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## I

*(Acts whose publications is obligatory)*

**COUNCIL REGULATION (EEC) No 1110/89**  
**of 27 April 1989**  
**amending Regulation (EEC) No 1417/78 on the aid system for dried fodder**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder <sup>(1)</sup>, as last amended by Regulation (EEC) No 3996/87 <sup>(2)</sup>, and in particular Article 6 (2) thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Regulation (EEC) No 1417/78 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2256/88 <sup>(5)</sup>, stipulates a minimum protein content requirement for the granting of aid for dried fodder; whereas, to encourage improvement in the quality of the products in question, this minimum protein content,

specified in Article 5 of the said Regulation, should be increased from 1 May 1990,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the first indent in point (b) in the first subparagraph of Article 5 of Regulation (EEC) No 1417/78 '14 %' is replaced by '15 %'.

*Article 2*

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

It shall apply from 1 May 1990.

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

<sup>(1)</sup> OJ No L 142, 30. 5. 1978, p. 2.

<sup>(2)</sup> OJ No L 377, 31. 12. 1987, p. 35.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 35.

<sup>(4)</sup> OJ No L 171, 28. 6. 1978, p. 1.

<sup>(5)</sup> OJ No L 199, 19. 7. 1988, p. 3.

## COUNCIL REGULATION (EEC) No 1111/89

of 27 April 1989

fixing the guide price for dried fodder for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder <sup>(1)</sup>, as last amended by Regulation (EEC) No 3996/87 <sup>(2)</sup>, and in particular Articles 4 (1) and 5 (2) thereof,Having regard to the proposal from the Commission <sup>(3)</sup>,Having regard to the opinion of the European Parliament <sup>(4)</sup>,Having regard to the opinion of the Economic and Social Committee <sup>(5)</sup>,

Whereas, pursuant to Article 4 of Regulation (EEC) No 1117/78, a guide price must be set for certain dried fodder products at a level which is fair to producers; whereas this price must be set for a standard quality representative of the average quality of dried fodder produced in the Community;

Whereas, pursuant to Article 5 (2) of Regulation (EEC) No 1117/78, the aid provided for in paragraph 1 of that Article must be equal to a percentage of the difference between the guide price and the average world market price for the products in question; whereas, in view of the characteristics of the market in question, the percentage should be set at 100 %;

Whereas, pursuant to Article 68 of the Act of Accession, prices in Spain have been set at levels differing from that of the common prices; whereas pursuant to Article 70 (1) of the Act of Accession, the Spanish prices should be aligned with

the common prices at the beginning of each marketing year; whereas the criteria laid down for alignment lead to the Spanish prices being fixed at the levels mentioned hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1.*

For the 1989/90 marketing year, the guide price for the products referred to in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 shall be fixed:

- (a) at ECU 165,68 per tonne for Spain;
- (b) at ECU 178,92 per tonne for the other Member States.

This price refers to a product with:

- a moisture content of 11 %,
- a total gross protein content of 18 % of the dry weight.

*Article 2*

For the 1989/90 marketing year, the percentage to be used to calculate the aid referred to in Article 5 of Regulation (EEC) No 1117/78 shall be 100 % for the products referred to in Article 1 (b), first and third indents, and (c) of that Regulation.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 May 1989.

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

Done at Luxembourg, 27 April 1989.

*For the Council**The President*

J. BARRIONUEVO PEÑA

<sup>(1)</sup> OJ No L 142, 30. 5. 1978, p. 1.<sup>(2)</sup> OJ No L 377, 21. 12. 1987, p. 35.<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 36.<sup>(4)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).<sup>(5)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

## COUNCIL REGULATION (EEC) No 1112/89

of 27 April 1989

fixing the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano and Parmigiano Reggiano cheeses for the 1989/90 milk year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Articles 3 (4) and 5 (1) thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Having regard to the opinion of the European Parliament <sup>(4)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(5)</sup>,

Whereas, when fixing the common agricultural prices, account should be taken of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to secure a fair standard of living for the agricultural community and to ensure that supplies are available and that they reach the consumers at reasonable prices;

Whereas the target price for milk should bear a balanced relationship to the prices for other agricultural products and in particular to the prices for beef and veal, and be consistent with the desired general pattern of cattle farming; whereas it is also necessary, in fixing that price, to take account of the Community's efforts to establish a long term balance between supply and demand on the milk market, allowing for external trade in milk and milk products;

Whereas the intervention prices for butter and for skimmed-milk powders are intended to contribute to the achievement of the target price for milk; whereas it is necessary to determine price levels in the light of the overall supply and demand situation on the Community market in milk and the opportunities for disposal of butter and skimmed-milk powder on the Community and world markets;

Whereas the intervention prices for Grana Padano and Parmigiano Reggiano cheeses must be fixed in accordance with the criteria laid down in Article 5 (2) of Regulation (EEC) No 804/68;

Whereas, pursuant to Article 5b of Regulation (EEC) No 804/68, the Council, when fixing the target price for milk and the intervention prices, fixed a guarantee threshold for milk; whereas, however, the initial objective in fixing a guarantee threshold is achieved, *inter alia*, by means of the system of quotas, together with an additional levy on deliveries of milk or milk products which exceed the reference quantities determined;

Whereas Article 68 of the Act of Accession has led to prices in Spain being set at a level differing from that of the common prices; whereas, pursuant to Article 70 (1) of the Act of Accession, the Spanish prices should be aligned with the common prices at the beginning of each marketing year; whereas the criteria laid down for alignment lead to the Spanish prices being set at the level mentioned hereinafter,

HAS ADOPTED THIS REGULATION:

## Article 1

For the 1989/90 milk year, the target price for milk and the intervention prices for milk products shall be as follows:

(ECU/100 kg)

|                                                             | Community of Ten | Spain  |
|-------------------------------------------------------------|------------------|--------|
| (a) target price for milk:                                  | 27,84            | 27,84  |
| (b) intervention price:                                     |                  |        |
| butter                                                      | 300,80           | 322,26 |
| skimmed-milk powder                                         | 174,04           | 220,12 |
| Grana Padano cheese:                                        |                  |        |
| — of an age of between 30 and 60 days                       | 388,93           |        |
| — of an age of at least six months                          | 480,33           |        |
| Parmigiano Reggiano cheese of an age of at least six months | 529,19           |        |

## Article 2

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

It shall apply from the beginning of the 1988/89 milk year.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 84, 29. 3. 1989, p. 1.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 37.

<sup>(4)</sup> Opinion delivered on 13 April 1989 (not yet published in Official Journal).

<sup>(5)</sup> Opinion delivered on 31 March 1989 (not yet published in Official Journal).

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

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## COUNCIL REGULATION (EEC) No 1113/89

of 27 April 1989

amending Regulation (EEC) No 1079/77 in respect of the co-reponsibility levy on milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Regulation (EEC) No 1079/77 <sup>(4)</sup>, as last amended by Regulation (EEC) No 765/89 <sup>(5)</sup>, introduced a co-reponsibility levy to apply until the end of the 1989/90 milk year and covering, in principle, all milk supplied to dairies and certain sales of milk products at the farm;

Whereas the trend in the market situation is such that it is appropriate, for the 1989/90 milk marketing year, that the rate of the levy should be set at 1,5 % of the target price for milk; whereas the fall in the intervention price for butter requires, moreover, that the constraints which the rate of the co-reponsibility levy imposes on small producers should be alleviated still further and whereas such constraints should be eliminated in the less-favoured areas; whereas it is finally appropriate to make the present provisions applicable as from 1 April 1989, the date on which the first fall in the intervention price for butter took place,

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

Done at Luxembourg, 27 April 1989.

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EEC) No 1079/77 is amended as follows:

## 1. In Article 1:

- (a) the following subparagraph shall be added to paragraph 3:

'From 1 April 1989, the levy shall not be imposed in the less-favoured areas mentioned above.'

- (b) paragraph 4 shall be replaced by the following:

'4. Producers whose individual reference quantity actually available, less the quantities suspended by virtue of Regulation (EEC) No 775/87 <sup>(1)</sup>, is equal to or less than 60 000 kilograms for the relevant period of the additional levy system shall be eligible for an 0,5 point reduction of the levy resulting from Article 2 of this Regulation.

However, during the sixth period in which the additional levy system is applied, producers who made deliveries during the fourth period of application of the said system which were equal to or less than 60 000 kilograms shall also be eligible for the abovementioned reduction where their situation does not mean that they fall within the terms of the first subparagraph.

<sup>(1)</sup> OJ No L 78, 20. 3. 1987, p. 5.'

## 2. The following paragraph is added to Article 2:

'11. From 1 April 1989 and for the 1989/90 milk year, the levy shall be fixed at 1,5 % of the target price for milk.'

## Article 2

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

It shall apply from the beginning of the 1989/90 milk marketing year.

For the Council

The President

J. BARRIONUEVO PEÑA

<sup>(1)</sup> OJ No C 82, 3. 4. 1989, p. 38.

<sup>(2)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 131, 26. 5. 1977, p. 6.

<sup>(5)</sup> OJ No L 84, 29. 3. 1989, p. 5.

## COUNCIL REGULATION (EEC) No 1114/89

of 27 April 1989

fixing the threshold prices for certain milk products for the 1989/90 milk year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Article 4 thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas threshold prices should be fixed so that, taking account of the protection required for the Community processing industry, the prices of imported milk products correspond to the level of the target price for milk; whereas, consequently, the threshold price should be fixed on the basis of the target price for milk, taking into account the relationship which should be established between the value of milkfat and that of skimmed milk, as well as the standardized costs and yields for each of the milk products in question; whereas a fixed amount should be included to ensure adequate protection of the Community processing industry,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The threshold prices for the 1989/90 milk year shall be as follows:

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

Done at Luxembourg, 27 April 1989.

| Pilot product<br>of the group of products | ECU per 100 kg |
|-------------------------------------------|----------------|
| 1                                         | 57,46          |
| 2                                         | 198,93         |
| 3                                         | 277,65         |
| 4                                         | 102,65         |
| 5                                         | 135,13         |
| 6                                         | 343,57         |
| 7                                         | 396,13         |
| 8                                         | 328,11         |
| 9                                         | 610,27         |
| 10                                        | 355,65         |
| 11                                        | 327,43         |
| 12                                        | 95,10          |

2. The pilot products referred to in paragraph 1 are those specified in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products and amending Regulation (EEC) No 950/68 on the Common Customs Tariff <sup>(4)</sup>, as last amended by Regulation (EEC) No 3609/88 <sup>(5)</sup>.

*Article 2*

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

It shall apply from the beginning of the 1989/90 milk year.

*For the Council*

*The President*

J. BARRIONUEVO PEÑA

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 84, 29. 3. 1989, p. 1.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 39.

<sup>(4)</sup> OJ No L 329, 24. 12. 1979, p. 1.

<sup>(5)</sup> OJ No L 315, 22. 11. 1988, p. 1.

## COUNCIL REGULATION (EEC) No 1115/89

of 27 April 1989

amending Regulation (EEC) No 986/68 laying down general rules for granting aid for skimmed milk and skimmed-milk powder for use as feed

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Article 10 (2) thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Article 2a (3) of Regulation (EEC) No 986/68 <sup>(4)</sup>, as last amended by Regulation (EEC) No 548/87 <sup>(5)</sup>, lays down a margin within which the aid for skimmed-milk powder may be fixed; whereas, in view of the criteria set out in Article 2a (1), the limits of that margin should be adjusted,

*Article 1*

The first subparagraph of Article 2a (3) of Regulation (EEC) No 986/68 is hereby replaced by the following:

'3. The amount of aid for skimmed-milk powder shall be fixed within a range of ECU 50 to 80 per 100 kilograms.'

*Article 2*

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

It shall apply from the beginning of the 1989/90 milk year.

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

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 84, 29. 3. 1989, p. 1.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 40.

<sup>(4)</sup> OJ No L 169, 18. 7. 1968, p. 4.

<sup>(5)</sup> OJ No L 56, 26. 2. 1987, p. 2.

## COUNCIL REGULATION (EEC) No 1116/89

of 27 April 1989

amending Regulation (EEC) No 775/87 temporarily withdrawing a proportion of the reference quantities mentioned in Article 5c (1) of Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Article 5c (6) thereof.

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Article 3 of Regulation (EEC) No 775/87 <sup>(4)</sup>, as last amended by Regulation (EEC) No 1931/88 <sup>(5)</sup>, provides, by way of derogation from the provision on temporary withdrawal of a proportion of the reference quantities, for Italy to implement a programme for the voluntary discontinuation of milk production in order to attain the purpose for which the withdrawal was introduced;

Whereas, in accordance with Article 5 (2) of Regulation (EEC) No 775/87 and on the basis of the results obtained by application of Article 3 thereof, it appears necessary that the provisions of that Regulation be amended so that Italy may attain the target of 5,5 % set in Article 1 thereof in three equivalent steps and that from the beginning of the sixth 12-month period it will apply, with Community financing, temporary suspension of its producers' reference quantities,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 775/87 is hereby amended as follows:

1. Article 3 is replaced by the following:

*'Article 3*

1. Notwithstanding Articles 1 and 2 the Italian Republic shall, during the fourth and fifth 12-month

periods, implement a programme for the voluntary discontinuation of milk production, as provided for at (a) in Article 4 (1) of Regulation (EEC) No 857/84, such that for the fifth period 1,83 % of the guaranteed total quantity determined in the second subparagraph of Article 5c (3) of Regulation (EEC) No 804/68 is withdrawn.'

2. A uniform proportion of each reference quantity as mentioned in Article 5c (1) of Regulation (EEC) No 804/68, set to give a total withdrawn quantity of 1,83 %, for the sixth period, and 3,67 %, for each of the two following periods, of the guaranteed total quantity determined in the second subparagraph of Article 5c (3) of that Regulation, shall be suspended in Italy.

The producers concerned shall be granted compensation for the quantity withdrawn of:

- ECU 8 per 100 kilograms, for the sixth 12-month period,
- ECU 7 per 100 kilograms, for the seventh 12-month period,
- ECU 6 per 100 kilograms, for the eighth 12-month period.

The compensation for each 12-month period shall be paid to entitled producers during the last quarter of the period or the first quarter of the following period.'

2. Article 7 is replaced by the following:

*'Article 7*

The compensation provided for in Articles 2 (1) and 3 (2) and in the third subparagraph of Article 4 shall count as intervention for the purposes of Article 3 Regulation (EEC) No 729/70.'

3. In Article 8, 'in Article 1' is replaced by 'in Article 1 and in the first subparagraph of Article 3 (2)' and 'in Article 2' is replaced by 'in Article 2 and in the second subparagraph of Article 3 (2)'.

*Article 2*

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

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 84, 29. 3. 1989, p. 1.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 41.

<sup>(4)</sup> OJ No L 78, 20. 3. 1987, p. 5.

<sup>(5)</sup> OJ No L 170, 2. 7. 1988, p. 4.

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

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## COUNCIL REGULATION (EEC) No 1117/89

of 27 April 1989

amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EEC) No 763/89 <sup>(2)</sup>, and in particular Article 5c thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Regulation (EEC) No 857/84 <sup>(4)</sup>, as last amended by Regulation (EEC) No 764/89 <sup>(5)</sup>, provides general rules for application of the additional levy;

Whereas Article 4(1) of Regulation (EEC) No 857/84 makes provision for national programmes for the definitive discontinuation of milk production designed to complete the restructuring of production at national or regional level or at the level of the collecting areas; whereas, given the state of milk production structures in Spain, that provision should be supplemented by a Community financial contribution to such programmes; whereas a ceiling should be set on that contribution,

*Article 1*

The following paragraph is inserted in Article 4 of Regulation (EEC) No 857/84:

'1a. Spain may apply the first indent of point (a) in paragraph 1 by granting the producers concerned annual compensation of ECU 6 per 100 kilograms for seven years.

The Community contribution to this compensation shall be restricted to a total of ECU 42 million paid in seven annual instalments none of which may exceed 75 % of the total compensation paid in that year to those entitled to it.

The Community contribution shall count as intervention for the purposes of Article 3 of Regulation (EEC) No 729/70.

The compensation and the total amount in ecus shall be converted into national currency at the agricultural conversion rate applying at the beginning of the 1989/90 marketing year.'

*Article 2*

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

It shall apply from 1 April 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

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 84, 29. 3. 1989, p. 1.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 42.

<sup>(4)</sup> OJ No L 90, 1. 4. 1984, p. 13.

<sup>(5)</sup> OJ No L 84, 29. 3. 1989, p. 2.

## COUNCIL REGULATION (EEC) No 1118/89

of 27 April 1989

fixing the guide price and the intervention price for adult bovine animals for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 3 <sup>(3)</sup> thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Having regard to the opinion of the European Parliament <sup>(4)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(5)</sup>,

Whereas, when the guide price for adult bovine animals is fixed, account should be taken both of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the common agricultural policy aims *inter alia* at ensuring a fair standard of living for the agricultural community, at guaranteeing the availability of supplies and at ensuring that supplies reach consumers at reasonable prices;

Whereas the guide price must be fixed in accordance with the criteria laid down in Article 3 (2) of Regulation (EEC) No 805/68;

Whereas, in accordance with Regulation (EEC) No 805/68, the Community scale for the classification of carcasses of

adult bovine animals, established under Regulation (EEC) No 1208/81 <sup>(6)</sup>, is applicable for buying in; whereas it is therefore appropriate to fix the intervention price per 100 kilograms carcass weight for the categories of animal eligible for intervention by referring to a reference quality defined in accordance with the said scale; whereas, in addition, since these are increasingly comparable in terms of their trade value, a single intervention price should be fixed for the said categories of animal and it should be maintained at the level laid down for the previous marketing year,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1989/90 marketing year, the guide price for adult bovine animals shall be ECU 205,02 per 100 kilograms liveweight.

*Article 2*

For the 1989/90 marketing year, the intervention price shall be ECU 344 per 100 kilograms carcass weight for the carcasses of male animals of Class R 3 of the Community scale for the classification of adult bovine animals laid down by Regulation (EEC) No 1208/81.

*Article 3*

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

It shall apply from the beginning of the 1989/90 marketing year.

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

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 43.

<sup>(4)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(5)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(6)</sup> OJ No L 123, 7. 5. 1981, p. 3.

## COUNCIL REGULATION (EEC) No 1119/89

of 27 April 1989

amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas, pursuant to Articles 16 (4), 18 (1) and 19 (2) of Regulation (EEC) No 1035/72 <sup>(4)</sup>, as last amended by Regulation (EEC) No 1010/89 <sup>(5)</sup>, the prices at which products are bought in pursuant to Article 19 or 19a and the financial compensation paid pursuant to Article 18 are calculated on the basis of the buying-in price multiplied by the conversion factors;

Whereas producers of oranges, mandarins, satsumas and clementines must be encouraged to present their surplus products for processing;

Whereas the difference in upgrading of the product as a result of the application of the conversion factors were established for the requirements of the market for products consumed fresh and are not relevant for processing;

Whereas there should therefore no longer be any variation in the withdrawal price for oranges, mandarins, satsumas and clementines according to variety, size or mode of presentation and provision should be made for the withdrawal price for such products to be that of products in bulk in a means to transport, all varieties and sizes taken together;

Whereas Article 16b (1) of Regulation (EEC) No 1035/72 lays down, on the one hand, that an overrun of the intervention threshold fixed for a product is to be assessed, depending on the product, on the basis of intervention during a marketing year or of the average intervention during several marketing years and, on the other hand, that the overrun of

the intervention threshold results in a reduction in the basic and buying-in prices applying during the following marketing year; whereas, for certain products, the date of the end of the period of application of the basic and buying-in prices for a given marketing year is very close to the date of entry into force of the basic and buying-in prices for the following marketing year; whereas, in order to permit the application of the thresholds mechanism, in such cases the scale of intervention during a period of 12 consecutive month overlapping with the marketing year should be permitted to be determined; whereas that option must be reserved for products for which the basic and buying-in prices are fixed for nine months or more during the one marketing year,

HAS ADOPTED THIS REGULATION:

## Article 1

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

1. The following subparagraph is inserted after the second subparagraph of Article 16 (4):

'As regards sweet oranges, mandarins, satsumas and clementines:

- the factor defined, for each product, for the varieties or types used for fixing the basic price shall be applied to all types or varieties of that product,
- the factor defined for "mixed sizings" shall be applied whatever the size,
- the factor defined for products "in bulk in a means of transport" shall be applied whatever the form of packaging.'

2. The following sentence is added to the end of the first subparagraph of Article 16b (1):

'The overrun of the intervention threshold fixed for a product may however be assessed on the basis of intervention during a period of 12 consecutive months where the basic and buying-in prices for that product are fixed for nine months or more during a marketing year.'

## Article 2

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

It shall apply from the 1989/90 marketing year.

<sup>(1)</sup> OJ No C 82, 3. 4. 1989, p. 51.

<sup>(2)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(5)</sup> OJ No L 109, 20. 4. 1989, p. 3.

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

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## COUNCIL REGULATION (EEC) No 1120/89

of 27 April 1989

fixing, for the 1989/90 marketing year, certain prices and other amounts applicable in the fruit and vegetables sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (1) thereof,

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89 <sup>(2)</sup>, and in particular Article 16 (1) thereof,

Having regard to Regulation (EEC) No 2511/69 of the Council of 9 December 1969 laying down special measures for improving the production and marketing of Community citrus fruit <sup>(3)</sup>, as last amended by Regulation (EEC) No 3223/88 <sup>(4)</sup>, and in particular Article 7 (2) thereof,

Having regard to the proposal from the Commission <sup>(5)</sup>,

Having regard to the opinion of the European Parliament <sup>(6)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(7)</sup>,

Whereas, pursuant to Article 16 (1) of Regulation (EEC) No 1035/72, a basic price and a buying-in price are to be fixed for each marketing year for each of the products listed in Annex II to the said Regulation; whereas, in accordance with Article 1 (3) of the above Regulation, the marketing years for the products in question are as follows:

- for cauliflowers, from 1 May to 30 April,
- for tomatoes, from 1 January to 31 December
- for peaches and nectarines, from 1 May to 31 October
- for lemons, from 1 June to 31 May,
- for pears, from 1 June to 31 May,

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

<sup>(2)</sup> See page 12 of this Official Journal.

<sup>(3)</sup> OJ No L 318, 18. 12. 1969, p. 1.

<sup>(4)</sup> OJ No L 288, 21. 10. 1988, p. 5.

<sup>(5)</sup> OJ No C 82, 3. 4. 1989, p. 52.

<sup>(6)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(7)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

— for table grapes, from 1 May to 30 April,

— for apples, from 1 July to 30 June,

— for mandarins, satsumas and clementines, from 1 October to 15 May,

— for oranges, from 1 October to 15 July,

— for aubergines, from 1 January to 31 December,

— for apricots, from 1 May to 31 August;

Whereas, however, pursuant to the third subparagraph of Article 16 (1) of Regulation (EEC) No 1035/72, no basic price or buying-in price need be fixed for the slack marketing periods at the beginning and at the end of the marketing year;

Whereas, when the basic prices and buying-in prices for fruit and vegetables are fixed, account should be taken of the aims of the common agricultural policy and the contribution which the Community desires to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Whereas the basic prices must be fixed by reference to the trend in the average prices recorded during the three preceding years on the most representative producer markets within the Community for a product with defined commercial characteristics, such as a variety or type, quality class, size and packaging; whereas the buying-in prices must be fixed by reference to the basic price in accordance with Article 16 (3) of Regulation (EEC) No 1035/72;

Whereas as far as oranges and mandarins are concerned the abovementioned requirements, together with the need to accord better utilization of the fruit that finds no outlet on the market for fresh products, justify a reduction in prices;

Whereas the Kingdom of Spain, during the first phase, and the Portuguese Republic, during the first stage, are authorized to maintain, with respect to fruit and vegetables, the national arrangements previously in force for the organization of their domestic agricultural markets, subject to the conditions laid down in Articles 133 to 135 and 262 to 265, respectively, of the Act of Accession; whereas the prices and amounts fixed by this Regulation are therefore applicable only in the Community of Ten;

Whereas pursuant to Article 148 (1) of the Act of Accession, prices applicable in Spain from 1 January 1990 to the end of the 1989/90 marketing year will be fixed using the rules laid down in Article 16 of Regulation (EEC) No 1035/72;

Whereas the amount of the financial compensation for oranges and mandarins must be fixed in accordance with the criteria laid down in Article 7 (2) of Regulation (EEC) No 2511/69,

which they apply and the standard qualities to which they relate shall be as set out in Annex I.

*Article 2*

For the 1989/90 marketing year, the financial compensation for oranges and mandarins shall be as set out in Annex II.

HAS ADOPTED THIS REGULATION:

*Article 3*

*Article 1*

For the 1989/90 marketing year, the basic prices and the buying-in prices for fruit and vegetables, the periods during

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

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

Done at Luxembourg, 27 April 1989.

*For the Council*

*The President*

J. BARRIONUEVO PEÑA

## ANNEX I

## BASIC PRICES AND BUYING-IN PRICES

## CAULIFLOWERS

For the period from 1 May 1989 to 30 April 1990

(ECU/100 kg net)

|           | Basic price | Buying-in price |
|-----------|-------------|-----------------|
| May       | 30,96       | 13,47           |
| June      | 24,97       | 10,82           |
| July      | 22,18       | 9,55            |
| August    | 22,18       | 9,55            |
| September | 23,95       | 10,19           |
| October   | 24,84       | 10,56           |
| November  | 29,87       | 12,92           |
| December  | 29,87       | 12,92           |
| January   | 29,87       | 12,92           |
| February  | 27,87       | 12,02           |
| March     | 29,31       | 12,56           |
| April     | 29,67       | 12,92           |

These prices refer to packed 'trimmed' cauliflowers of Quality Class I.

## TOMATOES

For the period from 11 June to 30 November 1989

(ECU/100 kg net)

|                      | Basic price | Buying-in price |
|----------------------|-------------|-----------------|
| June (from 11 to 20) | 28,45       | 10,82           |
| (from 21 to 30)      | 25,91       | 10,06           |
| July                 | 23,38       | 8,68            |
| August               | 20,97       | 7,79            |
| September            | 22,24       | 8,29            |
| October              | 23,57       | 8,69            |
| November             | 28,32       | 11,34           |

These prices refer to packed 'round' and 'ribbed' tomatoes of Quality Class I, size 47/67 mm.

## AUBERGINES

For the period from 1 July to 31 October 1989

(ECU/100 kg net)

|                 | Basic price | Buying-in price |
|-----------------|-------------|-----------------|
| July to October | 17,77       | 7,12            |

These prices refer to the following packed products:

- elongated aubergines of Quality Class I, size over 40 mm,
- globus aubergines of Quality Class I, size over 70 mm.

## PEACHES

For the period from 1 June to 30 September 1989

(ECU/100 kg net)

|                   | Basic price | Buying-in price |
|-------------------|-------------|-----------------|
| June              | 45,38       | 25,21           |
| July to September | 42,99       | 24,08           |

These prices refer to packed peaches of the Amsden, Cardinal, Charles Ingouf, Dixired, Jeronimo, J. H. Hale, Merrill Gemfree, Michelini, Red Haven, San Lorenzo, Springcrest and Springtime varieties of Quality Class I, size 61/67 mm.

## NECTARINES

For the period from 1 June to 31 August 1989

(ECU/100 kg net)

|                 | Basic price | Buying-in price |
|-----------------|-------------|-----------------|
| June            | 59,17       | 28,40           |
| July and August | 54,79       | 26,30           |

These prices refer to packed nectarines of the Armking, Crimsongold, Early Sun Grand, Fantasia, Independence, May Grand, Nectared, Snow Queen and Stark Red Gold varieties of Quality I, size 61/67 mm.

## APRICOTS

For the period from 1 June to 31 July 1989

(ECU/100 kg net)

|               | Basic price | Buying-in price |
|---------------|-------------|-----------------|
| June and July | 41,75       | 23,78           |

These prices refer to packed products of Quality Class I of a size over 30 mm.

## LEMONS

For the period from 1 June 1989 to 31 May 1990

(ECU/100 kg net)

|           | Basic price | Buying-in price |
|-----------|-------------|-----------------|
| June      | 43,72       | 25,69           |
| July      | 44,73       | 26,32           |
| August    | 44,30       | 26,19           |
| September | 39,92       | 24,79           |
| October   | 37,75       | 24,54           |
| November  | 36,74       | 21,49           |
| December  | 36,11       | 21,24           |
| January   | 37,12       | 21,75           |
| February  | 35,86       | 21,12           |
| March     | 37,25       | 21,75           |
| April     | 38,90       | 22,76           |
| May       | 39,78       | 23,27           |

These prices refer to packed lemons of Quality Class I, size 53/62 mm.

## PEARS

(other than perry pears)

For the period from 1 July 1989 to 30 April 1990

(ECU/100 kg net)

|                  | Basic price | Buying-in price |
|------------------|-------------|-----------------|
| July             | 28,67       | 14,75           |
| August           | 26,77       | 14,36           |
| September        | 25,62       | 13,74           |
| October          | 26,64       | 13,74           |
| November         | 27,03       | 13,99           |
| December         | 27,40       | 14,36           |
| January to April | 27,65       | 14,62           |

These prices refer to the following packed products:

- pears of the Beurré Hardy, Bon Chrétien Williams, Conférence, Coscia (Ercolini), Crystallis (Beurré Napoléon, Blanquilla, Tsakonika) and Dr Jules Guyot (Limonera), varieties, Quality Class I, size 60 mm or more,
- pears of the Empereur Alexandre (Kaiser Alexandre Bosc) variety, Quality Class I, size 70 mm or more.

## TABLE GRAPES

For the period from 1 August to 20 November 1989

(ECU/100 kg net)

|                                           | Basic price | Buying-in price |
|-------------------------------------------|-------------|-----------------|
| August                                    | 36,31       | 23,35           |
| September, October and November (1 to 20) | 32,51       | 19,92           |

These prices refer to packed table grapes of the Regina dei Vigneti, Soultanine, Regina (Mennavacca bianca, Rosaki, Dattier de Beyrouth), Italia, Soultanine, Regina (Mennavacca bianca, Rosaki, Dattier de Beyrouth), Italia, Aledo and Ohanes (Almeria), varieties, Quality Class I.

## APPLES

(other than cider apples)

For the period from 1 August 1989 to 31 May 1990

(ECU/100 kg net)

|                | Basic price | Buying-in price |
|----------------|-------------|-----------------|
| August         | 26,51       | 13,51           |
| September      | 26,51       | 13,51           |
| October        | 26,51       | 13,63           |
| November       | 27,22       | 14,06           |
| December       | 29,61       | 15,17           |
| January to May | 32,01       | 16,27           |

These prices refer to the following packed products:

- apples of the Reine des reinettes and Verde Doncella varieties, Quality Class I, size 65 mm or more,
- apples of the Delicious Pilafa, Golden Delicious, James Grieve, Red Delicious, Reinette grise du Canada and Starking Delicious varieties, Quality Class I, size 70 mm or more.

## MANDARINS

For the period from 16 November 1989 to 28 February 1990

(ECU/100 kg net)

|                   | Basic price | Buying-in price |
|-------------------|-------------|-----------------|
| 16 to 30 November | 39,93       | 25,53           |
| December          | 39,55       | 25,02           |
| January           | 39,05       | 24,26           |
| February          | 37,39       | 27,75           |

These prices refer to packed mandarins of Quality Class I, size 54/69 mm.

## SATSUMAS

For the period from 16 October 1989 to 15 January 1990

(ECU/100 kg net)

|                  | Basic price | Buying-in price |
|------------------|-------------|-----------------|
| 16 to 31 October | 29,61       | 14,12           |
| November         | 26,37       | 11,88           |
| December         | 28,53       | 12,85           |
| 1 to 15 January  | 27,45       | 12,49           |

These prices refer to packed satsumas Unshiu (owari) of Quality Class I, size 54/69 mm.

## CLEMENTINES

For the period from 1 December 1989 to 15 February 1990

(ECU/100 kg net)

|                  | Basic price | Buying-in price |
|------------------|-------------|-----------------|
| December         | 34,96       | 19,23           |
| January          | 32,77       | 18,02           |
| 1 to 15 February | 37,53       | 18,77           |

These prices refer to packed clementines (*Citrus reticulata* Blanco) of Quality Class I, size 43/60 mm.

## SWEET ORANGES

For the period from 1 December 1989 to 31 May 1990

(ECU/100 kg net)

|               | BASIC price | Buying-in price |
|---------------|-------------|-----------------|
| December      | 37,20       | 23,51           |
| January       | 33,65       | 21,74           |
| February      | 34,27       | 22,25           |
| March         | 36,18       | 22,50           |
| April and May | 36,81       | 22,75           |

These prices refer to packed oranges of the Moro, Navel, Navellina, Salustiana, Sanguinello and Valencia late, varieties of Quality Class I, size 67/80 mm.

NB: The prices given in this Annex do not include the cost of the packaging in which the product is presented.

## ANNEX II

## AMOUNT OF FINANCIAL COMPENSATION

for the 1989/90 marketing year

ECU 15,38 per 100 kilograms net for oranges of the Moro, Tarocco, Ovale Calabrese, Belladonna, Navel and Valencia late varieties;

ECU 13,20 per 100 kilograms net for oranges of the Sanguinello variety;

ECU 8,69 per 100 kilograms net for oranges of the Sanguigno and Biondo comune varieties;

ECU 12,95 per 100 kilograms net for mandarins.

NB: Financial compensation is granted only for products of Quality Classes Extra and I.

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## COUNCIL REGULATION (EEC) No 1121/89

of 27 April 1989

on the introduction of an intervention threshold for apples and cauliflowers

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89 <sup>(2)</sup>, and in particular Article 16b (3) thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Article 16b of Regulation (EEC) No 1035/72 provides, in order to make the producers concerned more sensitive to the real requirements of the market, for the products subject to the prices and intervention arrangements that intervention thresholds are to be fixed beyond which financial liability will be borne by the producers;

Whereas, in view of the situation on the market for apples and cauliflowers, and in particular of the scale of withdrawals, an intervention threshold should be fixed for those products; whereas that threshold may be expressed as a percentage of the average quantities produced and intended to be consumed fresh over the last five marketing years for which data are available;

Whereas the market situation for apples may change at a subsequent date; whereas, therefore, provision should be made for this situation to be reviewed before the end of the 1990/91 marketing year in order to adjust the threshold for this product should this prove necessary;

Whereas, to take account of the cyclical nature of apple production, provision should be made, for that product, for the overrun in the threshold to be assessed on the basis of the average withdrawals during the last three marketing years;

Whereas the scale of intervention for cauliflowers should be determined over a period of 12 consecutive months,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. An intervention threshold is hereby fixed for apples at the following percentages of the average production intended

to be consumed fresh in the last five marketing years for which data are available:

- for the 1989/90 marketing year = 6%,
- for the 1990/91 marketing year = 4%,
- for the 1991/92 marketing year = 3%.

2. The overrun in the intervention threshold shall be assessed on the basis of the average withdrawals pursuant to Articles 15, 15a, 15b, 19 and 19a of Regulation (EEC) No 1035/72 during the last three marketing years.

3. The overrun referred to in paragraph 2 shall result, for the following marketing year, in a reduction in the basic and buying-in prices of 1 % for every 78 800 tonnes by which the threshold is exceeded.

4. Before the end of the 1990/91 marketing year, the Commission will examine the market situation and propose, where necessary, an adjustment to the threshold fixed for the 1991/92 marketing year on the basis of market trends.

*Article 2*

1. An intervention threshold is hereby fixed for cauliflowers at 3 % of the average production intended to be consumed fresh in the last five marketing years for which data are available.

2. The overrun in the intervention threshold shall be assessed on the basis of withdrawals pursuant to Articles 15, 15b, 19 and 19a of Regulation (EEC) No 1035/72 over a period of 12 consecutive months.

3. The overrun referred to in paragraph 2 shall result, for the following marketing year, in a reduction in the basic and buying-in prices of 1 % for every 18 500 tonnes by which the threshold is exceeded.

*Article 3*

The provisions for applying this Regulation, and in particular the level of the thresholds provided for in Article 1 and 2, shall be adopted in accordance with the procedure provided for in Article 33 of Regulation (EEC) No 1035/72.

*Article 4*

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

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

<sup>(2)</sup> See page 12 of this Official Journal.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 58.

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

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## COUNCIL REGULATION (EEC) No 1122/89

of 27 April 1989

laying down specific measures for the application of certain intervention thresholds in the fruit and vegetables sector for the 1989/90 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 89 (2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Articles 16 (3a), 16a and 16b of Regulation (EEC) No 1035/72 <sup>(4)</sup>, as last amended by Regulation (EEC) No 1119/89 <sup>(5)</sup>, introduce mechanisms for intervention thresholds; whereas, as regards Spain, the switchover to the second phase of accession takes place on 1 January 1990, i.e. during the 1989/90 marketing year for many products in the sector in question; whereas specific detailed rules should therefore be adopted for the application of the abovementioned mechanisms;

Whereas such specific detailed rules consist in fixing thresholds for the Community of Ten on the one hand and for Spain on the other hand until 31 December 1989, and then thresholds for the Community with the exception of Portugal for the period from 1 January 1990 to the end of the marketing years of the products in question;

Whereas those thresholds should be fixed in accordance with the calculation methods already introduced, as the case may be, by Article 16a of Regulation (EEC) No 1035/72, by Regulation (EEC) No 2240/88 <sup>(6)</sup> or by Council Regulation (EEC) No 1121/89 of 27 April 1989 on the introduction of an intervention threshold for apples and cauliflowers <sup>(7)</sup>;

Whereas, to assess any overrun in the abovementioned thresholds, the latter should be added to the quantities bought in, in view of the incorporation of the Spanish market from 1 January 1990;

Whereas, for Portugal, in view of the specific provisions of the Act of Accession, and in particular Article 265 thereof, provision need not be made during the first stage of the transition for the application of similar measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1989/90 marketing year and for the products listed in Article 2, the following shall be fixed:

1. for the period from the beginning of the 1989/90 marketing year to 31 December 1989 for each product:
  - a threshold for the Community of Ten,
  - a threshold for Spain;
2. for the period from 1 January 1990 to the end of the 1989/90 marketing year for each product, a threshold for the Community with the exception of Portugal.

*Article 2*

1. As regards the following products, the thresholds provided for in Article 1 shall be fixed in accordance with the calculation methods laid down:

- for satsumas, clementines, mandarins and nectarines, in Article 16a of Regulation (EEC) No 1035/72,
- for peaches, oranges and lemons, in Article 1 of Regulation (EEC) No 2240/88,
- for apples, in Article 1 of Regulation (EEC) No 1121/89,
- for cauliflowers, in Article 2 of Regulation (EEC) No 1121/89,

2. As regards tomatoes, the thresholds provided for in Article 1 shall be:

- for the Community of Ten, that indicated in Article 16 (3a) of Regulation (EEC) No 1035/72,
- for Spain, 10 % of the average production intended to be consumed fresh in the last five marketing years for which data are available.

<sup>(1)</sup> OJ No C 82, 3. 4. 1989, p. 60.

<sup>(2)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(5)</sup> See page 12 of this Official Journal.

<sup>(6)</sup> OJ No L 198, 26. 7. 1988, p. 9.

<sup>(7)</sup> See page 21 of this Official Journal.

*Article 3*

Where the sum of the quantities of one of the products referred to in Article 2 bought in Spain, on the one hand, and in the Community of Ten, on the other hand, pursuant to Articles 15, 15a, 15b, 19 and 19a of Regulation (EEC) No 1035/72 during the 1989/90 marketing year exceeds the sum of the intervention thresholds fixed for that product, for all or part of that marketing year, the basic and buying-in prices fixed for that product for the 1990/91 marketing year shall be reduced by 1 % for every:

- 3 100 tonnes for satsumas,
- 8 100 tonnes for clementines,
- 2 800 tonnes for mandarins,
- 2 900 tonnes for nectarines,
- 22 700 tonnes for peaches,
- 36 800 tonnes for oranges,

- 11 000 tonnes for lemons,
  - 78 800 tonnes for apples,
  - 18 500 tonnes for cauliflowers,
  - 28 300 tonnes for tomatoes,
- by which the intervention threshold is exceeded.

*Article 4*

The provisions for applying this Regulation and in particular the levels of the thresholds shall be adopted in accordance with the procedure provided for in Article 33 of Regulation (EEC) No 1035/72.

*Article 5*

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

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

Done at Luxembourg, 27 April 1989.

*For the Council*

*The President*

J. BARRIONUEVO PEÑA

## COUNCIL REGULATION (EEC) No 1123/89

of 27 April 1989

amending Regulation (EEC) No 2601/69 with respect to the processing aid scheme and  
amending the rules for applying the intervention thresholds for certain citrus fruits

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Regulation (EEC) No 2601/69 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2241/88 <sup>(5)</sup>, lays down a system of financial compensation to encourage the processing of certain varieties of oranges under contracts ensuring regular supply to the processing industry at a minimum buying-in price to the producer;

Whereas the minimum price to the producer is calculated on the basis of the buying-in price plus 10 % of the basic price applying for the varieties of oranges which, owing to their characteristics, are normally used for processing;

Whereas the production of mandarins continues to exceed the market's absorption possibilities; whereas the conversion measures currently in force and the other existing structural measures have not yet produced their full effects; whereas the production of satsumas and clementines has developed considerably; whereas it is therefore necessary to encourage temporarily the processing of such small citrus fruits into juice while allowing them to qualify under the arrangements in force for oranges, and the processing of satsumas and clementines into segments in tins, during the 1989/90 to 1991/92 marketing years inclusive;

Whereas, pursuant to Articles 16 (4), 18 (1) and 19 (1) of Regulation (EEC) 1035/72 <sup>(6)</sup>, as last amended by Regulation (EEC) No 1119/89 <sup>(7)</sup>, the withdrawal prices for

oranges, mandarins, satsumas and clementines are those of products in bulk in a means of transport, all varieties and sizes taken together;

Whereas, to encourage producers to present their products for processing rather than for withdrawal, provision should be made that the minimum processing price is to be fixed at the level of the highest withdrawal price of each applying during the periods when major quantities are withdrawn;

Whereas, in order to avoid any distortion of competition, provision should be made for financial compensation granted for the processing of mandarins, satsumas and clementines to be fixed at a level such that for each of the products the difference between the minimum price and the financial compensation, i.e. the burden on the industry, is identical to that for the purchase of oranges taking account of the difference in juice yield;

Whereas, with regard to the processing of satsumas and clementines into segments in tins, the financial compensation should be set at the level of the financial compensation granted for the processing into juice of these same products;

Whereas, in order to ensure the effectiveness of the thresholds existing in the citrus sector, on account of the amendments introduced by this Regulation into the processing aid arrangements for those products, the rules for applying those thresholds must be amended to take account of the quantities delivered for processing;

Whereas point 4 of Article 119 of the Act of Accession limited to certain varieties of oranges eligible for aid for processing in Spain for the first four marketing years following accession; whereas, bearing in mind the whole set of measures taken in the orange-processing sector, the aforesaid provisions of the Act of Accession should no longer be applied during the 1989/90 marketing year;

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2601/69 is hereby amended as follows:

<sup>(1)</sup> OJ No C 82, 3. 4. 1989, p. 62.

<sup>(2)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 324, 27. 12. 1969, p. 21.

<sup>(5)</sup> OJ No L 198, 26. 7. 1988, p. 11.

<sup>(6)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(7)</sup> See page 12 of this Official Journal.

1. The title is replaced by the following:

'Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of mandarins, satsumas, clementines and oranges'.

2. Article 1 is replaced by the following:

#### *Article 1*

Measures undertaken in accordance with the rules laid down in Article 2 with a view to ensuring that mandarins, satsumas, clementines and oranges are put to a use more in keeping with their characteristics by having greater recourse to processing into juice and, with regard to satsumas and clementines, processing into segments in tins, shall qualify for assistance from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, subject to the conditions and procedure laid down in Article 3.'

3. The second sentence of Article 2 (2) is replaced by the following:

'This price shall be fixed, for each of the products in question, at the level of the highest withdrawal price applying during periods of major withdrawals.'

4. Article 3 is amended as follows:

- the second subparagraph of paragraph 1 is replaced by the following:

'For oranges, the financial compensation shall be fixed at a level such that the difference between the minimum price and the financial compensation, i.e. the burden on the industry, does not vary compared with the difference in the preceding marketing year by an amount exceeding that resulting from the increase in the minimum price, the increase in the difference having in all events to be at least equal to 50 % of the increase in the minimum price. However, for the 1989/90 marketing year, the financial compensation shall be fixed at a level such that the burden on the industry remains equal to that in force during the 1988/89 marketing year.'

- the following subparagraphs are inserted after the second subparagraph in paragraph 1:

'For mandarins, satsumas and clementines, the financial compensation shall be fixed, for processing into juice, at a level such that for each of those products the burden on the industry shall be equal to the burden on the industry for oranges, taking account of differences in juice yields.'

For satsumas and clementines, the financial compensation for their processing into segments in tins shall be set at the level of the financial compensation granted for these same products under the third subparagraph.'

- the following paragraph is inserted:

'1a. The provisions of Article 1 shall apply to mandarins, satsumas and clementines until the 1991/92 marketing year inclusive only.'

#### *Article 2*

The quantities of oranges delivered for processing under Regulation (EEC) No 2601/69 shall be added to the quantities bought in for the assessment of the overrun in the threshold fixed for that product pursuant to Article 16b of Regulation (EEC) No 1035/72. To that end, the threshold shall be increased by a quantity equal to the average of the quantities of oranges in respect of which financial compensation was paid during the 1984/85 to 1988/89 marketing years inclusive.

#### *Article 3*

For the purposes of implementing Article 16a (1) and (2) of Regulation (EEC) No 1035/72, the quantities of mandarins, satsumas and clementines delivered for processing under Regulation (EEC) No 2601/69 shall be treated in the same way as:

- production intended to be consumed fresh, for fixing of the intervention thresholds,
- a quantity qualifying for an intervention measure for the ascertainment of any overrun of the intervention thresholds.

#### *Article 4*

The provisions of point 4 of Article 119 of the Act of Accession setting the quantities of oranges eligible for aid for processing in Spain shall not apply during the 1989/90 marketing year.

#### *Article 5*

The detailed rules for applying this Regulation shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

#### *Article 6*

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

It shall apply from the beginning of the 1989/90 marketing year.

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

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## COUNCIL REGULATION (EEC) No 1124/89

of 27 April 1989

amending Regulation (EEC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemons

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Regulation (EEC) No 1035/77 <sup>(4)</sup>, as last amended by Regulation (EEC) No 1353/86 <sup>(5)</sup>, introduces a system of aid for products processed from lemons harvested in the Community, based on contract linking Community producers and processors;

Whereas the said system was limited to products subject to competition from similar products imported from third countries; whereas, accordingly, for Italy whose production accounts for a major share of the Community lemons processed, the aid system was subject to special conditions limiting the granting of the financial compensation on account of the restrictive arrangements on imports from third countries in force in that Member State; whereas, as a result of the opening-up of the Italian market, those special

conditions should be repealed and the abovementioned Regulation should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1035/77 is hereby amended as follows:

1. Article 2 (2) is deleted.
2. Article 2 (3) is replaced by the following:

'3. The financial compensation shall be paid to the parties concerned, on application, for products of Community origin once the processor provides proof that for a given marketing year those quantities were obtained from lemons covered by the abovementioned contracts and in respect of which a price at least equal to the minimum price was paid.'

*Article 2*

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

It shall apply with effect from 1 December 1988.

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

<sup>(1)</sup> OJ No C 82, 3. 4. 1989, p. 64.

<sup>(2)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 125, 19. 5. 1977, p. 3.

<sup>(5)</sup> OJ No L 119, 8. 5. 1986, p. 53.

## COUNCIL REGULATION (EEC) No 1125/89

of 27 April 1989

amending Regulation (EEC) No 426/86 on the common organization of the market in products processed from fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Part A of Annex I to Council Regulation (EEC) No 426/86 <sup>(4)</sup>, as last amended by Regulation (EEC) No 2247/88 <sup>(5)</sup>, lists the products for which production aid is given; whereas pears of the Rocha variety, the most representative sold in Portugal for processing, should be added to the list; whereas this variety should therefore be included in the production year calendar and the eligibility for aid should be extended to the production of peaches and pears preserved in natural fruit juice;

Whereas given the characteristics and recent trend of the market in finished tomato-based products, the unsatisfactory price situation for the various products and the need not to create any unjustified discrimination between the various uses of fresh tomatoes, production aid should be granted for

new finished products and they should be listed in the abovementioned Part A to Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 426/86 is hereby amended as follows:

1. Article 1 (2) is amended as follows:

— the fourth indent under (b) is replaced by the following:

‘— peaches preserved in syrup and/or in natural fruit juice, falling within CN code 2008 70’,

— (c) is replaced by the following:

‘(c) 15 July to 14 July for Williams and Rocha pears in syrup and/or in natural fruit juice, falling within CN code 2008 40’.

2. Part A of Annex I is replaced by the Annex to this Regulation.

*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 Luxembourg, 27 April 1989.

*For the Council*

*The President*

J. BARRIONUEVO PEÑA

<sup>(1)</sup> OJ No C 82, 3. 4. 1989, p. 66.

<sup>(2)</sup> Opinion delivered on 13 April 1989 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion delivered on 31 March 1989 (not yet published in the Official Journal).

<sup>(4)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(5)</sup> OJ No L 198, 26. 7. 1988, p. 21.

## ANNEX

## ANNEX I

## PART A

## Products referred to in Articles 2 and 7

| CN code       | Description of goods                                            |
|---------------|-----------------------------------------------------------------|
| ex 0710 80 70 | Peeled tomatoes, whether or not whole, frozen                   |
| ex 0712 90 30 | Tomato flakes                                                   |
| 0804 20 90    | Dried figs                                                      |
| ex 0806 20    | Sultanas, currants and muscatels                                |
| ex 0813 20 00 | Prunes derived from dried "d'Ente" plums                        |
| ex 2002 10 00 | { Peeled tomatoes, whole or in pieces                           |
| ex 2002 90 10 | { Unpeeled tomatoes, whole or in pieces (crush or pizza sauce)  |
| ex 2002 90 30 | Tomato juice (including passata)                                |
| ex 2002 90 90 | Tomato concentrate                                              |
| ex 2008 40 51 | Williams and Rocha pears in syrup and/or in natural fruit juice |
| ex 2008 40 59 |                                                                 |
| ex 2008 40 71 |                                                                 |
| ex 2008 40 79 |                                                                 |
| ex 2008 40 91 |                                                                 |
| ex 2008 40 99 |                                                                 |
| ex 2008 70 61 | Peaches in syrup and/or in natural fruit juice                  |
| ex 2008 70 69 |                                                                 |
| ex 2008 70 71 |                                                                 |
| ex 2008 70 79 |                                                                 |
| ex 2008 70 91 |                                                                 |
| ex 2008 70 99 |                                                                 |
| 2009 50       | Tomato juice'                                                   |

## COUNCIL REGULATION No 1126/89

of 27 April 1989

amending Regulation (EEC) No 2243/88 on temporary measures relating to production aid for processed tomato products

The COUNCIL 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1125/89 <sup>(2)</sup>, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Regulation (EEC) No 2243/88 <sup>(4)</sup> limited the aid for the 1988/89 and 1989/1990 marketing years to the products obtained from certain tonnages of fresh tomatoes; whereas these tonnages were allocated to processing undertakings on the basis of the total quantities processed by them over the 1985/86, 1986/87 and 1987/88 reference marketing years;

Whereas Article 304 (3) (b) of the Act of Accession of Spain and Portugal set for five marketing years following accession the quantities for which production aid could be granted in Portugal; whereas given the restructuring of the Portuguese processing industry in progress and in order to facilitate the changeover from the previous arrangements in Portugal the Commission should, the most recent production data having been examined, be authorized for the 1989/90 marketing year to derogate where Portuguese undertakings are concerned from the rules laid down by Regulation (EEC) No

2243/88; whereas it is appropriate to transfer, for Portugal, 20 000 tonnes of fresh tomatoes, accepted for processing into tomato concentrates, to other tomato products;

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EEC) No 2243/88 is amended as follows:

1. The following subparagraph is added to paragraph 1:

'For the 1989/90 marketing year, the quantities of fresh tomatoes which may be allocated to processing undertakings situated in Portugal shall be 662 945 tonnes for tomato concentrate, 9 600 tonnes for whole peeled tomatoes in tins and 22 192 tonnes for other tomato products.'

2. The following paragraph is added:

'7. For the 1989/90 marketing year the Commission may, using the procedure provided for in Article 3, set specific terms for the distribution of the quantities indicated in paragraph 1 applying to processing undertakings located in Portugal.'

*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 Luxembourg, 27 April 1989.

*For the Council*

*President*

J. BARRIONUEVO PEÑA

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> See page 29 of this Official Journal.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 69.

<sup>(4)</sup> OJ No L 198, 26. 7. 1988, p. 14.

## COUNCIL REGULATION (EEC) No 1127/89

of 27 April 1989

amending Regulation (EEC) No 2245/88 introducing a guarantee threshold system for peaches in syrup

THE COUNCIL 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 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1125/89 <sup>(2)</sup>, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission <sup>(3)</sup>,

Whereas Regulation (EEC) No 426/86 introduced a system of production aid for certain processed fruit and vegetable products; whereas, if a major imbalance between production and market outlets as mentioned in the said Article 2 (3) arises, appropriate measures may be taken;

Whereas Regulation (EEC) No 991/84 <sup>(4)</sup>, as last amended by Regulation (EEC) No 485/86 <sup>(5)</sup>, has already restricted the granting of the production aid where Williams pears preserved in syrup are concerned; whereas a Community guarantee threshold arrangement for pears in syrup of the varieties Williams and Rocha should be introduced of the same type as introduced for peaches in syrup by Regulation (EEC) No 2245/88 <sup>(6)</sup>; whereas the threshold is to be determined on the basis of the quantities of Williams pears for which the production aid is granted and of the production volume for the Rocha variety in Portugal; whereas Regulation (EEC) No 2245/88 should in consequence be supplemented and Regulation (EEC) No 991/84 repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2245/88 is hereby amended as follows:

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> See page 29 of this Official Journal.

<sup>(3)</sup> OJ No C 82, 3. 4. 1989, p. 70.

<sup>(4)</sup> OJ No L 103, 16. 4. 1984, p. 22.

<sup>(5)</sup> OJ No L 54, 1. 3. 1986, p. 12.

<sup>(6)</sup> OJ No L 198, 26. 7. 1988, p. 18.

1. The title is replaced by the following:

'Council Regulation (EEC) No 2245/88 of 19 July 1988 introducing guarantee threshold systems for peaches and pears in syrup and/or in natural fruit juice'.

2. Article 1 is replaced by the following:

*'Article 1*

1. A guarantee threshold of 502 000 tonnes net weight for peaches in syrup and/or in natural fruit juice falling within CN codes 2008 70 61, 2008 70 69, 2008 70 71, 2008 70 79, 2008 70 91 and 2008 70 99 is hereby set for each marketing year for the Community, except Spain.

2. A guarantee threshold of 102 805 tonnes of Williams and Rocha pears in syrup and/or in natural fruit juice falling within CN codes 2008 40 51, 2008 40 59, 2008 40 71, 2008 40 79, 2008 40 91 and 2008 40 99 is hereby set for each marketing year for the Community.

3. If the guarantee thresholds set in paragraphs 1 and 2 are overrun, the aid for the following marketing year shall be reduced in proportion to the overrun recorded for the product.

The overrun shall be calculated on the basis of the average of the quantities produced in the three marketing years preceding that for which the aid is to be fixed.'

*Article 2*

Regulation (EEC) No 991/84 is hereby repealed.

*Article 3*

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

It shall apply from the beginning of the 1989/90 marketing year.

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. BARRINUEVO PEÑA

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