

Official Journal

of the European Communities

ISSN 0378-6978

L 130

Volume 32

12 May 1989

English edition

Legislation

Contents

I Acts whose publication is obligatory

- * Council Regulation (EEC) No 1292/89 of 3 May 1989 amending Regulation (EEC) No 3/84 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States 1
- * Council Regulation (EEC) No 1293/89 of 3 May 1989 opening and providing for the administration of Community tariff quotas for new potatoes and fresh table grapes, originating in Cyprus (1989) 5
- Commission Regulation (EEC) No 1294/89 of 11 May 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal 7
- Commission Regulation (EEC) No 1295/89 of 11 May 1989 fixing the premiums to be added to the import levies on cereals, flour and malt 9
- * Commission Regulation (EEC) No 1296/89 of 10 May 1989 re-establishing the levying of customs duties on men's or boys' suits and ensembles, other than knitted or crocheted, products of category 16 (order No 40.0160) and men's or boys' singlets and other vests, underpants, briefs, nightshirts, other than knitted or crocheted, products of category 18 (order No 40.0180), originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply 11
- * Commission Regulation (EEC) No 1297/89 of 10 May 1989 re-establishing the levying of customs duties on table linen, toilet and kitchen linen, products of category 39 (order No 40.0390) and track suits of knitted or crocheted fabric, products of category 73 (order No 40.0730), originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply 13

★ Commission Regulation (EEC) No 1298/89 of 10 May 1989 re-establishing the levying of customs duties on women's or girls' suits and ensembles other than knitted or crocheted, products of category 29 (order No 40.0290), originating in Thailand to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply	15
Commission Regulation (EEC) No 1299/89 of 11 May 1989 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products	16
★ Commission Regulation (EEC) No 1300/89 of 11 May 1989 concerning the stopping of fishing for common sole by vessels flying the flag of Belgium ...	19
★ Commission Regulation (EEC) No 1301/89 of 11 May 1989 concerning the stopping of fishing for mackerel by vessels flying the flag of Spain	20
Commission Regulation (EEC) No 1302/89 of 11 May 1989 suspending advance fixing of the export refund for certain pigmeat products	21
Commission Regulation (EEC) No 1303/89 of 11 May 1989 fixing the amount of the subsidy on oil seeds	22
Commission Regulation (EEC) No 1304/89 of 11 May 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	26

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1292/89

of 3 May 1989

amending Regulation (EEC) No 3/84 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Regulation (EEC) No 3/84 ⁽⁴⁾ became applicable on 1 July 1985 for an initial experimental period of three years; whereas, in the light of the report on the operation of the arrangements introduced by the abovementioned Regulation, submitted to the Council by the Commission on 15 March 1988, the period of validity of the said Regulation was extended until 30 June 1989 by Regulation (EEC) No 1227/88 ⁽⁵⁾;

Whereas Article 17 (2) of Regulation (EEC) No 3/84 provides that the Council, acting in accordance with Article 235 of the Treaty, and on the basis of the abovementioned report, shall decide on the definitive application of the said Regulation and on any amendments to be made to its provisions, in particular for the purpose of simplifying the arrangements; whereas, following the amendment of the Treaty by the Single European Act, Article 100a provides the legal basis to be used in adopting provisions aimed at the establishment and operation of the internal market; whereas that Article should therefore be the basis for adopting this Regulation;

Whereas, in particular, it emerges from the abovementioned report that since their introduction, the arrangements for the movement of goods within the Community have been fairly widely used and meet a real need on the part of users who appreciate, amongst other things, the fact that no security is required and the

facilities they are afforded when crossing frontiers; whereas, consequently, it appears advisable to retain the said arrangements until the single market is established;

Whereas numerous private individuals and business people have contended that the number of goods and beneficiaries covered by Regulation (EEC) No 3/84 is too restricted; whereas, when the Regulation was adopted, it was deemed appropriate to cover only those goods which, when temporarily imported, were granted tax exemption on an identical basis by all Member States under the terms of international conventions; whereas the main beneficiaries of the arrangements are public, official or approved bodies;

Whereas this situation changed considerably upon adoption of the Seventeenth Council Directive 85/362/EEC of 16 July 1985 on the harmonization of the laws of the Member States relating to turnover taxes — exemption from value added tax on the temporary importation of goods other than means of transport ⁽⁶⁾, which provides that temporary importation with exemption from VAT shall be granted for a wide range of Community goods which are imported temporarily from one Member State into another, in principle irrespective of the beneficiaries; whereas it would therefore appear logical to extend the scope of Regulation (EEC) No 3/84 along the same lines; whereas, however, in order to enable the arrangements for the movement of goods within the Community to play the role which they can in fact play in regard to the establishment of the internal market, such extension must be effected subject to retention of the existing advantages of the said arrangements and, in particular, without requiring security to be provided, even as an optional requirement, and whereas such an option is provided for in the Seventeenth Directive;

Whereas, moreover, in order to ensure that the Seventeenth Directive and Regulation (EEC) No 3/84 correspond, the period of validity of the Community movement carnet introduced by the abovementioned Regulation must be brought into line with the periods during which goods may remain under the temporary importation arrangements provided for in the Directive;

⁽¹⁾ OJ No C 324, 17. 12. 1988, p. 8.

⁽²⁾ OJ No C 69, 20. 3. 1989 and Decision of 12 April 1989 (not yet published in the Official Journal).

⁽³⁾ OJ No C 102, 24. 4. 1989, p. 11.

⁽⁴⁾ OJ No L 2, 4. 1. 1984, p. 1.

⁽⁵⁾ OJ No L 118, 6. 5. 1988, p. 1.

⁽⁶⁾ OJ No L 192, 24. 7. 1985, p. 20.

Whereas the procedure in respect of the carnet appears in some cases to be awkward and even superfluous; whereas, in order to mitigate such disadvantages and in the light of Council Regulation (EEC) No 4283/88 of 21 December 1988 on the abolition of certain exit formalities at internal Community frontiers — introduction of common border posts ⁽¹⁾, it would appear possible, in respect of the abovementioned carnet, to abolish certain formalities which are at present carried out on leaving the Member States of transit and use without jeopardizing the correct application of the arrangements for movement within the Community; whereas, for the same purpose, it would appear appropriate in regard to certain categories of goods to enable them to move under arrangements without formalities throughout the Community;

Whereas, in the present circumstances, goods under cover of the Community movement carnet cannot cross the territory of third countries; whereas such a situation may sometimes be detrimental to the movement of the goods in question between two points within the customs territory of the Community; whereas in such cases, pending the adoption of a suitable solution in conjunction with the third countries concerned, provision should be made for the arrangements for movement within the Community to be suspended while the goods cross such countries, and for them to be re-established when the goods in question again enter the customs territory of the Community;

Whereas, pursuant to Article 1 thereof, Regulation (EEC) No 3/84 is applicable to goods which leave one Member State and which, after being sent to one or more Member States for the purpose of temporary use there, are intended to be returned without alteration to the territory of the Member State of departure; whereas, however, in a number of clearly defined and strictly limited cases, the scope of the said Regulation should be extended to cover certain goods which are not likely to be returned to the Member State of departure,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3/84 is hereby amended as follows:

1. In Article 1, paragraph 1 is replaced by the following and paragraph 1a is inserted:
 1. Without prejudice to Regulation (EEC) No 4283/88 ⁽¹⁾, other Community provisions and Article 12a of this Regulation, the arrangements governing the movement of goods within the Community, hereinafter referred to as the "arrangements", shall apply to goods sent and/or transported from one

⁽¹⁾ OJ No L 382, 31. 12. 1988, p. 1.

Member State for the purposes of temporary use in one or more other Member States, which, pursuant to the Treaties and the rules deriving therefrom, are not subject to prohibitions or restrictions unless they meet the conditions laid down by these rules, and which are intended to be returned without alteration to the territory of the Member State of departure.

1a. The following shall be excluded from the scope of this Regulation:

- (a) means of transport, including pallets and containers, except vehicles designed or specially adapted for use as mobile control posts, workshops or laboratories, equipment for the press, sound or television broadcasting or cinematography for the purposes of reporting, transmitting or recording material or making films, and breakdown vehicles;
- (b) made-up articles of fur, precious stones, carpets and articles of jewellery;
- (c) consumable goods, except such goods which are commercial samples, presented as such, provided that they are returned without alteration to the territory of the Member State of departure;
- (d) those goods referred to in Title III of Regulation (EEC) No 3599/82 ⁽²⁾, as amended by Regulation (EEC) No 1620/85 ⁽³⁾, which are subject to residual duties pursuant to Articles 31 and 190 of the 1985 Act of Accession and which move between the Community of Ten, Spain and Portugal or between these two Member States;
- (e) works of art other than those referred to in Article 12a.

⁽¹⁾ OJ No L 382, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 376, 31. 12. 1982, p. 1.

⁽³⁾ OJ No L 155, 14. 6. 1985, p. 54.

2. In Article 4 (2), (a) is replaced by the following:

- (a) ensure that the procedures referred to in Title II are correctly carried out and that the arrangements are settled before expiry of the period of validity of the carnet referred to in Article 5.

3. The following is inserted before Article 5:

Article 4a

The arrangements shall include two procedures:

1. a normal procedure applicable to all goods;
2. a simplified procedure applicable to the goods referred to in Article 10a.

Section I

Normal procedure'

4. Article 5 (1) is replaced by the following :

'1. For the purposes of movement under the normal procedure, goods shall be covered by a Community movement carnet, hereinafter referred to as a "carnet", issued by the competent authorities of the Member State of departure.'

5. In Article 6 (2), the second indent is replaced by the following :

'— fix the period of validity of the carnet, without prejudice to the limit laid down in Article 12a; the period shall not exceed 24 months. In the case of racehorses, the period of validity of the carnet may not exceed six months.'

6. Article 10 is replaced by the following :

Article 10

1. The competent authorities of the Member State in whose territory the goods are temporarily used may, at the request of the beneficiary :

- (a) extend the period during which the goods may remain in their territory, within the period of validity of the carnet ;
- (b) allow the goods to be temporarily used in their territory at one or more places other than that or those stated on the carnet ;

2. The competent authorities referred to in paragraph 1 shall, by way of derogation from Article 1 (1), authorize repairs, including the replacement of defective parts, to the equipment temporarily used in their territory.

3. To this end, they shall enter the necessary particulars on the carnet.'

7. The following sections are inserted after Article 10 :

Section II

Simplified procedure

Article 10a

1. By way of derogation from Section I, movement under these arrangements of :

- (a) any portable professional equipment ;
- (b) press, broadcasting and television equipment, including the various vehicles specially adapted for this purpose and their equipment,

introduced for professional purposes, shall be exempt from all formalities, without prejudice to the right of the competent authority to exercise its power of supervision where necessary.

2. Professional equipment means the equipment and accessories necessary for carrying out the occupation or profession of a person established in the Member State of departure, who is travelling in

another Member State to carry out a specific job there.

Section III

Common provisions

Article 10b

Where, under the arrangements, goods moving between two points within the Community must cross the territory of a third country, the effects of the arrangements shall be suspended during transit through the third country in question.'

8. Article 12 (2) is replaced by the following :

'2. When a Member State on whose territory an irregularity has been committed in the course of, or in connection with, a movement operation cannot recover the charges due, the competent authorities of the Member State of departure shall recover, on behalf of the other Member State, the amount which the beneficiary is obliged to pay in accordance with Article 4 (2) (c) together with any interest due in view of the delay, where appropriate. Such recovery shall be carried out by the Member State in accordance with its laws, regulations or administrative provisions relating to the recovery of fiscal debts. Where the beneficiary contests the claim against him, he shall lodge his appeal in the Member State which has made the request for recovery. No action for recovery shall be taken until the appeal proceedings have been concluded.

Alternatively, the Member State which is recovering the debt may apply the provisions adopted pursuant to Directive 76/308/EEC⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal.'

9. After Article 12 the following is inserted :

'Title IIIa

Special provisions

Article 12a

By way of derogation from Article 1 (1), this Regulation shall also apply to :

- 1. works of art referred to in Article 29 (1) (d) of the Seventeenth VAT Directive which are accompanied by their authors or their agents ;
- 2. spare parts which are normal equipment for persons required to carry out repairs or maintenance.

In the cases referred to in 1 and 2, the period of validity of the Community carnet may not exceed six months.'

10. The third subparagraph of Article 16 and the whole of Article 17 are deleted.

Article 2

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

It shall apply from 1 July 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

COUNCIL REGULATION (EEC) No 1293/89

of 3 May 1989

opening and providing for the administration of Community tariff quotas for
new potatoes and fresh table grapes, originating in Cyprus (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof⁽¹⁾, provides for the opening of two Community tariff quotas as follows:

- 60 000 tonnes for new potatoes falling within CN code 0701 90 59 from 16 May to 30 June,
- 7 500 tonnes for fresh table grapes falling within CN codes ex 0806 10 15 and ex 0806 10 19 from 8 June to 4 August, originating in Cyprus;

Whereas, under Article 18 of the Protocol in question, these volumes are subject to an annual increase from the entry into force of the Protocol and will therefore be 70 000 and 8 600 tonnes respectively in 1989;

Whereas, within the limits of these tariff quotas, the customs duties applicable are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the said Protocol;

Whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community⁽²⁾ lays down that those two Member States will propose, until 31 December 1989 and 31 December 1990 respectively, implementation of the preferential arrangements for the products covered by Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and

vegetables⁽³⁾, as last amended by Regulation (EEC) No 1119/89⁽⁴⁾; whereas, consequently, the tariff quota for fresh table grapes applies only to the Community as constituted on 31 December 1985, whilst that for new potatoes applies to the Community as at present constituted;

Whereas these Community tariff quotas should therefore be opened for the periods shown in Article 1;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must, in particular, be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports into the Community of the following products originating in Cyprus shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code	Description	Volume of tariff quota (in tonnes)	Rate of duty (%)	Applicability
09.1401	0701 90 59	New potatoes, from 16 May to 30 June 1989	70 000	7,7	in the Community as at present constituted
09.1407	ex 0806 10 15 ex 0806 10 19	Fresh table grapes from 8 June to 4 August 1989	8 600	5,9 7,2	in the Community as constituted at 31 December 1985

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 37.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 118, 29. 4. 1989, p. 12.

Within the limits of the tariff quota for new potatoes the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and of the Portuguese Republic to the Community.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

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

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

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

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

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

Article 4

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

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

3. Member States shall charge imports of the said products against their drawings as and when the products are entered with the customs authorities for free circulation.

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

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 16 May 1989.

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

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

COMMISSION REGULATION (EEC) No 1294/89

of 11 May 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 10 May 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 12 May 1989.

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

Done at Brussels, 11 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

ANNEX

to the Commission Regulation of 11 May 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	25,25	128,55
0712 90 19	25,25	128,55
1001 10 10	59,60	187,59 ⁽¹⁾ ⁽²⁾
1001 10 90	59,60	187,59 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	115,98
1001 90 99	35,73	115,98
1002 00 00	63,32	118,77 ⁽³⁾
1003 00 10	53,90	120,62
1003 00 90	53,90	120,62
1004 00 10	44,96	89,45
1004 00 90	44,96	89,45
1005 10 90	25,25	128,55 ⁽²⁾ ⁽³⁾
1005 90 00	25,25	128,55 ⁽²⁾ ⁽³⁾
1007 00 90	48,56	137,55 ⁽⁴⁾
1008 10 00	53,90	22,50
1008 20 00	53,90	12,88 ⁽⁴⁾
1008 30 00	53,90	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	53,90	0,00
1101 00 00	64,72	177,07
1102 10 00	103,35	180,98
1103 11 10	106,02	305,45
1103 11 90	68,09	189,42

⁽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 1295/89

of 11 May 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 10 May 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 12 May 1989.

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

Done at Brussels, 11 May 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 11 May 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 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	2,47	2,47	2,47
1001 10 90	0	2,47	2,47	2,47
1001 90 91	0	0,82	0,82	7,45
1001 90 99	0	0,82	0,82	7,45
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	1,13	1,13	10,43

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	1,46	1,46	13,26	13,26
1107 10 19	0	1,09	1,09	9,91	9,91
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 1296/89
of 10 May 1989

re-establishing the levying of customs duties on men's or boys' suits and ensembles, other than knitted or crocheted, products of category 16 (order No 40.0160) and men's or boys' singlets and other vests, underpants, briefs, nightshirts, other than knitted or crocheted, products of category 18 (order No 40.0180), originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category for products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of men's or boys' suits and ensembles, other than knitted or crocheted, products of

category 16 (order No 40.0160) and men's or boys' singlets and other vests, underpants, briefs, nightshirts, other than knitted or crocheted, products of category 18 (order No 40.0180), the relevant ceiling amounts to 94 000 pieces and 107 000 tonnes respectively;

Whereas on 21 April 1989 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 May 1989, the levying of customs duties, suspended pursuant to Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Order No	Category	CN code	Description
40.0160	16 (1 000 pieces)	6203 11 00	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits
		6203 12 00	
		6203 19 10	
		6203 19 30	
		6203 21 00	
		6203 22 90	
		6203 23 90	
		6203 29 19	
40.0180	18 (tonnes)	6207 11 00	Men's and boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted
		6207 19 00	
		6207 21 00	
		6207 22 00	
		6207 29 00	
		6207 91 00	
		6207 92 00	
		6207 99 00	

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

Order No	Category	CN code	Description
40.0180 (cont'd)		6208 11 00	Women's and girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, negligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted
		6208 19 10	
		6208 19 90	
		6208 21 00	
		6208 22 00	
		6208 29 00	
		6208 91 10	
		6208 91 90	
		6208 92 10	
		6208 92 90	
		6208 99 00	

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, 10 May 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 1297/89

of 10 May 1989

re-establishing the levying of customs duties on table linen, toilet and kitchen linen, products of category 39 (order No 40.0390) and track suits of knitted or crocheted fabric, products of category 73 (order No 40.0730), originating in Pakistan to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof;

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of table linen, toilet and kitchen linen, products of category 39 (order No 40.0390) and track suits of knitted or crocheted fabric, products of category 73 (order No 40.0730) the relevant ceiling amounts to 96 000 tonnes and 172 000 pieces respectively;

Whereas on 21 April 1989 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and where charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 May 1989, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Order No	Category	CN code	Description
40.0390	39 (tonnes)	6302 51 10 6302 51 90 6302 53 90 ex 6302 59 00 6302 91 10 6302 91 90 6302 93 90 ex 6302 99 00	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton
40.0730	73 (1 000 pieces)	6112 11 00 6112 12 00 6112 19 00	Track suits of knitted or crocheted fabric, of wool, of cotton or of man-made textile fibres

Article 2

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

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

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

Done at Brussels, 10 May 1989.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 1298/89

of 10 May 1989

re-establishing the levying of customs duties on women's or girls' suits and ensembles other than knitted or crocheted, products of category 29 (order No 40.0290), originating in Thailand to which the preferential tariff arrangements of Council Regulation (EEC) No 4259/88 apply

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

Having regard to Council Regulation (EEC) No 4259/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas Article 11 of Regulation (EEC) No 4259/88 provides that preferential tariff treatment shall be accorded, for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 12 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of women's or girls' suits and ensembles other than knitted or crocheted, products of category 29 (order No 40.0290) the relevant ceiling amounts to 118 000 pieces;

Whereas on 21 April 1989 imports of the products in question into the Community, originating in Thailand, a country covered by preferential tariff arrangements, reached and where charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Thailand;

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 May 1989 the levying of customs duties, pursuant to Council Regulation (EEC) No 4259/88, shall be re-established in respect of the following products, imported into the Community and originating in Thailand:

Order No	Category	CN code	Description
40.0290	29 (1 000 pieces)	6204 11 00 6204 12 00 6204 13 00 6204 19 10 6204 21 00 6204 22 90 6204 23 90 6204 29 19	Women's or girls' suits and ensembles other than knitted or crocheted, of wool, of cotton or man-made fibres, excluding ski suits

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, 10 May 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 83.

COMMISSION REGULATION (EEC) No 1299/89

of 11 May 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 8 and 9 May 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 12 May 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, 11 May 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	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽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	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 1300/89

of 11 May 1989

concerning the stopping of fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished⁽³⁾, as amended by Regulation (EEC) No 295/89⁽⁴⁾, provides for common sole quotas for 1989;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII a by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1989; whereas Belgium has prohibited fishing for this

stock as from 28 April 1989; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII a by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1989.

Fishing for common sole in the waters of ICES division VII a by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 28 April 1989.

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

Done at Brussels, 11 May 1989.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 33, 4. 2. 1989, p. 38.

COMMISSION REGULATION (EEC) No 1301/89

of 11 May 1989

concerning the stopping of fishing for mackerel by vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 4194/88 of 21 December 1988 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1989 and certain conditions under which they may be fished ⁽³⁾, as amended by Regulation (EEC) No 295/89 ⁽⁴⁾, provides for mackerel quotas for 1989;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of mackerel in the waters of ICES divisions II (excluding EC zone), V b (EC zone), VI,

VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of Spain or registered in Spain have reached the quota allocated for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in the waters of ICES divisions II (excluding EC zone), V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of Spain or registered in Spain are deemed to have exhausted the quota allocated to Spain for 1989.

Fishing for mackerel in the waters of ICES divisions II (excluding EC zone), V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of Spain or registered in Spain is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

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, 11 May 1989.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 369, 31. 12. 1988, p. 3.

⁽⁴⁾ OJ No L 33, 4. 2. 1989, p. 38.

COMMISSION REGULATION (EEC) No 1302/89**of 11 May 1989****suspending advance fixing of the export refund for certain pigmeat products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 3906/87⁽²⁾,

Having regard to Council Regulation (EEC) No 2768/75 of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the refunds for pigmeat products were fixed by Commission Regulation (EEC) No 932/89⁽⁴⁾;

Whereas it is necessary, in the light of the situation on the world market, to adjust the refunds; whereas, in order

to discourage applications for the advance fixing of refunds from being submitted for speculative purposes, the advance fixing of refunds should be suspended until the new refunds come into effect,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of refunds in respect of products falling within CN codes 0103 and 0203 which are listed in the Annex to Regulation (EEC) No 932/89 is hereby suspended from 12 to 16 May 1989.

Article 2

This Regulation shall enter into force on 12 May 1989.

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

Done at Brussels, 11 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

⁽⁴⁾ OJ No L 99, 12. 4. 1989, p. 15.

COMMISSION REGULATION (EEC) No 1303/89**of 11 May 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 1132/89 ⁽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 1266/89 ⁽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 12 May 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 12 May 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 119, 29. 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 126, 9. 5. 1989, p. 23.

⁽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, 11 May 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 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)
1. Gross aids (ECU):						
— Spain	0,580	0,580	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,152	20,316	15,618	14,846	14,382	14,019
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	47,99	48,37	37,29	35,48	34,39	33,67
— Netherlands (Fl)	53,53	53,96	41,20	39,20	37,97	37,28
— BLEU (Bfrs/Lfrs)	973,08	981,00	754,14	716,87	694,46	676,93
— France (FF)	147,38	148,67	117,06	111,00	107,36	104,51
— Denmark (Dkr)	176,38	177,84	139,47	132,58	128,43	125,19
— Ireland (£ Irl)	16,392	16,535	13,029	12,354	11,949	11,631
— United Kingdom (£)	12,475	12,595	10,356	9,776	9,437	9,082
— Italy (Lit)	31 569	31 848	25 502	24 086	23 293	22 396
— Greece (Dr)	2 285,78	2 298,06	2 360,73	2 173,58	2 079,69	1 905,73
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	89,44	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 199,99	3 223,65	2 536,36	2 411,88	2 344,45	2 254,43
(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)	4 355,12	4 386,61	3 643,21	3 473,41	3 383,49	3 269,27

(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 5	1st period 6	2nd period 7 (1)	3rd period 8 (1)	4th period 9 (1)	5th period 10 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,080	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	22,652	22,816	18,118	17,346	16,882	16,519
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	53,89	54,27	43,19	41,38	40,30	39,58
— Netherlands (Fl)	60,15	60,58	47,79	45,79	44,57	43,87
— BLEU (Bfrs/Lfrs)	1 093,79	1 101,71	874,86	837,58	815,18	797,65
— France (FF)	166,35	167,63	136,31	130,24	126,60	123,75
— Denmark (Dkr)	198,48	199,94	161,80	154,90	150,76	147,52
— Ireland (£ Irl)	18,501	18,645	15,171	14,496	14,090	13,773
— United Kingdom (£)	14,163	14,283	12,109	11,529	11,190	10,835
— Italy (Lit)	35 656	35 936	29 684	28 268	27 475	26 579
— Greece (Dr)	2 675,83	2 688,11	2 809,19	2 622,05	2 528,16	2 354,20
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	474,98	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 585,53	3 609,18	2 918,60	2 794,12	2 726,69	2 636,67
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	470,02	480,01	480,01	480,01	480,01
— in another Member State (Esc)	4 825,14	4 856,63	4 123,21	3 953,41	3 863,49	3 749,27

(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 5	1st period 6	2nd period 7	3rd period 8 (1)	4th period 9 (1)
1. Gross aids (ECU):					
— Spain	5,170	5,170	5,170	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,625	21,791	21,791	17,202	17,202
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	51,54	51,93	51,93	41,09	41,09
— Netherlands (Fl)	57,46	57,90	57,90	45,41	45,41
— BLEU (Bfrs/Lfrs)	1 044,20	1 052,22	1 052,22	830,63	830,63
— France (FF)	157,55	158,86	158,86	128,80	128,80
— Denmark (Dkr)	189,07	190,55	190,55	153,62	153,62
— Ireland (£ Irl)	17,522	17,667	17,667	14,335	14,335
— United Kingdom (£)	13,262	13,383	13,383	11,363	11,363
— Italy (Lit)	33 724	34 006	33 988	27 950	27 950
— Greece (Dr)	2 357,83	2 366,76	2 334,97	2 546,05	2 546,05
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	797,28	1 053,45	1 053,45
— in another Member State (Pta)	3 495,12	3 519,06	3 507,98	2 990,71	2 990,71
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 304,48	6 337,18	6 318,77	5 623,79	5 623,79
— in another Member State (Esc)	6 144,26	6 176,14	6 158,19	5 480,87	5 480,87
3. Compensatory aids:					
— in Spain (Pta)	3 443,55	3 469,42	3 458,33	2 941,49	2 941,49
4. Special aid:					
— in Portugal (Esc)	6 144,26	6 176,14	6 158,19	5 480,87	5 480,87

(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 ECU 1)

	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
DM	2,082320	2,079130	2,076480	2,073940	2,073940	2,066750
Fl	2,349720	2,346480	2,342160	2,336520	2,336520	2,326030
Bfrs/Lfrs	43,576900	43,569800	43,562800	43,561000	43,561000	43,511900
FF	7,024730	7,026920	7,030410	7,033840	7,033840	7,040860
Dkr	8,101960	8,105490	8,109560	8,116890	8,116890	8,127360
£Irl	0,777940	0,777890	0,778061	0,778263	0,778263	0,778048
£	0,654851	0,656292	0,657525	0,658828	0,658828	0,662605
Lit	1 519,69	1 523,94	1 528,00	1 532,30	1 532,30	1 543,64
Dr	176,87800	178,89700	180,40200	181,88600	181,88600	186,35900
Esc	171,96700	172,73700	173,53800	174,43700	174,43700	176,24700
Pta	129,16300	129,68200	130,19600	130,70100	130,70100	132,12100

COMMISSION REGULATION (EEC) No 1304/89

of 11 May 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, 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 12 May 1989.

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

Done at Brussels, 11 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 11 May 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 (?)
	02	20,00 (?)
1001 90 91 000	01	0
1001 90 99 000	05	40,00
	06	40,00
	02	20,00
1002 00 00 000	06	56,00
	03	56,00
	02	20,00
1003 00 10 000	01	0
1003 00 90 000	05	53,00
	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	65,00
1101 00 00 120	01	65,00
1101 00 00 130	01	58,00
1101 00 00 150	01	48,00
1101 00 00 170	01	38,00
1101 00 00 180	01	28,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	65,00
1102 10 00 200	01	65,00
1102 10 00 300	01	65,00
1102 10 00 500	01	65,00
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	65,00
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).
