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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1089/89**of 27 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 26 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 28 April 1989.

⁽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.

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

Done at Brussels, 27 April 1989.

For the Commission:

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 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	131,07
0712 90 19	23,43	131,07
1001 10 10	57,12	189,10 ⁽¹⁾ ⁽²⁾
1001 10 90	57,12	189,10 ⁽¹⁾ ⁽²⁾
1001 90 91	33,89	121,27
1001 90 99	33,89	121,27
1002 00 00	61,56	122,35 ⁽⁴⁾
1003 00 10	52,12	119,22
1003 00 90	52,12	119,22
1004 00 10	43,18	87,07
1004 00 90	43,18	87,07
1005 10 90	23,43	131,07 ⁽²⁾ ⁽³⁾
1005 90 00	23,43	131,07 ⁽²⁾ ⁽³⁾
1007 00 90	46,77	141,24 ⁽⁴⁾
1008 10 00	52,12	25,07
1008 20 00	52,12	15,86 ⁽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	184,11
1102 10 00	100,71	185,82
1103 11 10	102,11	307,16
1103 11 90	65,30	197,21

⁽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 1090/89

of 27 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 26 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 28 April 1989.

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

Done at Brussels, 27 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 27 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	0	0
0712 90 19	0	0	0	0
1001 10 10	0	4,40	4,40	4,40
1001 10 90	0	4,40	4,40	4,40
1001 90 91	0	0	0	1,60
1001 90 99	0	0	0	1,60
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	2,25

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	0	0	2,85	2,85
1107 10 19	0	0	0	2,13	2,13
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 1091/89

of 27 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 24 and 25 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 28 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, 27 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 CN code 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 CN code :

- (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 CN code :

- (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 1092/89

of 27 April 1989

specifying the extent to which applications lodged in April 1989 for import licences in respect of young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 13 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 742/89 ⁽³⁾ fixed the quantity of young male bovine animals which may be imported on special terms during the first and second quarters of 1989; whereas, having regard to the applications for import licences lodged by each of the categories of applicants referred to in that Regulation, such licences should be issued as provided below,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for young male bovine animals for fattening in respect of which applications were lodged between 1 and 10 April 1989 shall be issued as follows:

1. The quantities requested in Italy:

- (a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:

(aa) by agricultural producers or their organizations, shall be reduced by 96,584 %;

(bb) by other applicants, shall be reduced by 97,920 %;

(b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries:

(aa) by agricultural producers or their organizations, shall be reduced by 95,684 %;

(bb) by other applicants, shall be reduced by 99,042 %.

2. The quantities requested in Greece:

(a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:

(aa) by agricultural producers or their organizations, shall be reduced by 66,846 %;

(bb) by other applicants, shall be reduced by 34,722 %;

(b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries:

(aa) by agricultural producers or their organizations, shall be reduced by 77,801 %;

(bb) by other applicants, shall be reduced by 81,056 %.

3. The quantities requested in the other Member States shall be reduced by 99,662 %.

Article 2

This Regulation shall enter into force on 28 April 1989.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 80, 23. 3. 1989, p. 35.

COMMISSION REGULATION (EEC) No 1093/89

of 27 April 1989

determining the extent to which applications lodged in April 1989 for the issue of import licences in respect of frozen beef intended for processing may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 14 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 741/89⁽³⁾ fixed the quantity of frozen beef intended for processing which may be imported under special terms in the first and second quarters of 1989;

Whereas Article 15 (6) (a) of Commission Regulation (EEC) No 2377/80⁽⁴⁾, as last amended by Regulation (EEC) No 3182/88⁽⁵⁾, lays down that the quantities applied for may be reduced; whereas the applications lodged in conformity with the conditions of Commission Regulation (EEC) No 1136/79⁽⁶⁾, as last amended by Regulation (EEC) No 817/89⁽⁷⁾, relate to total quantities which by far exceed the quantities available in accordance with Article 1 of Regulation (EEC) No 741/89 whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is

appropriate, for the system referred to in Article 14 (1) (a) of Regulation (EEC) No 805/68, to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

1. Every application for an import licence lodged in accordance with Regulation (EEC) No 1136/79 for the half year beginning 1 January 1989 shall be granted to the following extent, expressed as bone-in beef:

- (a) 1,632 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (5) of Regulation (EEC) No 1136/79;
- (b) 9,553 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (6) of Regulation (EEC) No 1136/79.

2. In conformity with Article 15 (3) of Regulation (EEC) No 2377/80, all applications from any one applicant shall be regarded as a single application.

Article 2

This Regulation shall enter into force on 28 April 1989.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 80, 23. 3. 1989, p. 34.

⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁵⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁶⁾ OJ No L 141, 9. 6. 1979, p. 10.

⁽⁷⁾ OJ No L 86, 31. 3. 1989, p. 37.

COMMISSION REGULATION (EEC) No 1094/89
of 27 April 1989
on the supply of various consignments of cereals as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 3 035 tonnes of cereals;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX A

1. **Operation Nos⁽¹⁾:** 544 and 710/88
2. **Programme:** 1988: 20 tonnes; 1987: 15 tonnes
3. **Recipient:** Euronaid, Rijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient⁽²⁾:** see OJ No C 103, 16. 4. 1987
5. **Place or country of destination:** Peru, Madagascar
6. **Product to be mobilized:** common wheat
7. **Characteristics and quality of the goods⁽³⁾ ⁽⁴⁾:**
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity:** 35 tonnes
9. **Number of lots:** one (in two parts: I, 20 tonnes; II, 15 tonnes)
10. **Packaging and marking⁽⁵⁾:**
see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1.(c))
marking on the bags, in letters at least 5 cm high (in 20-foot containers 'FLC/LCL Shipper's count-load and stowage')⁽⁷⁾:
I: 'ACCIÓN Nº 544/88 / TRIGO / PERÚ / PROSALUS / 85545 / LIMA VÍA CALLAO / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA'
II: 'ACTION Nº 710/88 / FROMENT / MADAGASCAR / CAM / 72010 / TOLIARY / POUR DISTRIBUTION GRATUITE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of shipment
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 1 to 15. 6. 1989
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 16. 5. 1989 at 12 noon
21. **In the case of a second invitation to tender:**
(a) deadline for the submission of tenders: 30. 5. 1989 at 12 noon
(b) period for making the goods available at the port of shipment: 15 to 30. 6. 1989
(c) deadline for the supply: —
22. **Amount of the tendering security:** ECU 5 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁸⁾:**
Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
bâtiment Loi 120, bureau 7/58,
200, rue de la Loi,
B-1049 Brussels,
Telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁹⁾:**
Refund applicable on 24. 4. 1989 fixed by Commission Regulation (EEC) No 835/89 (OJ No L 89, 1. 4. 1989, p. 21)

ANNEX B

1. **Operation No⁽¹⁾:** 68/89
2. **Programme:** 1989
3. **Recipient:** Djibouti
4. **Representative of the recipient⁽²⁾:** Ministre du Commerce, Office National d'Approvisionnement et de Commercialisation (ONAC), boîte postale 79, Djibouti
5. **Place or country of destination:** Djibouti
6. **Product to be mobilized:** common wheat
7. **Characteristics and quality of the goods⁽³⁾:**
see list published in OJ No C 216, 14. 8. 1987, page 3 (under II A 1)
Specific characteristics:
 - Hagberg falling number: 170 to 220
 - minimum specific weight: 78 kg/hl
 - moisture content: 13,5 %
8. **Total quantity:** 3 000 tonnes
9. **Number of lots:** one
10. **Packaging and marking⁽⁴⁾:**
see list published in OJ No C 216, 14. 8. 1987, page 3 (under II B 1(e)):
'ACTION N° 68/89 / FROMENT TENDRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at port of landing — landed
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** Djibouti
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 1 to 15. 6. 1989
18. **Deadline for the supply:** 5. 7. 1989
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon on 30 August 1988
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon on 16. 5. 1989
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 8 to 22. 6. 1989
 - (c) deadline for the supply: 12. 7. 1989
22. **Amount of the tendering security:** ECU 5 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁵⁾:**
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Brussels, telex: AGREC 22037 B
25. **Refund payable on request by the successful tenderer⁽⁶⁾:**
Refund applicable on 24. 4. 1989 fixed by Commission Régulation (EEC) No 835/89 in (OJ No L 89, 1. 4. 1989, p. 21)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
— see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4,
— Action 68/89 : M. Perez Porras, PO Box 2477, Djibouti ; telex 5894 DJ.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32
236 10 97
235 01 30
236 20 05
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁷) Consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net ; not more than 30 containers are to be shipped on any vessel.
Supply free-at-port-of-shipment, as provided for in Article 13 of Regulation (EEC) No 2200/87, implies that the following costs at the port of shipment shall be borne by the successful tenderer :
— should containers be used on an FCL/FCL or FCL/LCL basis, all costs pertaining to the use of such containers, with the exception of rental costs, up to the terminal stage, including THC (terminal handling charges).
Where, on the basis of the second subparagraph of point 2 of the aforementioned Article 13, the successful tenderer is responsible for loading the containers on board the vessel designated by the recipient, the refund of the costs within the meaning of the said provisions does not include the THC,
— should containers be used on an LCL/FCL or LCL/LCL basis, no costs ; the successful tenderer shall deliver the goods to the terminal at a stage where the stuffing of the containers can be immediately done at the recipient's expense.
The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (⁸) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
— phytosanitary certificate,
— certificate of origin.

The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.

COMMISSION REGULATION (EEC) No 1095/89
of 27 April 1989
on the supply of various lots of white sugar as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 1 800 tonnes of white sugar;

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

Whereas given the situation on the sugar market and the special nature of the sector, the supplies should be taken from C-sugar produced outside the production quotas, as defined in Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector ⁽⁵⁾, as last amended by Regulation (EEC) No 2306/88 ⁽⁶⁾; whereas under that Regulation refunds and monetary compensatory amounts may not be granted or export levies and monetary compensatory amounts may not be charged on exports of C-sugar,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 168, 1. 7. 1988, p. 7.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ No L 201, 27. 7. 1988, p. 65.

ANNEX I

1. **Operation No** (1): 1/89
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome; telex 626675 WFP I
4. **Representative of the recipient** (2): World Food Programme Representative, Avenida Zimbabwe 1302, PO Box 4595, Maputo
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (3): white sugar of category 2 standard quality (Regulation (EEC) No 793/72 of the Council (OJ No L 94, 21. 4. 1972, p. 1) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 300 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (4): new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 grams, net capacity 50 kilograms
Marking on bags (at least 5 cm high):
'ACÇÃO Nº 1/89 / MOÇAMBIQUE 0356302 / AÇUCAR / DONATIVO DA COMUNIDADE ECONOMICA EUROPEIA ACÇÃO DO PROGRAMA ALIMENTAR MUNDIAL / MAPUTO'
11. **Method of mobilization** (5): C-sugar produced in the Community as defined at (c) in the fourth subparagraph of Article 24 (1) of Regulation (EEC) No 1785/81, as last amended by Regulation No 2306/88 (OJ No L 201, 27. 7. 1988, p. 65)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for marking the goods available at the port of shipment stage**: 1 to 15. 6. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 16. 5. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 30. 5. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 15 to 30. 6. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6):
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): —

ANNEX II

1. **Operation Nos** ⁽¹⁾: 5 and 6/89
2. **Programme**: 1988
3. **Recipient**: World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome; telex 626675 WFP I
4. **Representative of the recipient** ⁽²⁾: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Ethiopia
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾: white sugar of category 2 standard quality (Regulation (EEC) No 793/72 of the Council (OJ No L 94, 21. 4. 1972, p. 1) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 1 500 tonnes
9. **Number of lots**: two: Lot A: 676 tonnes (operation No 5/89), Lot B: 824 tonnes (operation No 6/89)
10. **Packaging and marking** ⁽⁴⁾: new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 grams, net capacity 50 kilograms
Marking on bags (at least 5 cm high):
 - Lot A: 'ACTION No 5/89 / ETHIOPIA 0388400 / SUGAR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ASSAB'
 - Lot B: 'ACTION No 6/89 / ETHIOPIA 0388500 / SUGAR / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / ACTION OF THE WORLD FOOD PROGRAMME / ASSAB'
11. **Method of mobilization** ⁽⁷⁾: C-sugar produced in the Community as defined at (c) in the fourth subparagraph of Article 24 (1) of Regulation (EEC) No 1785/81, as last amended by Regulation No 2306/88 (OJ No L 201, 27. 7. 1988, p. 65)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for marking the goods available at the port of shipment stage**: 1 to 15. 6. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 16. 5. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 30. 5. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 15 to 30. 6. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾:

Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200, rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾: —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer :
see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
The radioactivity certificate must indicate the caesium-134 and -137 levels.
The successful tenderer shall supply to the beneficiary or its representative on delivery the following documents :
— phytosanitary certificate,
— certificate of origin.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
— either by porter at the office referred to in point 24 of this Annex,
— or by telecopier on one of the following numbers in Brussels :
235 01 32,
236 10 97,
236 01 30,
236 20 05.
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.
- (⁷) The rule provided at the second indent in point (a) of Article 18 (2) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
-

**COMMISSION REGULATION (EEC) No 1096/89
of 27 April 1989**

**amending Regulation (EEC) No 2209/87 and (EEC) No 2319/88 fixing certain
coefficients applicable to cereals exported in the form of certain spirituous
beverages for the periods 1987/88 and 1988/89**

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 Article 16 (6) thereof,

Having regard to Council Regulation (EEC) No 1188/81
of 28 April 1981 laying down general rules for granting
refunds adjusted in the case of cereals exported in the
form of certain spirituous beverages and the criteria for
fixing the amount of such refunds and amending
Regulation (EEC) No 3035/80 concerning certain
products not covered by Annex II to the Treaty ⁽³⁾, and in
particular Article 12 thereof,

Whereas by Regulation (EEC) No 2209/87 ⁽⁴⁾ and (EEC)
No 2319/88 ⁽⁵⁾, the Commission fixed the coefficients
applicable to cereals exported in the form of Irish
whiskey for the periods 1 July 1987 to 30 June 1988 and
1 July 1988 to 30 June 1989 respectively;

Whereas the coefficients on the quantities of Irish
whiskey marketed and exported during the reference
periods have turned out to be inaccurate as a result of a
number of errors;

Whereas these errors should be corrected; whereas, when
these corrections are made, account should be taken, by

way of an exception, of new contracts concluded during
the 1987/88 marketing year, which were accordingly not
notified in June 1988 at the time of the annual determi-
nation of the coefficients;

Whereas these coefficients should be determined anew
on the basis of corrected data; whereas Regulation (EEC)
No 2209/87 and (EEC) No 2319/88 should accordingly
be amended;

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

The Annexes to Regulation (EEC) No 2209/87 and (EEC)
No 2319/88 are hereby replaced by Annexes I and II
hereto.

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, 27 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 121, 5. 5. 1981, p. 3.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 36.

⁽⁵⁾ OJ No L 201, 27. 7. 1988, p. 99, as corrected by OJ No
L 210, 3. 8. 1988, p. 27.

*ANNEX I***Regulation (EEC) No 2209/87***ANNEX***Coefficients applicable in Ireland**

Period of application	Coefficient applicable	
	to barley used for the manufacture of Irish whiskey, category B ⁽¹⁾	to cereals used for the manufacture of Irish whiskey, category A
	(1)	(2)
1 July 1987 to 30 June 1988	0,132	0,274
⁽¹⁾ Including barley processed into malt.		

*ANNEX II***Regulation (EEC) No 2319/88***ANNEX***Coefficients applicable in Ireland**

Period of application	Coefficient applicable	
	to barley used for the manufacture of Irish whiskey, category B ⁽¹⁾	to cereals used for the manufacture of Irish whiskey, category A
	(1)	(2)
1 July 1988 to 30 June 1989	0,311	0,425
⁽¹⁾ Including barley processed into malt.		

COMMISSION REGULATION (EEC) No 1097/89
of 27 April 1989
amending Regulation (EEC) No 649/87 laying down detailed rules for the
establishment of a Community vineyard register

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

The following Article 3a is hereby inserted in Regulation (EEC) No 649/87:

Having regard to Council Regulation (EEC) No 2392/86 of 24 July 1986 establishing a Community vineyard register⁽¹⁾, and in particular Article 10 thereof,

'Article 3a'

Winegrowers must ensure access to their holdings for agents entrusted by the competent agency of the Member State with establishing the vineyard register.'

Whereas the obligation on winegrowers to create no obstacles to the collection of the data referred to in Article 2 (1) of Regulation (EEC) No 2392/86 by agents qualified for that purpose should be stipulated in order to ensure access to holdings by such agents, whereas it is therefore necessary to amend Commission Regulation (EEC) No 649/87⁽²⁾,

Article 2

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

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 208, 31. 7. 1986, p. 1.

⁽²⁾ OJ No L 62, 5. 3. 1987, p. 10.

COMMISSION REGULATION (EEC) No 1098/89
of 27 April 1989
amending for the fourth time Regulation (EEC) No 2310/88 fixing countervailing
charges on 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 Council Regulation (EEC) No 2358/71
of 26 October 1971 on the common organization of the
market in seeds ⁽¹⁾, as last amended by Regulation (EEC)
No 3997/87 ⁽²⁾, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 2310/88 ⁽³⁾,
as last amended by Regulation (EEC) No 959/89 ⁽⁴⁾, fixed
countervailing charges on seeds in respect of a certain
type of hybrid maize and sorghum for sowing;

Whereas, since that time, a significant variation has been
recorded in the free-at-frontier offer prices which, under
the terms of Article 4 (2) of Commission Regulation

(EEC) No 1665/72 ⁽⁵⁾, as amended by Regulation (EEC)
No 2811/86 ⁽⁶⁾, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2310/88 is replaced by
the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 May 1989.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 36.

⁽³⁾ OJ No L 201, 27. 7. 1988, p. 77.

⁽⁴⁾ OJ No L 102, 14. 4. 1989, p. 29.

⁽⁵⁾ OJ No L 175, 2. 8. 1972, p. 49.

⁽⁶⁾ OJ No L 260, 12. 9. 1986, p. 8.

ANNEX

Countervailing charge on hybrid maize for sowing

(ECU/100 kg)

CN code	Amount of countervailing charge (¹)	Country of origin (²)
1005 10 11	9,3	048
	12,9	064
	13,8	404
	29,0	400
	29,0	1
1005 10 13	3,4	048
	4,8	066
	16,7	062
	21,0	068
	21,8	064
1005 10 15	21,8	2
	11,0	404
	21,0	064
	23,1	066
	52,2	048
	66,3	512
	176,6	528
	176,6	3

(¹) The countervailing charge may not exceed 4 % of the customs value. In the case of Spain and Portugal it may not exceed the rate obtained by alignment on the CCT in accordance with the timetable specified in the Act of Accession.

(²) Origin identification :

- 1 Other countries with the exception of Romania, Chile and Austria
- 2 Other countries with the exception of Canada, Chile, Japan, Austria, Argentina and the United States
- 3 Other countries with the exception of Bulgaria, Canada, Austria and the United States

038 Austria
 048 Yugoslavia
 062 Czechoslovakia
 064 Hungary
 066 Romania
 068 Bulgaria
 400 the United States
 404 Canada
 512 Chile
 528 Argentina.

COMMISSION REGULATION (EEC) No 1099/89

of 27 April 1989

re-establishing the levying of customs duties on footwear with outer soles and uppers of rubber or of plastics, falling within CN codes 6401 and 6402, originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of footwear with outer soles and uppers of rubber or of plastics falling within CN codes 6401 and 6402, the individual ceiling was fixed at ECU 1 100 000; whereas, on 7 April 1989, imports of these products into the Community originating in Indonesia reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Indonesia;

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 May 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4257/88 shall be re-established on imports into the Community of the following products originating in Indonesia:

Order No	CN code	Description
10.0660	6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
	6402	Other footwear with outer soles and uppers of rubber or plastics

Article 2

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

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

Done at Brussels, 27 April 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COUNCIL REGULATION (EEC) No 1100/89

of 27 April 1989

amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

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

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

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

Whereas Regulation (EEC) No 1107/70 ⁽⁴⁾, as last amended by Regulation (EEC) No 1658/82 ⁽⁵⁾, provides that Member States may promote the development of combined transport by granting aids related to investment in infrastructure and the fixed and moveable facilities necessary for trans-shipment;

Whereas the evolution of combined transport shows that for the Community as a whole the starting-up phase of this technique is not yet over and whereas the aid system consequently has to be maintained for another period which should be sufficiently long to enable the Member States with a less-developed infrastructure for combined transport to catch up with the more advanced regions;

Whereas, in order to facilitate intra-Community transit traffic through the territory of third countries, these aids should be extended to the operating costs of such traffic;

Whereas the present aid arrangements should be maintained until 31 December 1992 and the Council should decide, under the conditions laid down in the Treaty, on the arrangements to be applied subsequently or, if necessary, on the conditions for terminating such aid,

Article 1

Subparagraph (e) of Article 3 (1) of Regulation (EEC) No 1107/70 is hereby replaced by the following:

(e) until 31 December 1992, where the aid are granted as a temporary measure and designed to facilitate the development of combined transport, such aids have to relate to:

- investment in infrastructure or the fixed and moveable facilities necessary for trans-shipment, or
- the operating costs of combined transport in so far as intra-Community transit traffic through the territory of third countries is involved. The Commission shall submit a report to the Council as soon as possible on the conditions under which aid for operating costs is implemented.

Before 1 July 1991 the Commission shall make a progress report to the Council on the application of this provision. In the light of that report, and in view of the temporary nature of the system provided for in this Regulation, the Council shall decide, under the conditions laid down in the Treaty, on the arrangements to be applied subsequently or, if necessary, on the conditions for terminating such aid.

Article 2

This Regulation shall enter into force on 1 July 1989.

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

Done at Luxembourg, 27 April 1989.

For the Council

The President

J. BARRIONUEVO PEÑA

⁽¹⁾ OJ No C 113, 29. 4. 1988, p. 10.

⁽²⁾ OJ No C 326, 19. 12. 1988, p. 56.

⁽³⁾ OJ No C 318, 12. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 130, 15. 6. 1970, p. 1.

⁽⁵⁾ OJ No L 184, 29. 6. 1982, p. 1.

COUNCIL REGULATION (EEC) No 1101/89
of 27 April 1989
on structural improvements in inland waterway transport

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

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

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

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

Whereas the structural overcapacity manifest for some time in the fleets operating on the linked inland waterway networks of Belgium, France, Germany, Luxembourg and the Netherlands appreciably affects, in those countries, the economics of transport services, particularly of the carriage of goods by inland waterway;

Whereas forecasts show no sign of sufficient increase in demand in this sector to absorb this overcapacity in the next few years; whereas in fact the share of the total transport market taken by inland waterway transport is continuing to decline as a result of progressive changes in the basic industries supplied mainly by inland waterway;

Whereas a scrapping scheme coordinated at Community level is the only way to bring about a substantial reduction in overcapacity in the near future and thus improve the structures of inland waterway transport;

Whereas the results of the national vessel-scrapping schemes organized by certain Member States, while positive, have been insufficient, in particular, for want of international coordination of these schemes;

Whereas a common approach, allowing Member States to take joint measures to attain the same objective, is a *sine qua non* for effectively reducing overcapacity; whereas, to this end, scrapping funds should be introduced in the Member States particularly concerned by inland waterway transport and those Member States should administer the funds; whereas undertakings established in other Member States but providing transport services on the linked inland waterways of the Member States concerned must contribute to one of these funds;

Whereas overcapacity generally affects every sector of the inland waterway transport market; whereas the measures to be adopted must, therefore, be generally applicable and cover all cargo vessels and pusher craft; whereas, however, vessel which in no way contribute to the overcapacity on the abovementioned network of linked inland waterways either because of their size or because they are operated solely on closed national markets, could be exempted from these measures; whereas, by contrast, private fleets performing carriage on own account must be included in the system because of their impact on transport markets;

Whereas, in view of the worrying economic and social situation of the sector involving vessels with a dead weight of less than 450 tonnes and in particular the boat owners' financial situation and limited scope for conversion, specific measures are called for, such as special adjustment coefficients for inland waterway vessels or specific improvement measures for the networks most affected; whereas, in the latter case, it is necessary to enable Member States to exclude these vessels from the scope of the Regulation provided that they are made subject to a national improvement plan which does not create distortions of competition and is consistent with the Treaty provisions on aid;

Whereas, in view of the fundamental differences between the dry cargo and liquid cargo markets, it is advisable to keep separate accounts in each fund for dry cargo carriers and tanker vessels;

Whereas, in the context of an economic policy compatible with the Treaty, responsibility for structural improvements in a given sector of the economy lies primarily with operators in the sector; whereas, therefore, the cost of any system introduced must be borne by the inland waterway transport undertakings; whereas, in order to launch the system on a fully operational basis from the outset, arrangements should be made, however, for the Member States concerned to pay an advance in the form of repayable loans; whereas, in view of the difficult economic situation of the said undertakings, these loans should be interest-free;

Whereas, in accordance with Article 74 of the Treaty, the objectives of the Treaty are to be pursued as regards transport within the framework of a common policy; whereas, as Article 77 makes clear, this policy may include the granting of aids, in particular if they meet the needs of coordination of transport; whereas the Community's action in this area, including aids, must however take into account the various general objectives of Article 3 of the Treaty and in particular that of Article 3 (f), concerning competition; whereas, as with all aids

⁽¹⁾ OJ No C 297, 22. 11. 1988, p. 13 and OJ No 31, 7. 2. 1989, p. 14.

⁽²⁾ OJ No C 326, 19. 12. 1988, p. 54.

⁽³⁾ OJ No C 318, 12. 12. 1988, p. 58.

subject to the rules of Article 92 *et seq* of the Treaty, it is desirable to ensure that the measures provided for in this Regulation and their implementation do not distort, or threaten to distort, competition, in particular by favouring certain undertakings to an extent which is contrary to the common interest; whereas, in order to place the enterprises concerned in similar conditions of competition, the contributions to be paid to the scrapping funds and the scrapping premiums should be set at uniform rates; whereas, likewise, the scrapping programme should be started at the same time, be of the same duration and subject to the same conditions in all the Member States concerned;

Whereas steps should be taken to prevent the gains from the coordinated scrapping scheme being cancelled out by extra capacity coming into service at the same time; whereas temporary measures have to be taken to curb investment without, however, totally blocking access to the inland waterway market or imposing a quota on the national fleets;

Whereas, as part of the proposed system, social measures should be taken to help workers who wish to leave the inland waterway industry or to retrain for jobs in another sector;

Whereas, since the system is a Community one, decisions on its operation must be taken at Community level after consultation with the Member States and the organizations representing the inland waterway transport industry; whereas the requisite power for the adoption of those decisions, as well as for ensuring their implementation and the maintenance of the conditions of competition laid down in this Regulation, must be conferred on the Commission;

Whereas, in order to prevent distortion of competition on the markets in question and to render the proposed system more effective, it is desirable for Switzerland to adopt similar measures for its fleet on the linked inland waterway network of the Member States concerned; whereas Switzerland has shown itself to be willing to adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. Inland waterway vessels used to carry goods between two or more points by inland waterway in the Member States shall be subject to measures for structural improvements in inland waterway transport under the conditions laid down in this Regulation.

2. The measures referred to in paragraph 1 shall comprise:

- the reduction of structural overcapacity by means of scrapping schemes coordinated at Community level,
- supporting measures to avoid aggravation of existing overcapacity or the emergence of further overcapacity.

Article 2

1. This Regulation shall apply to cargo-carrying vessels and pusher craft providing transport services on own account or for hire or reward and registered in a Member State or, if not registered, operated by an undertaking established in a Member State.

For the purposes of this Regulation, 'undertaking' shall mean any natural or legal person exercising an economic activity on a non-industrial or industrial scale.

2. The following shall be exempt from this Regulation:

- (a) vessels operating exclusively on national waterways not linked to other waterways in the Community;
- (b) vessels which, owing to their dimensions, cannot leave the national waterways on which they operate and cannot enter the other waterways of the Community ('prisoner vessels'), provided that such vessels are not likely to compete with vessels covered by this Regulation;
- (c) — pusher craft with a motive power not exceeding 300 kilowatts,
 - sea-going inland waterway vessels and ship-borne barges used exclusively for international or national transport operations during voyages which include a sea crossing,
 - ferries,
 - vessels providing a non-profit-making public service.

3. Each Member State may exclude its vessels with a dead weight of less than 450 tonnes from the scope of this Regulation if the economic and social situation in the sector of those vessels so requires.

In such cases, the Member State concerned shall communicate to the Commission a national improvement plan under the aid scheme in the six months following the adoption of this Regulation. If the Commission considers the improvement plan incompatible with the common market, paragraph 1 shall apply to the vessels in question.

Article 3

1. Each of the Member States whose inland waterways are linked to those of another Member State and the tonnage of whose fleet is above 100 000 tonnes, hereinafter referred to as 'the Member States concerned', shall set up, under its national legislation and with its own administrative resources, a Scrapping Fund, hereinafter referred to as 'the Fund'.

2. The competent authorities in the Member State concerned shall administer the Fund. Each Member State shall involve its national organizations representing inland waterway carriers in this administration.

3. Each Fund shall consist of two separate accounts, one for dry cargo carriers and pusher craft, the other for tanker vessels.

Article 4

1. For each vessel covered by this Regulation the owner shall pay into one of the Funds set up under Article 3 a contribution fixed in accordance with Article 6.

2. For vessels registered in one of the Member States concerned, the contribution shall be paid into the Fund of the Member State where the vessel is registered. For non-registered vessels operated by an undertaking established in one of these States, the contribution shall be paid into the Fund of the Member State in which the undertaking is established.

3. The contribution for vessels registered in another Member State or for non-registered vessels operated by an undertaking established in another Member State shall be paid into one of the Funds set up in the Member States concerned, at the choice of the vessel owner.

This choice shall be made once only and shall apply to all vessels belonging to the same owner or operated by the same undertaking.

Article 5

1. Any owner scrapping a vessel referred to in Article 2 (1) shall receive a scrapping premium from the Fund to which his vessel belongs in so far as the financial means are available, subject to the conditions set out in Article 6. This premium shall be granted only in respect of vessels which the owner proves form part of his active fleet.

Scrapping means the total breaking up of the hull of the vessel.

The active fleet shall include vessels in good working order:

— which hold:

- either a certificate of waterworthiness issued by the competent national authority or in agreement with the latter, or
- an authorization to engage in national transport issued by the authority of one of the Member States concerned,

and which have made at least one voyage during the year preceding application for the scrapping premium;

— or which have made at least 10 voyages during the year preceding application for the scrapping premium.

No premium shall be granted in respect of vessels which, as a result of a wreck or other damage suffered, are no longer repairable and are scrapped.

2. There shall be mutual financial support between the Funds with regard to the separate accounts mentioned in Article 3 (3). This shall come into play when the interest-free loans mentioned in Article 7 are repaid, in order to ensure that the time limit for repayment of these loans is the same for all the Funds.

Article 6

1. The Commission shall lay down separately for dry cargo carriers, for tankers and for pusher craft:

- the rate of the annual contributions to the Fund for each vessel,
- the rate of the scrapping premiums,
- the period covered by the scrapping schemes, during which scrapping premiums will be paid, and the conditions under which the premiums may be obtained,
- the adjustment coefficients for each type and category of inland waterway vessel. These coefficients shall take account of the particular socio-economic situation regarding vessels with a dead weight of less than 450 tonnes.

2. The contributions and scrapping premiums shall be expressed in ecus; the rates applying shall be the same for each Fund.

3. Contributions and premiums shall be calculated on the basis of either of deadweight tonnage for cargo-carrying vessels or the motive power of the vessel for pusher craft.

4. Contribution rates shall be fixed at a level allowing the Funds sufficient financial resources to make an effective contribution to reducing the structural imbalance between supply and demand in the inland waterway transport sector, taking into account the difficult economic position of this sector.

Contributions shall be paid annually at the start of the year in return for a certificate of payment. The period for which they are paid shall not exceed 10 years.

From 1 March of the year concerned this certificate must be on board the vessel or, in the case of unmanned vessels, on board the pusher craft. For the first year of operation of the system, the date from which the certificate must be on board shall be set by the Commission.

5. The Commission shall lay down the period during which scrapping premiums may be obtained and the conditions for granting these premiums on the basis of the objectives to be attained, the vessel types or categories and the financial resources of the Funds.

6. The Commission shall lay down detailed rules for the mutual financial support referred to in Article 5 (2).

7. After consulting the Member States and the organizations representing inland waterways carriers at

Community level, the Commission shall set a target date for achieving a substantial reduction in overcapacity and shall take the decisions referred to in paragraphs 1 to 6.

The decisions reached by the Commission shall also take account of the results of observation of the transport markets in the Community and of any foreseeable changes therein, as well as of the need to avoid any distortion of competition to an extent which is contrary to the common interest.

Article 7

1. Without prejudice to the provisions of the Treaty on aids and to the rules adopted in implementation thereof, the Member States concerned shall make advance payments, in the form of loans, to the Fund set up in their territory so that a coordinated scrapping scheme can start operating immediately. The sums granted in this way shall be repaid, free of interest, by the Fund, according to a predetermined schedule.

The Funds may also be prefinanced by loans guaranteed by the State, contracted on the capital market, provided that interest on the loan is borne by the State concerned.

2. Obligations borne by a national Fund existing when this Regulation comes into force shall be assumed by the Fund of the Member State concerned.

Owners of vessels who are not subject to this Regulation and who have rights resulting from existing national scrapping schemes may assert those rights *vis-à-vis* the Funds referred to in Article 3 (1) for a period of six months from the end of the scrapping period referred to in Article 6 (5).

Article 8

1. (a) For a period of five years from the entry into force of this Regulation, vessels covered by this Regulation which are newly constructed, imported from a third country or which leave the national waterways mentioned in Article 2 (2) (a) and (b) may be brought into service on inland waterways as referred to in Article 3 only where:

- the owner of the vessel to be brought into service scraps a tonnage of carrying capacity equivalent to the new vessel without receiving a scrapping premium; or
- where the owner scraps no vessel, he pays into the Fund covering his new vessel or into the Fund chosen by him in accordance with Article 4 a special contribution equal to the scrapping premium fixed for a tonnage equal to that of the new vessel; or
- where the owner scraps a tonnage smaller than that of the new vessel to be brought into service, he pays into the Fund in question a special contribution equivalent to the scrapping premium corresponding at the time to the

difference between the tonnage of the new vessel and the tonnage scrapped.

In the case of pusher craft, the concept of 'tonnage' shall be replaced by that of 'motive power'.

Vessels of third countries which have adopted, on the basis of an international instrument, measures similar to those in this Regulation shall be regarded as vessels of the Member States.

(b) In the case of the vessels referred to in (a) which are put into service on the inland waterways referred to in Article 3 between the entry into force of this Regulation and the setting up of the corresponding national Fund, the special contribution to be paid by the owner in accordance with (a) shall be paid into a special account to be designated by the national authorities of the Member State concerned. The contribution shall be transferred to the Fund as soon as it has been set up.

(c) Three years after this Regulation comes into force, the Commission may, if transport markets trends so require, and after consulting the Member States and the organizations representing inland waterway transport at Community level, adjust the ratio between the new tonnage and the old tonnage as referred to in (a).

2. The conditions laid down in paragraph 1 shall also apply to increases in capacity resulting from the lengthening of a vessel or the replacement of pusher-craft engines.

3. (a) The conditions set out in paragraphs 1 and 2 shall not apply to vessels in respect of which the owner proves that:

- construction was under way on the date of entry into force of this Regulation, and that
- work already carried out represents at least 20 % of the steel weight or 50 tonnes, and that
- delivery and commissioning is to take place within the six months following entry into force of this Regulation.

(b) The conditions set out in paragraphs 1 and 2 shall not apply to vessels which, at the time of entry into force of this Regulation, were exempt from this Regulation pursuant to Article 2 (2) (a) and which by reason of a newly-opened navigable link are able to use the other inland waterways of the Community.

(c) The Commission may, after consulting the Member States and the organizations representing inland waterway transport at Community level, exempt specialized vessels from the scope of paragraph 1.

4. A vessel referred to in paragraphs 1 and 2 may not be put into service until the owner has fulfilled the requirements set out in paragraph 1. Where this prohibition is infringed, the national authorities may take steps to prevent the vessel concerned from participating in the trade.

5. On the basis of a Commission proposal accompanied by a well-founded report, the Council may take a decision to extend the period referred to in paragraph 1 by a maximum of five years.

The Council shall act on this proposal in accordance with the conditions laid down in the Treaty.

Article 9

The Member States concerned may take measures :

- to make it easier for inland waterway carriers leaving the industry to obtain an early retirement pension or to transfer to another economic activity,
- to grant early retirement pensions to workers leaving the inland waterways as a result of scrapping schemes and to organize vocational training courses or retraining courses.

Article 10

1. Member States shall adopt the measures necessary to implement this Regulation before 1 January 1990 and shall notify the Commission thereof.

These measures shall provide, *inter alia*, for permanent and effective verification of compliance with the obligations imposed on undertakings by this Regulation and the national provisions adopted in implementation thereof, and for appropriate penalties in the event of infringement.

2. Throughout the duration of the scrapping scheme, Member States shall communicate to the Commission every six months all relevant information on progress with the current scheme and, in particular, on the financial position of the Fund, the number of applications to scrap vessels and the tonnage actually scrapped.

3. Before 1 May 1989 the Commission shall adopt the decisions which it is required to take under Article 6.

4. Two years after this Regulation enters into force, the Commission shall draw up a report evaluating the effect of the measures referred to in paragraph 1 and submit it to the European Parliament and the Council.

Article 11

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

It shall apply with effect from 1 May 1989.

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

Done at Luxembourg, 27 April 1989.

For the Council

The President

J. BARRIONUEVO PEÑA

COMMISSION REGULATION (EEC) No 1102/89

of 27 April 1989

laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport⁽¹⁾, and in particular Article 10 (3) thereof,

Having regard to the views expressed by the Member States and the organizations representing inland waterway carriers at Community level in the consultations held by the Commission on 29 March and 3 February 1989 respectively,

Whereas, under Article 6 of Regulation (EEC) No 1101/89, the Commission must adopt a number of decisions concerning the operation of the system for structural improvements in inland waterway transport laid down in that Regulation;

Whereas, in the course of the abovementioned consultations, the Member States and the organizations representing inland waterway carriers at Community level took the view that the capacity of the fleets concerned should be cut by 10 % in the case of dry cargo vessels and pusher craft and by 15 % in the case of tanker vessels;

Whereas, in view of the need to encourage scrapping by setting attractive premiums and considering the limited resources available to the trade associations for repaying the sums prefinanced by the Member States concerned pursuant to Article 7 of Regulation (EEC) No 1101/89, a total budget of ECU 130,5 million seems appropriate;

Whereas the Commission must determine the date on which the scrapping scheme, coordinated at Community level, is to begin; whereas that date must coincide with the date on which the Member States affected by structural overcapacity have adopted the necessary measures for implementing Council Regulation (EEC) No 1101/89.

Whereas the Commission must lay down the rate for the annual contributions to the Scrapping Funds payable by carriers in respect of each vessel they operate for the carriage of goods on the linked inland waterway networks of the Member States; whereas these rates must be such as to enable the Scrapping Funds to repay the sums prefinanced by the Member States concerned within ten years at the most, and must be set at a level acceptable to

inland waterway undertakings in a difficult economic position;

Whereas the Commission must also lay down the rates for the scrapping premiums, the period during which, and the conditions subject to which, they may be obtained; whereas, to this end, in view of the overcapacity to be shed and of a limited overall budget which would be insufficient to meet all the applications for scrapping premiums lodged with the national Scrapping Funds, it would seem appropriate, to enable as much overcapacity as possible to be scrapped, to follow a procedure whereby priority consideration is given to applications for rates at the lower end of the 70 to 100 % bracket with respect to the maximum values laid down;

Whereas, because of the particular socio-economic situation affecting small vessels, appropriate measures should be adopted and, in particular, adjustments coefficients should be set so as to take account of the lower commercial value of these vessels; whereas it would therefore be advisable to set lower scrapping premiums and, accordingly, lower annual contribution rates for such vessels;

Whereas, in order to operate the mutual financial support arrangements between the various national Scrapping Funds, it would seem advisable for the Commission, with the help of the representatives of the national Funds, to balance the accounts of those Funds at the beginning of each year so as to ensure that the repayment period for the sums prefinanced by the Member States concerned is the same for all Funds;

Whereas the various types of waterway vessel differ in value and in their effect on fleet capacity; whereas special coefficients should therefore be laid down in order to determine the equivalent tonnage where a carrier brings a new vessel into service and presents for scrapping a vessel of a different type,

HAS ADOPTED THIS REGULATION:

General provisions

Article 1

1. This Regulation fixes, *into alia*, the annual contributions, the scrapping premiums and the conditions under which they may be obtained in respect of the vessels referred to in Article 2 of Council Regulation (EEC) No 1101/89 in view of the need to reduce fleet capacity by 10 % in respect of dry cargo vessels and pusher craft and by 15 % in respect of tanker vessels.

⁽¹⁾ See page 25 of this Official Journal.

2. A total budget of ECU 130,5 million is considered necessary, ECU 81,2 million thereof for dry cargo vessels, ECU 44,3 million for tanker vessels and ECU 5 million for pusher craft.

Article 2

The system of scrapping measures coordinated at Community level, as laid down in Regulation (EEC) No 1101/89, shall become operational on 1 January 1990.

Annual contributions

Article 3

1. Owners of the vessels referred to in Article 2 of Regulation (EEC) No 1101/89 including vessels in respect of which a scrapping premium has been applied for, shall, from 1 January 1990, be required to pay the annual contributions to the relevant Scrapping Fund. The rates for these contributions shall be as follows for the various types and categories of inland waterway vessels:

— *Dry cargo vessels*

- Self-propelled barges: ECU 1,00 per tonne
- Push barges: ECU 0,70 per tonne
- Lighters: ECU 0,36 per tonne

— *Tanker vessels*

- Self-propelled barges: ECU 3,00 per tonne
- Push barges: ECU 1,26 per tonne
- Lighters: ECU 0,54 per tonne

— *Pusher craft:*

- 0,40 per kW

2. For vessels with a deadweight capacity of less than 450 tonnes, the annual contribution set out in paragraph 1 shall be reduced by 30 %. For vessels with a deadweight capacity of between 450 and 650 tonnes, the annual contribution shall be reduced by 0,15 % for every tonne by which the deadweight capacity of the vessel in question is less than 650 tonnes.

3. The Commission may alter the rates set out in paragraph 1 in order to ensure that the sums prefinanced by the Member States concerned pursuant to Article 7 (1) of Regulation (EEC) No 1101/89 are repaid within ten years.

Article 4

1. The certificate of payment of the annual contribution in respect of 1990 must, from 1 May, be on board the vessel or, in the case of unmanned waterway vessels, on board the pusher craft.

2. Annual contributions, expressed in ecus, shall be converted into the currencies of the relevant Funds at the rate applicable on 1 January of the year in question.

Scrapping premiums

Article 5

1. The scrapping premiums for the different types and categories of vessels shall be within a bracket ranging from 70 to 100 % of the following rates:

— *Dry cargo vessels*

- Self-propelled barges: ECU 120 per tonne
- Push barges: ECU 60 per tonne
- Lighter: ECU 43 per tonne

— *Tanker vessels*

- Self-propelled barges: ECU 216 per tonne
- Push barges: ECU 91 per tonne
- Lighters: ECU 39 per tonne

— *Pusher craft:*

- 240 ECU/kW

2. For vessels with a deadweight capacity of less than 450 tonnes, the maximum rates for the scrapping premiums set out in paragraph 1 shall be reduced by 30 %. For vessels with a deadweight capacity of between 450 and 650 tonnes, the maximum rates for the premiums shall be reduced by 0,15 % for every tonne by which the deadweight capacity of the vessel in question is less than 650 tonnes.

Article 6

1. Applications for scrapping premiums submitted by vessel owners must be received by the authorities of the relevant Fund before 1 May 1990. Applications received after this deadline shall not be considered.

2. Applicants for scrapping premiums shall indicate in their applications the percentage, within the 70 to 100 % bracket, of the rates set out in Article 5 which they wish to receive as a premium for scrapping their vessels. This percentage is referred to hereinafter as the 'premium-rate percentage'.

3. Valid applications for scrapping premiums amounting to 70 % of the rates set out in Article 5 (1) and (2) shall be deemed to be accepted by the Fund within the limits of the financial resources available in the various accounts, as provided for in Article 1 (2). The Fund authorities shall confirm their acceptance of applications within two months of receipt.

The authorities of the various Funds shall send to the Commission each month a list of the applications which they have received for scrapping premiums amounting to 70 % of the abovementioned rates. The Commission shall ensure that these applications do not exceed the financial resources referred to in Article 1 (2) and shall keep the Fund authorities informed of the current situation.

4. The Fund authorities shall, before 1 September 1990, notify in writing applicants for scrapping premiums exceeding 70 % of the rates set out in Article 5 (1) and (2) as to whether those applications have been accepted or refused.

Article 7

1. If an application for a scrapping premium is accepted, the owner of the vessel must, by 1 December 1990:

- scrap the vessel, or
- lay it up permanently until it is scrapped.

2. Where a vessel is laid up in accordance with paragraph 1, the owner shall forward to the authority of the relevant Fund all documents relating to that vessel, such as the certificate of waterworthiness and transport licence. The Member States shall ensure that vessels laid up are not used for transport or storage.

The owner of a laid-up vessel shall inform the authority of the relevant Fund of the place where the vessel is laid up. A vessel laid up may be moved only with the agreement of the Fund authority.

3. Each Fund shall, at the end of each year, send to the other Funds and to the Commission a list of the vessels in respect of which the Fund has paid a scrapping premium and which have not yet been scrapped. The list shall state, in respect of each vessel:

- its name, type, tonnage and home port,
- the name and address of the owner,
- precise details of the place where the vessel is laid up for scrapping.

4. Vessels laid up must, in all cases, be scrapped before 1 December 1992. If a vessel is not scrapped by that date the authority of the relevant Fund may have it scrapped on behalf, and at the expense, of its owner.

Article 8

1. If the finances required to cover valid applications for scrapping premiums exceed the financial resources available in the various accounts, as provided for in Article 1 (2), the premium-rate percentage indicated by the vessel owner in his application shall serve as a selection criterion, in that applications for lower percentages shall be given priority over those for higher percentages.

2. To facilitate the operation of the selection procedure referred to in paragraph 1 the Commission, with the help of the authorities of the various Funds, shall draw up a joint list of valid applications; such applications shall be listed in order, starting with the application for the lowest premium-rate percentage. Separate lists shall be drawn up for dry cargo vessels, tanker vessels and pusher craft.

3. The different Funds shall continue to grant scrapping premiums in accordance with the list, until the financial resources available in the various accounts referred to in Article 1 (2) are used up. If more than one application requesting the same premium-rate percentage is submitted, priority shall be given to the first one received.

4. If the financial resources required to cover valid applications are less than the funds available in the various accounts referred to in Article 1 (2) the applications for scrapping premiums shall be deemed to be accepted in respect of the premium percentages applied for. In such cases, the period of ten years allowed for repaying the sums prefinanced by the Member States concerned to the Fund shall be reduced accordingly.

Article 9

1. The scrapping premium shall not be paid until the owner of the vessel has provided proof that the vessel had been scrapped or laid up in accordance with Article 7.

2. The rates for the scrapping premiums, expressed in ecus, shall be converted into the currencies of the relevant Funds at the rate applicable on the date referred to in Article 2.

Mutual financial support*Article 10*

1. With a view to operating the mutual financial support arrangements between the separate accounts of the various Funds as required under Article 5 (2) of Regulation (EEC) No 1101/89, each Fund shall, from 1 January 1991, communicate the following information to the Commission at the beginning of each year:

- the Fund's debts on 31 December of the previous year (D_n);
- the Fund's receipts during the previous year (R_n), comprising receipts from annual contributions and the special contributions referred to in Article 8 of Regulation (EEC) No 1101/89.

2. The Commission, with the help of the Fund authorities, shall determine, on the basis of the information referred to in paragraph 1:

- the total debts of all the Funds on 31 December of the previous year (D_t);
- the total receipts of all the Funds for the previous year (R_t);
- the adjusted annual receipts of each Fund (R_{nn}) calculated as follows:

$$R_{nn} = \frac{R_t}{D_t} \times D_n;$$

- for each Fund, the difference between annual receipts (R_n) and annual adjusted receipts ($R_n - R_{nn}$);
- the sums which each Fund whose annual receipts exceed the adjusted annual receipts ($R_n > R_{nn}$) is required to transfer to a Fund whose annual receipts are less than the adjusted annual receipts ($R_n < R_{nn}$).

3. Each of the Funds involved shall transfer the sums referred to in the last indent of paragraph 2 to the other Funds by 1 March.

Equivalent tonnage*Article 11*

1. Where a vessel owner brings into service one of the vessels referred to in Article 8 of Regulation (EEC) No 1101/89 and presents for scrapping a vessel or vessels of another type, the equivalent tonnage to be taken into consideration shall be determined, within each of the two categories of vessels indicated below, in accordance with the following adjustment coefficients:

— *Dry cargo vessels*

- Self-propelled barges over 650 tonnes: 1,00,
- Push barges over 650 tonnes: 0,50,
- Lighters over 650 tonnes: 0,36;

— *Tanker vessels*

- Self-propelled barges over 650 tonnes: 1,00,
- Push barges over 650 tonnes: 0,42,
- Lighters over 650 tonnes: 0,18.

2. For vessels with a deadweight capacity of less than 450 tonnes, the coefficients set out in paragraph 1 shall be reduced by 30 %. For vessels with a deadweight capacity of between 450 and 650 tonnes, these coeffi-

cients shall be reduced by 0,15 % for every tonne by which the deadweight capacity of the vessel in question is less than 650 tonnes.

Consulting*Article 12*

1. The Commission shall consult the Member States whenever it plans to amend this Regulation.

2. On all matters concerning the application of the system the Commission shall request the opinion of a group made up of experts from the professional organizations representing inland waterway carriers at Community level. This group shall be known as the 'Group of Experts on Structural Improvements in Inland Waterway Transport'.

Final provisions*Article 13*

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, 27 April 1989.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION REGULATION (EEC) No 1103/89

of 27 April 1989

fixing the monetary coefficient applicable on imports of dried grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2247/88 ⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Commission Regulation (EEC) No 2237/85 of 30 July 1985 laying down detailed rules for the application of the minimum import price system for dried grapes ⁽³⁾, and in particular Article 4 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 2237/85 provides that the Commission shall fix a monetary coefficient equal to the real monetary gap between the agricultural conversion rate for the currency of a Member State and the central rate, or, where applicable, the market rate when that gap is equal to or more than 2,5 percentage points;

Whereas Article 4 (2) of Regulation (EEC) No 2237/85 provides that the monetary coefficient shall be fixed before the commencement of the marketing year and, subsequently, on the first Monday of the months of November, January, March, May and July;

Whereas Commission Regulation (EEC) No 2303/88 ⁽⁴⁾, as amended by Regulation (EEC) No 3519/88 ⁽⁵⁾; fixes the minimum import price applicable to dried grapes

during the marketing year 1988/89 as well as the counter-vailing charges to be imposed where that price is not observed; whereas the import prices as set out in Annex II of that Regulation are calculated as specific percentages of the minimum import price; whereas as a result the monetary coefficient should apply both to the minimum import prices and the import prices,

HAS ADOPTED THIS REGULATION:

Article 1

After having converted the minimum import prices and the import prices as set out in Annexes I and II of Regulation (EEC) No 2303/88 into one of the following national currencies by applying the agricultural conversion rate, the resulting amount shall be multiplied by the following coefficient:

— for the Greek drachma:	1,270
— for the pound sterling:	1,074
— for the French franc:	1,050
— for the Irish pound:	1,051
— for the Italian lira:	1,025
— for the Spanish peseta:	0,943.

Article 2

This Regulation shall enter into force on 1 May 1989.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 21.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 24.

⁽⁴⁾ OJ No L 201, 27. 7. 1988, p. 43.

⁽⁵⁾ OJ No L 307, 12. 11. 1988, p. 26.

COMMISSION REGULATION (EEC) No 1104/89

of 27 April 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽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 small-flowered roses originating in Israel by Regulation (EEC) No 4078/88 was suspended by Commission Regulation (EEC) No 580/89⁽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 small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 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 63, 7. 3. 1989, p. 15.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1105/89
of 27 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 1085/89 ⁽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 28 April 1989.

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

Done at Brussels, 27 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 114, 27. 4. 1989, p. 36.

ANNEX

to the Commission Regulation of 27 April 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	32,84 ⁽¹⁾
1701 11 90	32,84 ⁽¹⁾
1701 12 10	32,84 ⁽¹⁾
1701 12 90	32,84 ⁽¹⁾
1701 91 00	38,79
1701 99 10	38,79
1701 99 90	38,79 ⁽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 1106/89

of 27 April 1989

abolishing the countervailing charge on tomatoes originating in Spain (except the Canary Islands)

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 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1010/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1038/89⁽³⁾ introduced a countervailing charge on tomatoes originating in Spain (except the Canary Islands);

Whereas the present trend of prices for products originating in Spain (except the Canary Islands) on the representative markets referred to in Regulation (EEC) No 2118/74 of the Commission⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in

accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1038/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 28 April 1989.

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

Done at Brussels, 27 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 109, 20. 4. 1989, p. 3.

⁽³⁾ OJ No L 110, 21. 4. 1989, p. 43.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1107/89

of 27 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 28 April 1989.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 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	40,00
	06	43,00
	02	20,00
1002 00 00 000	06	43,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	55,00
	02	20,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	74,00
	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	211,00
1103 11 10 200	01	200,00
1103 11 10 500	01	179,00
1103 11 10 900	01	169,00
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).

(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 1108/89
of 27 April 1989
fixing the export refunds on rice and broken 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 Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 2229/88⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 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 within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice 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 the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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 a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾;
- 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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 30.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

Article 2

This Regulation shall enter into force on 28 April 1989.

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

Done at Brussels, 27 April 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 April 1989 fixing the export refunds on rice and broken rice

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	153,38
1006 20 15 000	01	153,38
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	153,38
1006 20 96 000	01	153,38
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	153,38
1006 30 25 000	01	153,38
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	153,38
1006 30 46 000	01	153,38
1006 30 48 000	—	—
1006 30 61 000	—	—
1006 30 63 100	01	191,72
	03	203,72
	05	203,72
	06	208,72
	07	208,72
	08	203,72
	09	203,72
	10	208,72
	11	208,72
	12	208,72
	13	191,72
	14	208,72
1006 30 63 900	01	191,72
	13	191,72
1006 30 65 100	01	191,72
	03	203,72
	05	203,72
	06	208,72
	07	208,72
	08	203,72
	09	203,72
	10	208,72
	11	208,72
	12	208,72
	13	191,72
	14	208,72
1006 30 65 900	01	191,72
	13	191,72
1006 30 67 100	—	—
1006 30 67 900	—	—
1006 30 92 000	—	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 30 94 100	01	191,72
	03	203,72
	05	203,72
	06	208,72
	07	208,72
	08	203,72
	09	203,72
	10	208,72
	11	208,72
	12	208,72
	13	191,72
	14	208,72
1006 30 94 900	01	191,72
	13	191,72
1006 30 96 100	01	191,72
	03	203,72
	05	203,72
	06	208,72
	07	208,72
	08	203,72
	09	203,72
	10	208,72
	11	208,72
	12	208,72
	13	191,72
	14	208,72
1006 30 96 900	01	191,72
	13	191,72
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie,
- 03 Zone I,
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of zone I,
- 05 Zone II b),
- 06 Zone IV a),
- 07 Zone IV b),
- 08 Zone VI,
- 09 Canary Islands, Ceuta and Melilla,
- 10 Zone V a),
- 11 Zone VII c),
- 12 Canada,
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 14 Zone VIII, except Surinam, Guyana and Madagascar.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 1988, p. 9).

The export refunds are to be converted into national currencies using the specific agricultural conversion rates fixed in Commission Regulation (EEC) No 3294/86 (OJ No L 304, 30. 10. 1986, p. 25), as amended.

COMMISSION REGULATION (EEC) No 1109/89

of 27 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 957/89 ⁽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 1034/89 ⁽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 to take account of indicative prices for the 1989/1990 marketing year and the application of the system of maximum guaranteed quantities,

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 28 April 1989 to take into account the prices and connected measures, for the 1989/90 marketing year, and the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 28 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 102, 14. 4. 1989, p. 26.

⁽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 110, 21. 4. 1989, p. 31.

⁽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, 27 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	20,405	20,422	20,901	16,275	15,395	14,934
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	48,57	48,62	49,74	38,82	36,76	35,88
— Netherlands (Fl)	54,20	54,24	55,51	42,93	40,61	39,59
— BLEU (Bfrs/Lfrs)	985,29	986,12	1 009,24	785,87	743,38	721,12
— France (FF)	149,45	149,50	153,27	122,22	115,31	111,69
— Denmark (Dkr)	178,66	178,79	183,06	145,34	137,48	133,36
— Ireland (£ Irl)	16,622	16,628	17,046	13,603	12,834	12,431
— United Kingdom (£)	12,676	12,672	13,022	10,818	10,174	9,740
— Italy (Lit)	32 020	32 029	32 782	26 455	24 948	23 801
— Greece (Dr)	2 348,31	2 321,50	2 388,39	2 462,40	2 284,32	2 096,32
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	89,44	178,89	178,89	178,89
— in another Member State (Pta)	3 233,56	3 238,94	3 302,96	2 626,13	2 498,55	2 397,79
(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)	4 404,87	4 406,96	4 483,83	3 754,72	3 584,37	3 443,30

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and 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	22,905	22,922	23,401	18,775	17,895	17,434
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	54,48	54,52	55,64	44,73	42,67	41,78
— Netherlands (Fl)	60,81	60,86	62,12	49,53	47,20	46,19
— BLEU (Bfrs/Lfrs)	1 106,01	1 106,83	1 129,96	906,59	864,09	841,83
— France (FF)	168,41	168,47	172,23	141,46	134,55	130,93
— Denmark (Dkr)	200,77	200,89	205,17	167,66	159,80	155,69
— Ireland (£ Irl)	18,731	18,737	19,156	15,745	14,976	14,573
— United Kingdom (£)	14,364	14,360	14,710	12,571	11,928	11,493
— Italy (Lit)	36 107	36 116	36 870	30 637	29 131	27 983
— Greece (Dr)	2 738,36	2 711,55	2 778,44	2 910,86	2 732,79	2 544,79
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	474,98	561,13	561,13	561,13
— in another Member State (Pta)	3 619,09	3 624,48	3 688,50	3 008,37	2 880,79	2 780,03
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	470,02	480,01	480,01	480,01
— in another Member State (Esc)	4 874,89	4 876,98	4 953,85	4 234,72	4 064,38	3 923,30

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and 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	23,172	23,380	23,505	23,547	18,796
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	55,16	55,65	55,94	56,04	44,82
— Netherlands (Fl)	61,54	62,09	62,42	62,53	49,58
— BLEU (Bfrs/Lfrs)	1 118,90	1 128,95	1 134,98	1 137,01	907,60
— France (FF)	169,79	171,33	172,32	172,65	141,31
— Denmark (Dkr)	202,91	204,74	205,86	206,23	167,85
— Ireland (£ Irl)	18,885	19,056	19,165	19,202	15,728
— United Kingdom (£)	14,412	14,544	14,635	14,647	12,525
— Italy (Lit)	36 382	36 712	36 854	36 799	30 594
— Greece (Dr)	2 679,12	2 685,81	2 678,45	2 657,66	2 868,22
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	797,28	1 053,45
— in another Member State (Pta)	3 714,80	3 748,29	3 760,57	3 756,13	3 229,56
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 610,69	6 650,23	6 657,76	6 649,43	5 945,47
— in another Member State (Esc)	6 442,69	6 481,23	6 488,57	6 480,44	5 794,37
3. Compensatory aids:					
— in Spain (Pta)	3 663,71	3 699,13	3 712,86	3 708,90	3 182,73
4. Special aid:					
— in Portugal (Esc)	6 442,69	6 481,23	6 488,57	6 480,44	5 794,37

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and 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	2,079300	2,075880	2,072450	2,069600	2,069600	2,061010
Fl	2,345910	2,342410	2,339610	2,336540	2,336540	2,325840
Bfrs/Lfrs	43,547400	43,545400	43,540100	43,526699	43,526699	43,475600
FF	7,041490	7,043470	7,044700	7,045330	7,045330	7,049410
Dkr	8,091370	8,093980	8,096580	8,098460	8,098460	8,107870
£Irl	0,779711	0,779740	0,780117	0,780286	0,780286	0,780874
£	0,654680	0,656194	0,657541	0,658794	0,658794	0,663081
Lit	1 524,91	1 529,87	1 535,49	1 540,85	1 540,85	1 556,23
Dr	177,53500	179,43000	181,08000	182,57800	182,57800	186,99100
Esc	172,28700	173,04200	173,86300	174,56000	174,56000	176,79700
Pta	129,16800	129,58400	130,03000	130,42600	130,42600	131,77400

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 March 1989

ruling on a financial measure taken by the Federal Republic of Germany in respect of the coal industry during 1988 and a supplementary financial measure in respect of the coal industry during 1987

(Only the German text is authentic)

(89/296/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry ⁽¹⁾, and in particular Article 10 thereof,

Whereas :

I

In its letters of 2 March 1988 and 12 April 1988, the Government of the Federal Republic of Germany informed the Commission, pursuant to Article 9 (2) and (3) of Decision No 2064/86/ECSC, of the compensatory amounts financed through a compensation fund (Ausgleichsfonds) to be paid to electricity generators using Community coal for the year 1988 under the third Electricity-from-coal Law.

The Government of the Federal Republic of Germany also notified the Commission in these letters of the increase in the amount allocated for the year 1987 in implementation of this Law.

In its letters of 20 September 1988 and 1 February 1989, the Government of the Federal Republic of Germany provided the following additional information in response to the Commission's requests of 6 May and 18 November 1988.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

The sums in question, financed through the 'Kohlepfennig' levy system, amount to :

- DM 4 700 million for the year 1988, equivalent to a levy rate of 7,25 %,
- DM 684 million supplementing the sum already authorized for 1987 by Commission Decision 87/451/ECSC ⁽²⁾.

II

The objective of the compensation fund pursuant to the third Electricity-from-coal Law is to compensate electricity generators in the Federal Republic of Germany using Community coal for part of the price difference between the latter and fuel oil or imported coal.

This compensation scheme is applied to an annual volume of about 33 million tonnes coal equivalent of Community coal.

It is a measure relating to sales of coal which, even if it is not financed directly from public funds, is nevertheless paid for through levies that are obligatory as a result of government action.

In addition, the scheme confers an economic advantage on coal undertakings. It therefore constitutes indirect aid to the coal industry within the meaning of Article 1 (1) of Decision No 2064/86/ECSC.

⁽²⁾ OJ No L 241, 25. 8. 1987, p. 10.

The Commission must therefore deliver an opinion on the scheme pursuant to Article 10 (2) of the Decision.

III

The amount of indirect aid to the coal industry since the entry into force of the third Electricity-from-coal Law totalled over 20 000 million German marks by 31 December 1986.

By Decision 87/451/ECSC the Commission authorized the sum of DM 3 109 million for the year 1987, corresponding to a 'Kohlepfennig' levy rate of 4,5 %. In granting its approval the Commission took account of the fact that the precipitate closure of uneconomic production units might create major social and regional problems.

Compared with the volume of aid approved by the Commission, the increase for 1987 brings the total granted under the abovementioned law to DM 3 793 million.

For 1988, the granting of DM 4 700 million from the compensation fund corresponds to an increase in aid of about 24 % compared with 1987.

IV

The trend observed over the last few years must be viewed in the context of the objectives of Decision No 2064/86/ECSC, in particular Article 2 (1) thereof.

It should be noted that the Federal Republic's third Electricity-from-coal Law specifies among its objectives the stabilization of production, but does not include the objectives stated in Article 2 (1) of Decision No 2064/86/ECSC, notably the improvement of the competitiveness of the industry or the creation of new, economically viable capacities.

The automatic granting of aid to the volumes of coal produced in accordance with the Law has the effect of stimulating investment to maintain capacities with no guarantee of economic viability in the long term.

Finally, the declared objectives of the Law in question do not include as a priority the solution of the social and regional problems related to developments in the coal industry.

The Commission has nevertheless in the past taken the view that such aid was likely to mitigate the social and regional problems of the industry. The German authorities have in the meantime substantially increased the amounts of aid, of which only a part has been notified, while omitting to demonstrate that all the aid

scheduled complied with the objectives and conditions defined in Article 2 of Decision No 2064/86/ECSC.

Consequently, it is appropriate to authorize only the amounts notified without, at this juncture, ruling on possible supplementary aid that could satisfy the requirements announced by the German authorities.

V

In view of the temporary nature of the above Decision which expires on 31 December 1993, and the need to aim for the long-term economic viability of the Community coal industry, Community aids must be scheduled on a declining scale and accompanied by restructuring, streamlining and modernization plans in keeping with the conditions of application of Decision No 2064/86/ECSC.

In order to enable the Commission to examine whether the conditions of application of Decision No 2064/86/ECSC are fulfilled, the authorities of the Federal Republic of Germany must be requested to submit, before 30 September 1989, a plan covering the period until 31 December 1993 for the reduction of the compensatory payments made under this scheme for of any other measure having equivalent effect.

This Decision shall not be taken to imply any prior appreciation of the compatibility with the provisions of the Treaties of the purchase contracts for German coal concluded by the electricity generating companies ('Jahrhundertvertrag'),

HAS ADOPTED THIS DECISION :

Article 1

The compensatory payments, to be made to electricity generators, notified in the letters of 2 March and 12 April 1988, shall be deemed Community aid to the coal industry and therefore compatible with the proper functioning of the common market in accordance with Article 2 (1) of Decision No 2064/86/ECSC, considering that :

- their immediate abolition would aggravate the social and regional problems related to developments in the coal industry, and
- they shall, in order to contribute to improving the competitiveness of this industry, be reduced in conjunction with a plan for the restructuring, modernization and streamlining of the coal industry.

Article 2

The Government of the Federal Republic of Germany shall submit to the Commission before 30 September 1989 a plan, running until 31 December 1993 at the latest, for the reduction of the compensatory payments

made under the compensation system, or of any other measure having equivalent effect.

Done at Brussels, 30 March 1989.

Article 3

This Decision is addressed to the Federal Republic of Germany.

For the Commission

António CARDOSO E CUNHA

Member of the Commission
