums for maintaining suckler cows.

The aid planned is thus a contravention of Community rules and regulations.

3. Under this procedure, the Commission has given notice to the French Government to submit its comments.

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

III

1. The French Government replied to the Commission's letter of notice by letter of 11 March 1988.

According to the French authorities :

- the scheme concerned is intended to address the situation of the most vulnerable agricultural holdings, which have been thrown into severe disequilibrium by the limits on milk production,
- the scheme would subsequently allow a process of conversion, changing the method of farming or even definitive cessation of production to be embarked on,
- the scheme is partly inspired by the Community premium for the non-marketing of milk,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No C 57, 1. 3. 1988, p. 4.

⁽⁴⁾ OJ No L 140, 5. 6. 1980, p. 1.

⁽⁵⁾ OJ No L 63, 7. 3. 1989, p. 3.

- this is intended as a once-only, non-renewable scheme,
- the forecast cost has fallen from FF 100 million to FF 60 million.

Finally, the French authorities take issue with the opinion that the scheme is supplementary to the Community's suckler cow premium scheme, since the Community premium is conditional on the cessation of milk deliveries during the period of the undertaking. As a consequence, in their view the French scheme does not contravene the market organization for beef and veal.

IV

With regard to the view of the French authorities, it must be emphasized that:

- the said authorities did not forward to the Commission any overall plan aimed at beginning a process of conversion or definitive cessation of milk production for agricultural holdings which were in serious disequilibrium,
- the fact that this is a once-only, non-renewable scheme does not detract from the fact that it is an operating aid, and does not alter the assessment made from the standpoint of Article 92 of the EEC Treaty; a similar conclusion applies to the reduction in the forecast cost,
- in order to remedy difficult situations in the milk sector all the necessary measures must be taken at Community level, with the particular aim of preventing even more serious difficulties arising from the implementation of unilateral national measures in this or other agricultural sectors,
- in view of the above, the justifications provided by the French authorities cannot be considered valid.

V

1. Articles 92 to 94 of the EEC Treaty apply to production of and trade in the products at which the draft aid scheme in question is aimed, by virtue of Article 24 of Regulation (EEC) No 805/68.

The draft scheme would confer a particular advantage on French stock farmers producing both calves and milk. It would reduce the cost of calf rearing to farmers in receipt of the premium. The scheme would thus distort competition between these stock farmers and other stock farmers not receiving the aid, both in France and in the other Member States.

The scheme would encourage calf production in France. This is in surplus (1985 self-sufficiency rate: 108,4 %); 38 000 tonnes of veal were exported to other parts of the

Community, while only 7 000 tonnes were imported. The forecast cost of the draft scheme, FF 60 million, accounts for approximately 50 % of the total value of these imports. As a result, the scheme threatens, in a market which is already in surplus, to encourage exports, depress imports and thus affect trade between the Member States.

The draft scheme in question therefore meets the criteria in Article 92 (1) of the EEC Treaty; this paragraph states that aid matching the criteria listed in it is incompatible in principle with the common market.

2. The exceptions provided for in Article 92 (2) can clearly not be applied to this scheme. Those provided for in Article 92 (3) concern aims pursued in the interest of the Community, and not merely that of individual sectors of a national economy. These exceptions must be strictly interpreted when assessing any programme of aid targeted at a particular region or sector or when assessing any individual application of general aid schemes.

In particular, the exceptions cannot be granted except in cases where the Commission can establish that the draft aid scheme is necessary to the achievement of one of the aims listed in the provisions. Allowing these exceptions to apply to aid which could not have such an effect would amount to allowing harm to be inflicted on trade between Member States and allowing distortions of competition which would both be unjustified by the Community interest and carry unfair advantages for certain Member States.

In the case in question, the draft scheme shows no signs of bringing compensatory benefits. The French Government could provide no evidence that the draft scheme fulfilled the conditions required for the application of any of the exceptions provided for in Article 92 (3) of the Treaty, nor could the Commission find any such evidence.

The measure concerned is not designed to promote the execution of an important project of common European interest within the meaning of Article 92 (3) (b), given that its likely effects on trade runs counter to the common interest.

Neither is the scheme aimed at remedying a serious disturbance in the economy of the Member State concerned within the meaning of the same provision.

As regards the exceptions provided for in Article 92 (3) (a) and (c) for aids intended to facilitate or promote the development of certain regions or of certain activities referred to in Article 92 (3) (c), it must be concluded that the proposed aid scheme could not bring about a lasting improvement in the conditions obtaining in the sector of the economy attracting the aid since, once the supply of aid stopped, the structural situation of that sector would be the same as before State intervention began to operate.

Consequently, the draft aid scheme should be considered to be operating aid, a form of aid to which the Commission has always in principle objected on the grounds that eligibility does not depend on conditions likely to make it qualify for one of the exceptions provided for in Article 92 (3) (a) and (c).

3. Moreover, where the products of cattle farming regulated by a market organization are concerned, limits have been placed on the Member States' powers to intervene directly in the operation of such market organizations comprising a system of common prices, this being an area where the Community now has exclusive powers.

The granting of an aid per product unit in this sector ignores the principle whereby the Member States no longer have the power to make unilateral arrangements relating to farmers' incomes within a market organization by means of the type of aid in question. The incompatibility of the scheme with Community rules and regulations is further compounded by the fact that it would supplement a Community measure set up as part of the market organization.

The scheme would be in addition to the current Community scheme instituted by Regulation (EEC) No 1357/80.

Given that the aid scheme in question could increase the amount of veal sent into intervention, it could also increase the expenditure of the European Agricultural Guidance and Guarantee Fund.

In this respect, it should be considered as running counter to the common interest.

Even if an exception pursuant to Article 92 (3) of the Treaty had been a possibility, this possibility would have been ruled out by the fact that the draft aid scheme constitutes an infringement of the market organization.

4. The draft aid scheme in question is therefore incompatible with the common market within the

meaning of Article 92 of the EEC Treaty, and may not be implemented.

5. To the extent that initial payments may already have been made, 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 draft aid scheme aimed at encouraging the use of milk for feeding calves is incompatible with the common market within the meaning of Article 92 of the EEC Treaty and may not therefore be put into effect.

Article 2

The French 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 French Republic.

Done at Brussels, 21 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 17 March 1989

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

(89/230/EEC)

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

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

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

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

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

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

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

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

problems upon importation of bovine animals and swine
and fresh meat from third countries⁽⁵⁾, as last amended by
Directive 88/289/EEC⁽⁶⁾,

HAS ADOPTED THIS DECISION:

Article 1

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

United Kingdom:

70,0 tonnes originating in Botswana,
450,0 tonnes originating in Zimbabwe;

Germany:

230,0 tonnes originating in Botswana,
50,0 tonnes originating in Zimbabwe.

Article 2

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

Botswana:	17 261,0 tonnes,
Kenya:	142,0 tonnes,
Madagascar:	7 579,0 tonnes,
Swaziland:	3 363,0 tonnes,
Zimbabwe:	6 552,17 tonnes.

Article 3

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

Done at Brussels, 17 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 172, 30. 6. 1987, p. 102.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁶⁾ OJ No L 382, 31. 12. 1988, p. 3.