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## Legislation

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## I

(Acts whose publication is obligatory)

## COUNCIL REGULATION (EEC) No 996/89

of 17 April 1989

extending the provisional anti-dumping duty on imports of video cassettes and video tape reels originating in the Republic of Korea and Hong Kong

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community<sup>(1)</sup>, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EEC) No 4062/88<sup>(2)</sup>, the Commission imposed a provisional anti-dumping duty on imports of video cassettes and video tape reels originating in the Republic of Korea and Hong Kong;

Whereas the examination of the facts has not yet been completed and the Commission has informed the Korean and Hong Kong exporters concerned of its intention to propose one extension of the period of validity of the provisional duty for a further period not exceeding two

months. Exporters representing a significant percentage of the trade involved did not object,

HAS ADOPTED THIS REGULATION:

*Article 1*

The provisional anti-dumping duty on imports of video cassettes and video tape reels originating in the Republic of Korea and Hong Kong, imposed by Regulation (EEC) No 4062/88, is hereby extended for a period not exceeding two months.

Without prejudice to Article 11 of Regulation (EEC) No 2423/88 and to any other decision taken by the Council, it shall apply until the entry into force of an act of the Council adopting definitive measures.

*Article 2*

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

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

Done at Luxembourg, 17 April 1989.

*For the Council*

*The President*

C. SOLCHAGA CATALAN

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No L 356, 24. 12. 1988, p. 47.

## COMMISSION REGULATION (EEC) No 997/89

of 18 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 17 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 19 April 1989.

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

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

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

## ANNEX

to the Commission Regulation of 18 April 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code    | Levies   |                                      |
|------------|----------|--------------------------------------|
|            | Portugal | Third country                        |
| 0709 90 60 | 23,43    | 128,12                               |
| 0712 90 19 | 23,43    | 128,12                               |
| 1001 10 10 | 57,12    | 190,07 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 57,12    | 190,07 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 33,89    | 122,36                               |
| 1001 90 99 | 33,89    | 122,36                               |
| 1002 00 00 | 61,56    | 116,82 <sup>(6)</sup>                |
| 1003 00 10 | 52,12    | 119,22                               |
| 1003 00 90 | 52,12    | 119,22                               |
| 1004 00 10 | 43,18    | 85,47                                |
| 1004 00 90 | 43,18    | 85,47                                |
| 1005 10 90 | 23,43    | 128,12 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 23,43    | 128,12 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 46,77    | 136,43 <sup>(4)</sup>                |
| 1008 10 00 | 52,12    | 25,90                                |
| 1008 20 00 | 52,12    | 16,77 <sup>(4)</sup>                 |
| 1008 30 00 | 52,12    | 0,00 <sup>(5)</sup>                  |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 52,12    | 0,00                                 |
| 1101 00 00 | 61,97    | 185,83                               |
| 1102 10 00 | 100,71   | 178,08                               |
| 1103 11 10 | 102,11   | 308,18                               |
| 1103 11 90 | 65,30    | 199,07                               |

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

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

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

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

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

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

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

## COMMISSION REGULATION (EEC) No 998/89

of 18 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2402/88<sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 17 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 19 April 1989.

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 18 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<br>4 | 1st period<br>5 | 2nd period<br>6 | 3rd period<br>7 |
| 0709 90 60 | 0            | 0               | 0               | 0               |
| 0712 90 19 | 0            | 0               | 0               | 0               |
| 1001 10 10 | 0            | 1,62            | 1,62            | 1,62            |
| 1001 10 90 | 0            | 1,62            | 1,62            | 1,62            |
| 1001 90 91 | 0            | 0               | 0               | 0               |
| 1001 90 99 | 0            | 0               | 0               | 0               |
| 1002 00 00 | 0            | 0               | 0               | 0               |
| 1003 00 10 | 0            | 0               | 0               | 0               |
| 1003 00 90 | 0            | 0               | 0               | 0               |
| 1004 00 10 | 0            | 0               | 0               | 0               |
| 1004 00 90 | 0            | 0               | 0               | 0               |
| 1005 10 90 | 0            | 0               | 0               | 0               |
| 1005 90 00 | 0            | 0               | 0               | 0               |
| 1007 00 90 | 0            | 0               | 0               | 0               |
| 1008 10 00 | 0            | 0               | 0               | 0               |
| 1008 20 00 | 0            | 0               | 0               | 0               |
| 1008 30 00 | 0            | 0               | 0               | 0               |
| 1008 90 90 | 0            | 0               | 0               | 0               |
| 1101 00 00 | 0            | 0               | 0               | 0               |

## B. Malt

| CN code    | (ECU/tonne)  |                 |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
|            | Current<br>4 | 1st period<br>5 | 2nd period<br>6 | 3rd period<br>7 | 4th period<br>8 |
| 1107 10 11 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 91 | 0            | 0               | 0               | 0               | 0               |
| 1107 10 99 | 0            | 0               | 0               | 0               | 0               |
| 1107 20 00 | 0            | 0               | 0               | 0               | 0               |

## COMMISSION REGULATION (EEC) No 999/89

of 17 April 1989

on a standing invitation to tender to determine levies and/or refunds on exports  
of white sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88<sup>(2)</sup>, and in particular Articles 13 (2), 18 (5), 19 (4) and (7) and the second subparagraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 608/72 of 23 March 1972 laying down rules to be applied in the case of considerable price rises on the world sugar markets<sup>(3)</sup>, and in particular Article 1 (1) thereof,

Whereas, in view of the situation on the Community and world sugar markets, a standing invitation to tender should be issued as soon as possible for the export of white sugar in respect of the 1989/90 marketing year which, having regard to possible fluctuations in world prices for sugar, must provide for the determination of export levies and/or export refunds;

Whereas the general rules governing invitations to tender for the purpose of determining export refunds for sugar were laid down in Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar<sup>(4)</sup>, as last amended by Regulation (EEC) No 1489/76<sup>(5)</sup>;

Whereas, in view of the specific nature of the transactions involved, special detailed rules should be laid down in this Regulation, and those provided for in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar<sup>(6)</sup>, as last

amended by Regulation (EEC) No 1714/88<sup>(7)</sup>, should not apply; whereas, for the same reasons, appropriate provisions should be laid down with regard to export licences issued in connection with the standing invitation to tender and there should be a derogation from Commission Regulation (EEC) No 2630/81 of 10 September 1981 on special detailed rules for the application of the system of import and export licences for sugar<sup>(8)</sup>, as last amended by Regulation (EEC) No 1714/88; whereas, however, 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<sup>(9)</sup>, and those of Commission Regulation (EEC) No 120/89 of 19 January 1989 laying down common detailed rules for the application of the export levies and charges on agricultural products<sup>(10)</sup>, should remain applicable;

Whereas the second subparagraph of Article 3 (1) of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts<sup>(11)</sup>, as last amended by Regulation (EEC) No 3521/88<sup>(12)</sup>, provides that, where the levy or refund is fixed in advance by means of tenders, applications to fix the monetary compensatory amount in advance shall be accepted only if the party concerned has declared in writing at the time of submission of the tender that he will also apply to fix the monetary compensatory amount in advance if the tender is accepted in whole or in part; whereas, in such cases, the obligation to lodge an application to fix the levy or refund in advance following acceptance of the tender involves an obligation to request at the same time advance fixing of the monetary compensatory amount; whereas, for reasons peculiar to the market in sugar, when an operator intends to make use of the facility of fixing a monetary compensatory amount in advance in connection with an export levy or refund fixed in advance under a tendering procedure he only makes up his mind to do so at the moment when the application for the export licence is made; whereas it is only after he has been declared successful in respect of a levy or refund for the quantity of sugar indicated in his tender that the said monetary compensatory amount can be fixed in advance; whereas, in consequence, a derogation should be made from the said provision in the case of this tendering procedure, so that appli-

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

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

<sup>(3)</sup> OJ No L 75, 28. 3. 1972, p. 5.

<sup>(4)</sup> OJ No L 143, 25. 6. 1968, p. 6.

<sup>(5)</sup> OJ No L 167, 26. 6. 1976, p. 13.

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

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

<sup>(8)</sup> OJ No L 258, 11. 9. 1981, p. 16.

<sup>(9)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(10)</sup> OJ No L 16, 20. 1. 1989, p. 19.

<sup>(11)</sup> OJ No L 310, 21. 11. 1985, p. 22.

<sup>(12)</sup> OJ No L 307, 12. 11. 1988, p. 28.

cation for advance fixing of the monetary compensatory amount at the time when the application for the export licence is made should be possible;

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

HAS ADOPTED THIS REGULATION :

#### Article 1

1. A standing invitation to tender shall be issued in order to determine export levies and/or export refunds on white sugar. During the period of validity of this standing invitation, partial invitations to tender shall be issued.
2. The standing invitation to tender shall remain open until 16 May 1990.

#### Article 2

The standing invitation to tender and the partial invitations shall be conducted in accordance with Regulation (EEC) No 766/68 and with the following provisions. Regulation (EEC) No 394/70 shall not apply.

#### Article 3

1. The notice of the invitation to tender shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.
2. The notice shall indicate in particular the terms of the invitation to tender.
3. The notice may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified during that period.

#### Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender :
  - (a) shall begin on 22 April 1989;
  - (b) shall end on 3 May 1989 at 10.30 a.m.
2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations :
  - (a) shall begin on the first working day following the end of the preceding period;
  - (b) shall end at 10.30 a.m. on the Wednesday of the following week.
3. Notwithstanding paragraph 2 (b), the period for the submission of tenders which was to end on
  - Wednesday, 1 November 1989 shall end on Tuesday, 31 October 1989 at 10.30 a.m.,

- Wednesday, 15 and 22 November 1989 shall end on Tuesday, 14 and 21 November 1989 respectively at 10.30 a.m.

- Wednesday, 6 December 1989 shall end on Thursday, 7 December 1989 at 10.30 a.m.

4. Notwithstanding paragraph 2, no partial invitations to tender will be issued on Wednesday, 27 December 1989.

5. The time-limits laid down in this Regulation are expressed in Belgian time.

#### Article 5

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, telegram or fax message.

2. An offer must indicate :

- (a) the reference number of the invitation to tender to which the offer relates;
- (b) the name and address of the tenderer;
- (c) the quantity of white sugar to be exported;
- (d) the amount of the export levy or, where applicable, of the export refund, per 100 kilograms of white sugar, expressed in the currency of the Member State in which the tender is submitted;
- (e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if :

- (a) the quantity to be exported is not less than 250 tonnes of white sugar;
- (b) proof is furnished before expiry of the time-limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it includes a declaration by the tenderer that if his tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;
- (d) it includes a declaration by the tenderer that if his tender is successful he will :
  - where the obligation to export resulting from the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4), and
  - within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;
- (e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

- (a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;
- (b) the tender, if successful, relates to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the present invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

#### Article 6

1. A security of ECU 9 per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (3), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b) become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Except in cases of *force majeure* the security referred to in paragraph 1 will be released:

- (a) to unsuccessful tenderers in respect of the quantity for which no award has been made;
- (b) to successful tenderers who have not applied for the relevant export licence within the period referred to in Article 12 (b), to the extent of ECU 8 per 100 kilograms of white sugar.

However, this part of the releasable security shall be reduced by the amount representing the difference existing, as applicable:

— between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation when the latter amount is higher than the former;

or

— between the minimum amount of the export levy fixed for the partial invitation concerned and the minimum amount of the export levy fixed for the following partial invitation when the latter amount is lower than the former;

- (c) to successful tenderers for the quantity for which they have fulfilled, within the meaning of Article 29 (b) and the first subparagraph of Article 30 (1) (b) (i) of Regulation (EEC) No 3719/88, the export obligation

resulting from the licence referred to under Article 12 (b) in accordance with the terms of Article 33 of that Regulation.

The part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

#### Article 7

1. Tenders shall be examined in private by the competent authority concerned. The persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such a manner that the tenderers remain anonymous.

#### Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.

2. A decision may be taken to make no award under a specific partial invitation to tender.

#### Article 9

1. In the light of the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

— a minimum export levy,

or

— a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

#### Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

— if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully

covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

- if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, contracts shall be awarded in ascending order of refunds quoted until the entire maximum quantity has been accounted for, to tenderers quoting a refund.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

#### Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity of white sugar to be exported;
- (c) the export levy to be charged, or where applicable the export refund to be granted, per 100 kilograms of white sugar of the quantity referred to in (b).

#### Article 12

Every successful tenderer shall have:

- (a) the right to receive in the circumstances referred to under (b), in respect of the quantity awarded, an export licence indicating, as appropriate, the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3719/88, an application for an export licence in respect of that

quantity, the application not being revocable and Article 12 of Regulation (EEC) No 120/89 not applying in such a case. The application shall be lodged in accordance with the relevant provisions of Regulation (EEC) No 3719/88, not later than:

- the last working day preceding the date of the partial invitation to tender to be held the following week,
- or
- if no partial invitation to tender is due to be held that week, the last working day of the following week;

- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

#### Article 13

1. The first paragraph of Article 9 of Regulation (EEC) No 2630/81 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However, export licences issued in respect of the partial invitations held after 1 May 1990 will be valid only until 30 September 1990.

3. The export licences issued in respect of the partial invitations held between 3 May 1989 and 14 September 1989 will be usable only from 15 September 1989.

4. Except in cases of *force majeure*, if the obligation to export resulting from the export licence referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence,

or

- (b) the sum of the export levy indicated on the licence and the refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the said licence,

or

- (c) the export refund referred to in Article 2 of Regulation (EEC) No 766/68 in force on the last day of validity of the licence reduced by the refund indicated on the said licence,

then, for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the calculation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6 (1).

#### Article 14

If the tenderer intends to apply for advance fixing of the monetary compensatory amount under this standing invitation to tender, the provisions of the second paragraph of Article 3 (1) of Regulation (EEC) No 3155/85 shall not apply.

#### Article 15

1. If the terms of Article 12 of Regulation (EEC) No 766/68 apply, the export refunds and export levies fixed in advance under the terms of the present invitation to tender:

- (a) before 1 July 1989, for the sugar exported as from that date;
- (b) before 1 July 1990, for the sugar exported as from that date;

shall be adjusted.

2. For the adjustment referred to in paragraph 1 (a):

- (a) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1989 which is greater than that in force on 30 June 1989, the export refund and the export levy shall be adjusted by an amount equal to the difference expressed in ecus per 100 kilograms existing between the intervention price for white sugar applicable with effect from 1 July 1989 and the intervention price for that sugar in force on 30 June 1989;
- (b) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1989 which is lower than that in force on 30 June 1989, the export refund and the export levy shall be adjusted by an amount equal to the difference expressed in ecus per 100 kilograms existing between the intervention

price for white sugar in force on 30 June 1989 and the intervention price for that sugar applicable with effect from 1 July 1989.

3. For the calculation of the differences referred to in paragraph 2, the intervention prices in question shall be increased by the corresponding storage levy referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

4. For the purpose of applying this Article, the Member State issuing the relevant export licence shall at the time of issue complete section 'special particulars' by adding the following:

'to be adjusted in accordance with adjudication Regulation (EEC) No 999/89 for exports which take place after 30 June...' (1989 or 1990 as applicable).

5. Upon presentation by the holder of the export licence concerned, or by the assignee when the licence has been transferred, to the Member State that issued it and before the customs formalities for the quantities concerned have been carried out, that Member State shall enter the adjustment to be made in section 'special particulars' and shall duly certify and stamp that section.

6. For the adjustment referred to in paragraph 1 (b) the provisions of paragraphs 2 to 5 shall be applicable *mutatis mutandis*.

7. The Member States shall inform the Commission as quickly as possible of the quantities of sugar for which an adjustment under this Article has been made.

#### Article 16

The standing invitation to tender referred to in Commission Regulation (EEC) No 1035/88 <sup>(1)</sup> shall be closed on 18 May 1989.

#### Article 17

This Regulation shall enter into force on 22 April 1989.

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

Done at Brussels, 17 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 102, 21. 4. 1988, p. 14.

## COMMISSION REGULATION (EEC) No 1000/89

of 18 April 1989

amending Regulation (EEC) No 145/89 and increasing to 300 000 tonnes the amount of common wheat held by the United Kingdom intervention agency for which a standing invitation to tender for resale has been opened

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies<sup>(3)</sup>, as last amended by Regulation (EEC) No 2418/87<sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 145/89<sup>(5)</sup>, as amended by Regulation (EEC) No 631/89<sup>(6)</sup>, opened a standing invitation to tender for the resale of 200 000 tonnes of common wheat held by the United Kingdom intervention agency;

Whereas in the present situation on the market the quantity of common wheat held by the United Kingdom intervention agency put up for sale on the internal market of the Community should be increased to 300 000 tonnes and the last partial invitation to tender should be postponed;

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*

Regulation (EEC) No 145/89 is hereby amended as follows:

1. In Article 1 'of 200 000 tonnes' is replaced by 'of 300 000 tonnes'.
2. Article 2 (2) is replaced by the following:  
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 30 May 1989.'

*Article 2*

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

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 223, 11. 8. 1987, p. 5.

<sup>(5)</sup> OJ No L 17, 21. 1. 1989, p. 30.

<sup>(6)</sup> OJ No L 70, 14. 3. 1989, p. 5.

## COMMISSION REGULATION (EEC) No 1001/89

of 18 April 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>,Having regard to Regulation (EEC) No 2746/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds<sup>(3)</sup>, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 2470/88<sup>(4)</sup>, as amended by Regulation (EEC) No 409/89<sup>(5)</sup>, opens an invitation to tender for the refund for the export of common wheat to countries in zones I, II, excluding the Soviet Union, III, excluding the Soviet Union, IV, V, VI, VII and VIII, the German Democratic Republic and the Canary Islands; whereas, given the present situation the Soviet Union should be included in the destinations for this invitation to tender;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

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

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

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

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.<sup>(3)</sup> OJ No L 281, 1. 11. 1975, p. 78.<sup>(4)</sup> OJ No L 213, 6. 8. 1988, p. 7.<sup>(5)</sup> OJ No L 46, 18. 2. 1989, p. 19.

**COMMISSION REGULATION (EEC) No 1002/89**  
**of 18 April 1989**

**amending Regulation (EEC) No 3298/88 as regards the opening of a standing invitation to tender for the export of 300 000 tonnes of barley held by the German intervention agency**

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies <sup>(3)</sup>, as last amended by Regulation (EEC) No 2418/87 <sup>(4)</sup>,

Whereas Commission Regulation (EEC) No 3298/88 <sup>(5)</sup>, as amended by Regulation (EEC) No 4065/88 <sup>(6)</sup>, opens a standing invitation to tender for the export of 300 000 tonnes of barley held by the German intervention agency, to be exported to Poland;

Whereas it is appropriate to extend the destinations to all third countries;

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*

Article 2 (1) of Regulation (EEC) No 3298/88 is hereby replaced by the following:

'1. The invitation to tender shall cover a maximum of 300 000 tonnes of barley to be exported to all third countries.'

*Article 2*

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

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

<sup>(3)</sup> OJ No L 202, 9. 7. 1982, p. 23.

<sup>(4)</sup> OJ No L 223, 11. 8. 1987, p. 5.

<sup>(5)</sup> OJ No L 293, 27. 10. 1988, p. 25.

<sup>(6)</sup> OJ No L 356, 24. 12. 1988, p. 59.

**COMMISSION REGULATION (EEC) No 1003/89  
of 18 April 1989**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

| CN code | Description                                                   | Coefficient |
|---------|---------------------------------------------------------------|-------------|
| ex 0401 | Milk and cream, fresh, not concentrated or sweetened:         |             |
| ex 0403 | — in immediate packings of a net capacity of 2 litres or less | 0,01124     |
|         | — other                                                       | 1,00000     |
| 0405 00 | Butter and other fats and oils derived from milk              | 0,01315     |
| ex 0406 | Cheese:                                                       |             |
|         | — Category 1: Emmentaler, Gruyère                             | 1,00000     |
|         | — Category 2: Blue-veined cheese                              | 0,88769     |
|         | — Category 3: Processed cheese                                | 0,00728     |
|         | — Category 4: Parmigiano Reggiano, Grana Padano               | 0,71937     |
|         | — Category 5: Havarti, fat content 60 %                       | 0,62510     |
|         | — Category 6: Edam in balls, Gouda                            | 0,01470     |
|         | — Category 7: Soft ripened cow's milk cheeses                 | 0,01023     |
|         | — Category 8: Cheddar, Chester                                | 0,00389     |
|         | — Category 9: Other                                           | 0,01371     |

<sup>(1)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(2)</sup> OJ No L 202, 23. 7. 1987, p. 30.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 28.

<sup>(4)</sup> OJ No L 343, 13. 12. 1988, p. 8.

*Article 2*

This Regulation shall enter into force on 19 April 1989.

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 1004/89****of 18 April 1989****amending Regulation (EEC) No 935/89 introducing a countervailing charge on  
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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 789/89<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 935/89<sup>(3)</sup>, introduced a countervailing charge on fresh lemons originating in Cyprus;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 935/89, '6,12 ECU' is hereby replaced by '14,75 ECU'.

*Article 2*

This Regulation shall enter into force on 19 April 1989.

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 85, 30. 3. 1989, p. 3.

<sup>(3)</sup> OJ No L 99, 12. 4. 1989, p. 24.

## COMMISSION REGULATION (EEC) No 1005/89

of 18 April 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EEC) No 2229/88<sup>(4)</sup>, and in particular Article 12 (4) thereof,Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy<sup>(5)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(6)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 799/89<sup>(7)</sup>, as last amended by Regulation (EEC) No 963/89<sup>(8)</sup>;Whereas Council Regulation (EEC) No 1906/87<sup>(9)</sup> amended Council Regulation (EEC) No 2744/75<sup>(10)</sup> as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 over 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 17 April 1989;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission<sup>(11)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(12)</sup>, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 799/89 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 19 April 1989.

<sup>(11)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(12)</sup> OJ No L 202, 26. 7. 1978, p. 8.

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

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

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 197, 26. 7. 1988, p. 30.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

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

<sup>(7)</sup> OJ No L 85, 30. 3. 1989, p. 26.

<sup>(8)</sup> OJ No L 102, 14. 4. 1989, p. 43.

<sup>(9)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(10)</sup> OJ No L 281, 1. 11. 1975, p. 65.

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

**ANNEX**

**to the Commission Regulation of 18 April 1989 altering the import levies on products processed from cereals and rice**

*(ECU/tonne)*

| CN code    | Import levies |                                            |            |
|------------|---------------|--------------------------------------------|------------|
|            | Portugal      | Third countries<br>(other than ACP or OCT) | ACP or OCT |
| 1102 90 30 | 83,85         | 158,72                                     | 152,68     |
| 1103 12 00 | 83,85         | 158,72                                     | 152,68     |
| 1103 29 30 | 83,85         | 158,72                                     | 152,68     |
| 1104 12 10 | 47,11         | 89,54                                      | 86,52      |
| 1104 12 90 | 92,50         | 175,68                                     | 169,64     |
| 1104 22 10 | 80,83         | 155,70                                     | 152,68     |
| 1104 22 30 | 80,83         | 155,70                                     | 152,68     |
| 1104 22 50 | 72,19         | 138,73                                     | 135,71     |
| 1104 22 90 | 47,11         | 89,54                                      | 86,52      |

**COMMISSION REGULATION (EEC) No 1006/89****of 18 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 995/89 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 19 April 1989.

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

Done at Brussels, 18 April 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

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

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

<sup>(4)</sup> OJ No L 106, 18. 4. 1989, p. 32.

## ANNEX

to the Commission Regulation of 18 April 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 32,25 <sup>(1)</sup> |
| 1701 11 90 | 32,25 <sup>(1)</sup> |
| 1701 12 10 | 32,25 <sup>(1)</sup> |
| 1701 12 90 | 32,25 <sup>(1)</sup> |
| 1701 91 00 | 39,03                |
| 1701 99 10 | 39,03                |
| 1701 99 90 | 39,03 <sup>(2)</sup> |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

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

## COMMISSION REGULATION (EEC) No 1007/89

of 18 April 1989

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

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

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

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

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

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

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

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

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

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

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

### Article 2

This Regulation shall enter into force on 21 April 1989.

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

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

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

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

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

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

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

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

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

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

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

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

Done at Brussels, 18 April 1989.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 193/89 of 27 January 1989 amending Regulation (EEC) No 4103/88 fixing the monetary compensatory amounts in the agricultural sector and certain coefficients and rates required for their application**

*(Official Journal of the European Communities No L 28 of 30 January 1989)*

On page 46, in Annex IV:

In the title:

for: 'Article 7 (1)',

read: 'Article 6 (1)';

In the second line of the introductory phrase:

for: '30 January 1989',

read: '24 January 1989'.

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**Corrigendum to Commission Regulation (EEC) No 318/89 of 9 February 1989 amending Regulation (EEC) No 4103/88 fixing the monetary compensatory amounts in the agricultural sector and certain coefficients and rates required for their application**

*(Official Journal of the European Communities No L 41 of 13 February 1989)*

On page 41, in Annex IV, in the title:

for: 'Article 7 (1)',

read: 'Article 6 (1)'.

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**Corrigendum to Commission Regulation (EEC) No 980/89 of 14 April 1989 on the definitive application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1988 marketing year**

*(Official Journal of the European Communities No L 103 of 15 April 1989)*

On page 29, in the first indent of Article 1:

for: 'United Kingdom',

read: 'Great Britain'.

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