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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 1657/89****of 13 June 1989****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1213/89 <sup>(2)</sup>, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 12 June 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 14 June 1989.

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

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 1.

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

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

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

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX

to the Commission Regulation of 13 June 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code    | Levies   |                                      |
|------------|----------|--------------------------------------|
|            | Portugal | Third country                        |
| 0709 90 60 | 36,26    | 128,75                               |
| 0712 90 19 | 36,26    | 128,75                               |
| 1001 10 10 | 60,64    | 187,42 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 60,64    | 187,42 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 35,73    | 123,96                               |
| 1001 90 99 | 35,73    | 123,96                               |
| 1002 00 00 | 63,32    | 120,44 <sup>(3)</sup>                |
| 1003 00 10 | 53,90    | 118,69                               |
| 1003 00 90 | 53,90    | 118,69                               |
| 1004 00 10 | 44,96    | 91,41                                |
| 1004 00 90 | 44,96    | 91,41                                |
| 1005 10 90 | 36,26    | 128,75 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 36,26    | 128,75 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 54,40    | 135,90 <sup>(4)</sup>                |
| 1008 10 00 | 53,90    | 9,10                                 |
| 1008 20 00 | 53,90    | 2,50 <sup>(4)</sup>                  |
| 1008 30 00 | 53,90    | 0,00 <sup>(5)</sup>                  |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 53,90    | 0,00                                 |
| 1101 00 00 | 65,71    | 188,24                               |
| 1102 10 00 | 103,35   | 183,31                               |
| 1103 11 10 | 107,63   | 304,14                               |
| 1103 11 90 | 69,15    | 200,75                               |

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

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

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

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

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

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

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

## COMMISSION REGULATION (EEC) No 1658/89

of 13 June 1989

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1213/89<sup>(2)</sup>, and in particular Article 15 (6) thereof,

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

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

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

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

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

Whereas these exchange rates being those recorded on 12 June 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 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 1.

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

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

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 13 June 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

(ECU/tonne)

| CN code    | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 |
|------------|--------------|-----------------|-----------------|-----------------|
| 0709 90 60 | 0            | 0               | 0               | 1,70            |
| 0712 90 19 | 0            | 0               | 0               | 1,70            |
| 1001 10 10 | 0            | 0               | 0               | 0               |
| 1001 10 90 | 0            | 0               | 0               | 0               |
| 1001 90 91 | 0            | 0               | 0               | 0               |
| 1001 90 99 | 0            | 0               | 0               | 0               |
| 1002 00 00 | 0            | 0               | 0               | 0               |
| 1003 00 10 | 0            | 0               | 0               | 0               |
| 1003 00 90 | 0            | 0               | 0               | 0               |
| 1004 00 10 | 0            | 1,71            | 1,71            | 1,71            |
| 1004 00 90 | 0            | 1,71            | 1,71            | 1,71            |
| 1005 10 90 | 0            | 0               | 0               | 1,70            |
| 1005 90 00 | 0            | 0               | 0               | 1,70            |
| 1007 00 90 | 0            | 0               | 0               | 0               |
| 1008 10 00 | 0            | 0               | 0               | 0               |
| 1008 20 00 | 0            | 0               | 0               | 0               |
| 1008 30 00 | 0            | 0               | 0               | 0               |
| 1008 90 90 | 0            | 0               | 0               | 0               |
| 1101 00 00 | 0            | 0               | 0               | 0               |

## B. Malt

(ECU/tonne)

| CN code    | Current<br>6 | 1st period<br>7 | 2nd period<br>8 | 3rd period<br>9 | 4th period<br>10 |
|------------|--------------|-----------------|-----------------|-----------------|------------------|
| 1107 10 11 | 0            | 0               | 0               | 0               | 0                |
| 1107 10 19 | 0            | 0               | 0               | 0               | 0                |
| 1107 10 91 | 0            | 0               | 0               | 0               | 0                |
| 1107 10 99 | 0            | 0               | 0               | 0               | 0                |
| 1107 20 00 | 0            | 0               | 0               | 0               | 0                |

**COMMISSION REGULATION (EEC) No 1659/89**  
**of 13 June 1989**  
**fixing additional amounts for poultrymeat 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 Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat <sup>(1)</sup>, as last amended by the Regulation (EEC) No 1235/89 <sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries <sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73 <sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third coun-

tries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products other than slaughtered poultry and halves or quarters indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 15 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 29.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

**ANNEX**

**to the Commission Regulation of 13 June 1989 fixing additional amounts for poultrymeat products**

*(ECU/100 kg)*

| CN code    | Origin of imports (1) | Additional amount |
|------------|-----------------------|-------------------|
| 0207 39 11 | 01                    | 30,00             |
| 0207 41 10 | 01                    | 30,00             |

(1) Origin :  
01 Thailand.

**COMMISSION REGULATION (EEC) No 1660/89**  
**of 13 June 1989**  
**fixing additional amounts for live and slaughtered poultry**

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 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(1)</sup>, as last amended by the Regulation (EEC) No 1235/89<sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73<sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Regulation (EEC) No 565/68<sup>(5)</sup>, as last amended by Regulation (EEC) No 3986/87<sup>(6)</sup>, the import levies on slaughtered fowls, ducks and geese origi-

nating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2261/69<sup>(7)</sup>, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2474/70<sup>(8)</sup>, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Regulation (EEC) No 2164/72<sup>(9)</sup>, as amended by Regulation (EEC) No 3987/87<sup>(10)</sup>, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 15 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 29.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

<sup>(5)</sup> OJ No L 107, 8. 5. 1968, p. 7.

<sup>(6)</sup> OJ No L 376, 31. 12. 1987, p. 7.

<sup>(7)</sup> OJ No L 286, 14. 11. 1969, p. 24.

<sup>(8)</sup> OJ No L 265, 8. 12. 1970, p. 13.

<sup>(9)</sup> OJ No L 232, 12. 10. 1972, p. 3.

<sup>(10)</sup> OJ No L 376, 31. 12. 1987, p. 20.

## ANNEX

**Commission Regulation of 13 June 1989 fixing the additional amounts for live and slaughtered poultry**

| (ECU/100 kg) |                       |                   |
|--------------|-----------------------|-------------------|
| CN code      | Origin of imports (1) | Additional amount |
| 0207 10 11   | 01                    | 3,00              |
| 0207 10 15   | 01                    | 3,00              |
| 0207 10 19   | 01                    | 3,00              |
| 0207 21 10   | 01                    | 3,00              |
| 0207 21 90   | 01                    | 3,00              |
| 0207 39 13   | 01                    | 3,00              |
| 0207 41 11   | 01                    | 3,00              |

(1) Origin :

01 Yugoslavia.

## COMMISSION REGULATION (EEC) No 1661/89

of 13 June 1989

fixing additional amounts for egg 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 Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs <sup>(1)</sup>, as last amended by Regulation (EEC) No 1235/89 <sup>(2)</sup>, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries <sup>(3)</sup>, as last amended by Regulation (EEC) No 1527/73 <sup>(4)</sup>;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Article 1 of Regulation (EEC) No 990/69 <sup>(5)</sup>, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

*Article 2*

This Regulation shall enter into force on 15 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 29.

<sup>(3)</sup> OJ No 129, 28. 6. 1967, p. 2577/67.

<sup>(4)</sup> OJ No L 154, 9. 6. 1973, p. 1.

<sup>(5)</sup> OJ No L 130, 31. 5. 1969, p. 4.

## ANNEX

to the Commission Regulation of 13 June 1989 fixing additional amounts for eggs products

| (ECU/100 kg) |                       |                   |
|--------------|-----------------------|-------------------|
| CN code      | Origin of imports (1) | Additional amount |
| 0408 19 11   | 01                    | 70,00             |
| 0408 19 19   | 01                    | 70,00             |
| 0408 91 10   | 02                    | 150,00            |

(1) Origin :

01 Israel, Hungary, Czechoslovakia and Finland.

02 Czechoslovakia.

## COMMISSION REGULATION (EEC) No 1662/89

of 13 June 1989

amending Regulation (EEC) No 1244/82 laying down detailed rules implementing the system of premiums for maintaining suckler cows

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1357/80 of 5 June 1980 introducing a system of premiums for maintaining suckler cows<sup>(1)</sup>, as last amended by Regulation (EEC) No 573/89<sup>(2)</sup>, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1244/82<sup>(3)</sup>, as last amended by Regulation (EEC) No 2870/88<sup>(4)</sup>, should be adapted to take account of recent amendments in the system of premiums for suckler cows; whereas, in view of the length of the period during which applications may be lodged; it is necessary to provide that a producer can lodge only one application within that period;

Whereas in the light of experience and taking account, in an appropriate manner, of infringements of minor importance it is necessary to reinforce the measures for preventing and sanctioning irregularities and frauds; whereas to this end it is appropriate to exclude applicants for the premium for the following marketing year in the case of a false declaration made deliberately or through serious negligence;

Whereas the Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1244/82 is hereby amended as follows:

1. In Article 1 (2) the following subparagraph is added:

'A producer may lodge only one application within the abovementioned period for the lodging thereof.'

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

'1. The additional premium provided for in Article 3 (2) of Regulation (EEC) No 1357/80 shall be granted only to producers who are eligible for the premium provided for in Article 1 of Regulation.'

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

'1. The amounts fixed in Article 3 of Regulation (EEC) No 1357/80 shall be paid within 15 months following the beginning of the period referred to in Article 1 (1).'

4. Article 4 is hereby replaced by the following:

*'Article 4*

The competent authority appointed by each Member State shall operate administrative checks and on-farm inspections in order to verify that the provisions governing this premium are complied with. These inspections must be carried out at a minimum number of holdings to be determined by the Commission in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68. The control measures shall cover in particular:

- (a) the number of suckler cows on the holding farmed by the beneficiary;
- (b) the compliance with the undertakings provided for in Article 2 (2) of Regulation (EEC) No 1357/80, and
- (c) the accuracy of the declaration provided for in Article 1 (2).'

5. The following Article 4a is inserted:

*'Article 4a*

1. Without prejudice to paragraphs 2, 3 and 4, where the number of eligible animals ascertained at the time of the inspection provided for in Article 4 is lower than the number in respect of which the premium application was lodged, no premium shall be paid.

2. If the reduction in the number of animals can be ascribed to natural circumstances affecting the herd, the premium shall be paid for the number of animals actually eligible, provided that the recipient has informed the competent authority in writing of the circumstances in question within 10 days' cognizance of the incident.

3. Entitlement to the premium shall subsist where, for reasons of *force majeure*, and especially those listed in Article 5 the producer has not been able to comply with the undertaking to keep the animals during the period provided for in Article 2 (2) of Regulation (EEC) No 1357/80. In such cases the premium shall be granted on animals eligible at the time at which the case of *force majeure* occurs. The producer shall duly inform the competent authorities in writing within 10 days' cognizance of the incident.

4. In cases other than those referred to in paragraphs 2 and 3 where the difference in the

<sup>(1)</sup> OJ No L 140, 5. 6. 1980, p. 1.

<sup>(2)</sup> OJ No L 63, 7. 3. 1989, p. 3.

<sup>(3)</sup> OJ No L 143, 20. 5. 1982, p. 20.

<sup>(4)</sup> OJ No L 257, 17. 9. 1988, p. 23.

number of effectively eligible animals is less than 5 % of the declared number or, at most, one animal if the number of animals declared is equal or less than 20 head, the premium less 20 % shall be paid for the number of eligible animals provided that according to the competent authority there is no suggestion that a false declaration has been made either deliberately or through serious negligence.

5. If one of the declarations provided for in Article 1 (2) is deemed to be false, no premium shall be granted for the animals which were the subject of the application.

6. Where the holding is transferred prior to the expiry of the period of 12 months specified in Article 2 (2) of Regulation (EEC) No 1357/80, the successor may give a written undertaking to the competent authority to continue carrying out the obligations entered into by his predecessor. In such case, if the successor has not demonstrated to the satisfaction of the competent authorities that he is complying with those obligations, the Member State concerned shall recover from him the sums paid to his predecessor.

7. Premiums improperly paid shall be recovered, plus interest to be fixed by the Member State in

respect of the period between payment of the premium and its recovery.

8. In cases where paragraph 1 or 5 is applied, if the competent authority determines that a false declaration has been made either deliberately or through serious negligence the producer in question shall be excluded from the premium system for the following marketing year.

6. In Article 6 (2), '31 December' is replaced by '31 March'.

#### *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 to applications lodged on and after 15 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 1663/89**

of 13 June 1989

**amending Regulation (EEC) No 1569/87 fixing the procedure and conditions for the taking over of cereals by the intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 1213/89 <sup>(2)</sup>, and in particular Article 7 (6) thereof,

Whereas Commission Regulation (EEC) No 1569/77 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3495/88 <sup>(4)</sup>, fixes the conditions for the acceptance of cereals into intervention;

Whereas the continuation of the restrictive price policy and the application of the stabilizer mechanisms to cereals may result in difficulties for producers of certain cereals in certain Community regions; whereas, in order to alleviate the impact of those mechanisms on the incomes of those producers, as in 1988/89, provision should be made once again for derogations from certain quality provisions for the 1989/90, 1990/91 and 1991/92 marketing years;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1569/77 is hereby amended as follows:

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

Done at Brussels, 13 June 1989.

1. Article 2 (4) is replaced by the following:

'4. Notwithstanding paragraph 2, for the 1989/90, 1990/91 and 1991/92 marketing years:

- a decision may be taken at the request of a Member State for each of the marketing years concerned, in accordance with the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, to fix the maximum moisture content at 15 % for cereals offered for intervention with the exception of durum wheat,
- Greece is hereby authorized to accept for intervention consignments of durum wheat with 14 % of matter which is not basic cereal of unimpaired quality, with at most 7 % impurities consisting of grains and with no more than 5 % of other cereals,
- Spain is hereby authorized to accept for intervention barley harvested in Spain with a minimum specific weight of 62 kilograms/hectolitre. For barley with a specific weight of between 62 and 63 kilograms/hectolitre, a reduction of 1 % shall apply to the intervention buying-in price.'

2. Article 2 (5) is deleted.

*Article 2*

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

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 1.

<sup>(3)</sup> OJ No L 174, 14. 7. 1977, p. 15.

<sup>(4)</sup> OJ No L 306, 11. 11. 1988, p. 26.

## COMMISSION REGULATION (EEC) No 1664/89

of 13 June 1989

laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific States or in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories<sup>(1)</sup>, as last amended by Regulation (EEC) No 967/89<sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products covered by CN codes 0714 10 10, 0714 10 90 and 0714 90 10 and originating in certain third countries<sup>(3)</sup>, as last amended by Regulation (EEC) No 3837/88<sup>(4)</sup>, and in particular Article 2 thereof,

Whereas Article 9 (3) of Regulation (EEC) No 486/85 provides that yams and similar products originating in the African, Caribbean and Pacific States (ACP States) and in the overseas countries and territories (OCTs) are to be completely exempt from duties on import to the Community within the limit of an overall quantity of 10 000 tonnes per year; whereas it also provides that the quantities originating in the abovementioned countries and territories are to be set against the quotas opened for imports of manioc and similar products originating in countries which are members or non-members of GATT, as the case may be, and that if these quotas are used up this must not prevent the import of 10 000 tonnes of products from the ACP countries and the overseas countries and territories;

Whereas the detailed rules for the application of such arrangements must relate essentially to the lodging of applications for import licences and their issue, and guarantee both the actual origin of the products and observance of the maximum quantity set by the Council; whereas these detailed rules either supplement or derogate from, as the case may be, Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products<sup>(5)</sup> or Commission Regulation (EEC) No 891/89 of 5 April 1989

on special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(6)</sup>, as amended by Regulation (EEC) No 990/89<sup>(7)</sup>;

Whereas, so that the actual use of licences can be monitored better, the provision of Regulation (EEC) No 3719/88 on early submission of proof of release for free circulation should be made to apply;

Whereas it should be specified that reimbursement of the import duties collected on the basis of licences issued from 1 January 1989 onwards will be made in accordance with Council Regulation (EEC) No 1430/79 of 2 July 1979 on the repayment or remission of import or export duties<sup>(8)</sup>; as last amended by Regulation (EEC) No 3799/86<sup>(9)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of Article 9 (3) of Council Regulation (EEC) No 486/85, import licences for products falling within CN codes 0714 10 91 and 0714 90 11 originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories shall be issued in accordance with this Regulation.

*Article 2*

1. A licence application may not relate to a quantity of more than 150 tonnes per individual applicant acting on his own behalf.
2. The licence application and the import licence shall contain in box 8 the name of the third country in which the product originates. The licence shall make it compulsory to import from that country.
3. The licence shall contain one of the following entries in box 20:

<sup>(1)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(2)</sup> OJ No L 103, 15. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 43, 13. 2. 1987, p. 9.

<sup>(4)</sup> OJ No L 340, 10. 12. 1988, p. 1.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 94, 7. 4. 1989, p. 13.

<sup>(7)</sup> OJ No L 106, 18. 4. 1989, p. 26.

<sup>(8)</sup> OJ No L 175, 12. 7. 1979, p. 1.

<sup>(9)</sup> OJ No L 352, 13. 12. 1986, p. 19.

- Producto ACP/PTU :
  - no hay lugar a exacción reguladora
  - apartado 3 del artículo 9 y apartado 2 del artículo 1 del Reglamento (CEE) nº 486/85
  - debe presentarse EUR 1
- AVS/OLT-produkt :
  - fritagelse for afgift
  - forordning (EØF) nr. 486/85 : artikel 1, stk. 2, og artikel 9, stk. 3
  - EUR 1 skal forelægges
- Erzeugnis AKP/ÜLG :
  - Freistellung von der Abschöpfung
  - Verordnung (EWG) Nr. 486/85 : Artikel 1 Absatz 2 und Artikel 9 Absatz 3
  - EUR 1 vorzulegen
- Προϊόν ΑΚΕ/ΥΧΕ :
  - εξαίρεση της εισφοράς
  - κανονισμός (ΕΟΚ) αριθ 486/85: άρθρο 1 παράγραφος 2 και άρθρο 9 παράγραφος 3
  - να προσκομισθεί το EUR 1
- ACP/OCTs product :
  - exemption from the levy
  - Regulation (EEC) No 486/85, Article 1 (2) and Article 9 (2)
  - EUR 1 to be presented
- produit ACP/PTOM :
  - exemption du prélèvement
  - règlement (CEE) nº 486/85 : article 1<sup>er</sup> paragraphe 2 et article 9 paragraphe 3
  - EUR 1 à présenter
- prodotto ACP/PTOM :
  - esenzione dal prelievo
  - regolamento (CEE) n. 486/85 : articolo 1, paragrafo 2 e articolo 9, paragrafo 3
  - EUR 1 deve essere presentato
- Produkt ACS/LGO :
  - vrijstelling van heffing
  - Verordening (EEG) nr. 486/85 : artikel 1, lid 2, en artikel 9, lid 3
  - EUR 1 over te leggen
- produto ACP/PTOM :
  - isenção do direito nivelador
  - Regulamento (CEE) nº 486/85 : nº 2 do artigo 1º e nº 3 do artigo 9º
  - EUR 1 a apresentar

#### Article 3

1. Licence applications shall be lodged with the competent authorities of the Member States every Monday up to 1 p.m. and, if that day is not a working day, on the first working day following.
2. Member States shall notify the Commission by telex not later than 1 p.m. on the day following the day on

which the application is lodged of the quantity to which the application relates, the origin of the product and the name of the applicant.

3. Not later than the second working day following the day on which the applications are lodged the Commission shall determine and inform the Member States by telex to what extent the licence applications are accepted.

4. Licences shall be issued subject to paragraph 3 on the third working day following the day on which the applications are lodged, in the case of applications notified in accordance with paragraph 2.

5. The licences issued shall be valid throughout the Community from the day of effective issue until the end of the second month following that date. However, they shall not be valid beyond 31 December of the year in which they are issued.

#### Article 4

1. Notwithstanding Article 12 of Regulation (EEC) No 891/89, the amount of the security in respect of the import licence shall be ECU 0,5 per tonne.

2. In cases where, as a result of the application of Article 3 (3), the quantity for which the licence is issued is less than that for which it was applied for the amount of the security corresponding to the difference shall be released.

3. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

#### Article 5

Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not be greater than that entered in boxes 17 and 18 of the import licence; the figure 0 shall be entered for this purpose in box 19 of the licence.

#### Article 6

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

#### Article 7

In respect of products as referred to in Article 1, originating in ACP countries/OCTs which are members of GATT, imported on the basis of licences issued from 1 January 1989 until the date of entry into force of this Regulation, the importer concerned shall obtain reimbursement of the import duties collected in accordance with Regulation (EEC) No 1430/79.

Member States shall notify the Commission before 30 September 1989 of quantities in respect of which duties have been reimbursed.

#### Article 8

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

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 1665/89

of 13 June 1989

altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 June 1989 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Regulation (EEC) No 1508/89 <sup>(3)</sup>;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1508/89 to the infor-

mation at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EEC) No 1508/89 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Christiane SCRIVENER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 148, 1. 6. 1989, p. 26.

## ANNEX

to the Commission Regulation of 13 June 1989 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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*Rate of refund in ECU/100 kg:*

|                                                                                                                                                                                                                                        |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| White sugar:                                                                                                                                                                                                                           | 27,40                                 |
| Raw sugar:                                                                                                                                                                                                                             | 25,20                                 |
| Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):                                                                                      | $27,40 \times \frac{S^{(1)}}{100}$ or |
| <p>If those syrups are obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:</p> <p>The rate fixed above for 100 kg of white or raw sugar used for the dissolution</p> |                                       |
| Molasses:                                                                                                                                                                                                                              | —                                     |
| Isoglucose <sup>(2)</sup> :                                                                                                                                                                                                            | 27,40 <sup>(3)</sup>                  |

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(<sup>1</sup>) 'S' represents per 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(<sup>2</sup>) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(<sup>3</sup>) Amount of refund per 100 kilograms of dry matter.

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**COMMISSION REGULATION (EEC) No 1666/89****of 13 June 1989****fixing the maximum export refunds on olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1225/89<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil<sup>(3)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3421/88<sup>(4)</sup>, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3421/88 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refunds for olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 June 1989.

*Article 2*

This Regulation shall enter into force on 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 15.

<sup>(3)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(4)</sup> OJ No L 301, 4. 11. 1988, p. 39.

*ANNEX*

to the Commission Regulation of 13 June 1989 fixing the maximum export refunds on olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3421/88

| <i>(ECU/100 kg)</i> |                  |
|---------------------|------------------|
| Product code        | Amount of refund |
| 1509 10 90 100      | 65,00            |
| 1509 10 90 900      | 104,00           |
| 1509 90 00 100      | 72,50            |
| 1509 90 00 900      | 110,08           |
| 1510 00 90 100      | 18,00            |
| 1510 00 90 900      | 55,50            |

*NB:* The products codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

**COMMISSION REGULATION (EEC) No 1667/89**  
**of 13 June 1989**  
**fixing the import levies on white sugar and raw sugar**

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1466/89 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1652/89 <sup>(4)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

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

<sup>(4)</sup> OJ No L 162, 13. 6. 1989, p. 41.

## ANNEX

to the Commission Regulation of 13 June 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 31,30 <sup>(1)</sup> |
| 1701 11 90 | 31,30 <sup>(1)</sup> |
| 1701 12 10 | 31,30 <sup>(1)</sup> |
| 1701 12 90 | 31,30 <sup>(1)</sup> |
| 1701 91 00 | 34,12                |
| 1701 99 10 | 34,12                |
| 1701 99 90 | 34,12 <sup>(2)</sup> |

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

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

## COMMISSION REGULATION (EEC) No 1668/89

of 13 June 1989

altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89<sup>(2)</sup>, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1582/89<sup>(3)</sup>, as last amended by Regulation (EEC) No 1653/89<sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1582/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1582/89 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 156, 8. 6. 1989, p. 11.

<sup>(4)</sup> OJ No L 162, 13. 6. 1989, p. 43.

## ANNEX

to the Commission Regulation of 13 June 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

| Product code   | Amount of refund     |                                                                                       |
|----------------|----------------------|---------------------------------------------------------------------------------------|
|                | per 100 kg           | per percentage point of sucrose content and per 100 kg net of the product in question |
| 1701 11 90 100 | 25,20 <sup>(1)</sup> | —                                                                                     |
| 1701 11 90 910 | 26,29 <sup>(1)</sup> | —                                                                                     |
| 1701 11 90 950 | <sup>(2)</sup>       | —                                                                                     |
| 1701 12 90 100 | 25,20 <sup>(1)</sup> | —                                                                                     |
| 1701 12 90 910 | 26,29 <sup>(1)</sup> | —                                                                                     |
| 1701 12 90 950 | <sup>(2)</sup>       | —                                                                                     |
| 1701 91 00 000 | —                    | 0,2740                                                                                |
| 1701 99 10 100 | 27,40                | —                                                                                     |
| 1701 99 10 910 | 28,58                | —                                                                                     |
| 1701 99 10 950 | 27,08                | —                                                                                     |
| 1701 99 90 100 | —                    | 0,2740                                                                                |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

## COMMISSION REGULATION (EEC) No 1669/89

of 13 June 1989

altering the export refunds on syrups and certain other sugar sector products  
exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,Having regard to the Act of Accession of Spain and  
Portugal,Having regard to Council Regulation (EEC) No 1785/81  
of 18 June 1981 on the common organization of the  
markets in the sugar sector <sup>(1)</sup>, as last amended by Regula-  
tion (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 19 (4)  
thereof,Whereas the refunds on syrups and certain other sugar  
products were fixed by Regulation (EEC) No 1501/89 <sup>(3)</sup>;Whereas it follows from applying the rules, criteria and  
other provisions contained in Regulation (EEC) No  
1501/89 to the information at present available to theCommission that the export refunds at present in force  
should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The refunds to be granted on the products listed in  
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No  
1785/81, exported in the natural state, as fixed in the  
Annex to Regulation (EEC) No 1501/89 are hereby  
altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.<sup>(3)</sup> OJ No L 148, 1. 6. 1989, p. 12.

## ANNEX

to the Commission Regulation of 13 June 1989 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

| Product code   | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question <sup>(1)</sup> | Amount of refund per 100 kg of dry matter <sup>(2)</sup> |
|----------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 1702 40 10 100 |                                                                                                                   | 27,40                                                    |
| 1702 60 10 000 |                                                                                                                   | 27,40                                                    |
| 1702 60 90 000 | 0,2740                                                                                                            |                                                          |
| 1702 90 30 000 |                                                                                                                   | 27,40                                                    |
| 1702 90 60 000 | 0,2740                                                                                                            |                                                          |
| 1702 90 71 000 | 0,2740                                                                                                            |                                                          |
| 1702 90 90 900 | 0,2740                                                                                                            |                                                          |
| 2106 90 30 000 |                                                                                                                   | 27,40                                                    |
| 2106 90 59 000 | 0,2740                                                                                                            |                                                          |

<sup>(1)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70).  
Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

<sup>(2)</sup> Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

## COMMISSION REGULATION (EEC) No 1670/89

of 13 June 1989

introducing a countervailing charge on aubergines originating in Spain  
(except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 673/89 of 16 March 1989 fixing for the 1989/90 marketing year the reference prices for aubergines<sup>(3)</sup> fixed the reference price for products of class I for the month of June 1989 at 78,58 ECU per 100 kilograms net;

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

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74<sup>(4)</sup>, as last amended by

Regulation (EEC) No 3811/85<sup>(5)</sup>, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

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

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

- in the case of currencies which are maintained in 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(7)</sup>,
- 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, pursuant to Article 136 (2) of the Act of Accession, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 8 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the fourth year after accession,

HAS ADOPTED THIS REGULATION:

*Article 1*

A countervailing charge of 9,37 ECU per 100 kilograms net is applied to aubergines (CN code 0709 30 00) originating in Spain (except the Canary Islands).

*Article 2*

This Regulation shall enter into force on 15 June 1989.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.  
<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 12.  
<sup>(3)</sup> OJ No L 73, 17. 3. 1989, p. 12.  
<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 368, 31. 12. 1985, p. 1.  
<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.  
<sup>(7)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 1671/89**  
**of 13 June 1989**  
**amending Regulation (EEC) No 1574/89 introducing a countervailing charge on**  
**apples originating in Chile**

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

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

Having regard to Council Regulation (EEC) No 1035/72  
of 18 May 1972 on the common organization of the  
market in fruit and vegetables <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1119/89 <sup>(2)</sup>, and in particular the  
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1574/89 <sup>(3)</sup>,  
introduced a countervailing charge on apples originating  
in Chile;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 1574/89 'ECU 0,74'  
is hereby replaced by 'ECU 5,77'.

*Article 2*

This Regulation shall enter into force on 14 June 1989.

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

Done at Brussels, 13 June 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 12.

<sup>(3)</sup> OJ No L 154, 7. 6. 1989, p. 15.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 29 May 1989

amending the Seventh Decision, 85/355/EEC, on the equivalence of field inspections carried out in third countries on seed-producing crops and the Seventh Decision, 85/356/EEC, on the equivalence of seed produced in third countries

(89/368/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(1)</sup>, as last amended by Commission Directive 89/100/EEC<sup>(2)</sup>, and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed<sup>(3)</sup>, as last amended by Commission Directive 89/2/EEC<sup>(4)</sup>, and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants<sup>(5)</sup>, as last amended by Directive 88/380/EEC<sup>(6)</sup>, and in particular Article 15 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas, in its Decision 85/355/EEC<sup>(7)</sup>, as last amended by Commission Decision 89/357/EEC<sup>(8)</sup>, the Council determined that field inspections carried out in certain third countries on seed-producing crops of certain species satisfied the conditions laid down in Directive 66/401/EEC, 66/402/EEC and 69/208/EEC;

Whereas in its Decision 85/356/EEC<sup>(9)</sup>, as last amended by Commission Decision 89/357/EEC, the Council

determined that seed of certain species produced in certain third countries was equivalent to corresponding seed produced in the Community;

Whereas it has since been established that in Uruguay also there are rules on seed control for a range of plant species, which include provision for official field inspections to be carried out during the period of seed production;

Whereas an examination of the said rules and of the manner in which they are applied in Uruguay has shown that for certain species, the prescribed field inspections satisfied the conditions laid down in Annex I to Directive 66/401/EEC, 66/402/EEC or 69/208/EEC, as the case may be, and the conditions governing seed harvested and controlled there afforded, as regards the seed's characteristics, namely identity, examination, marking and control, the same assurances as do the conditions applicable to such seed harvested and controlled within the Community;

Whereas Uruguay should therefore be granted equivalence in respect of certain species,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 85/355/EEC is hereby amended as follows:

1. In Part I (1), point 1.1, the entry 'U = Uruguay' is inserted after the entry 'TR = Turkey'.
2. In the table in Part I (2) the following item is inserted after the item relating to Turkey:

<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2298/66.

<sup>(2)</sup> OJ No L 38, 10. 2. 1989, p. 36.

<sup>(3)</sup> OJ No 125, 11. 7. 1966, p. 2309/66.

<sup>(4)</sup> OJ No L 5, 7. 1. 1989, p. 31.

<sup>(5)</sup> OJ No L 169, 10. 7. 1969, p. 3.

<sup>(6)</sup> OJ No L 187, 16. 7. 1988, p. 31.

<sup>(7)</sup> OJ No L 195, 26. 7. 1985, p. 1.

<sup>(8)</sup> OJ No L 151, 3. 6. 1989, p. 36.

<sup>(9)</sup> OJ No L 195, 26. 7. 1985, p. 20.

| 1  | 2                                                                                                                | 3                                                                                                                                                                                                                                                                                     | 4   |
|----|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 'U | Ministerio de Ganadería, Agricultura y Pesca, Dirección Granos (DIGRA), Unidad Ejecutora de Semillas, Montevideo | — 66/401<br><i>Festuca arundinacea</i><br><i>Lolium multiflorum</i><br><i>Phalaris aquatica</i><br><i>Lotus corniculatus</i><br><i>Trifolium pratense</i><br><i>Trifolium repens</i><br>— 66/402<br><i>Sorghum bicolor</i><br><i>Zea mays</i><br>— 69/208<br><i>Helianthus annuus</i> | (b) |

### Article 2

The Annex to Decision 85/356/EEC is hereby amended as follows:

1. In Part I (1), point 1.1, the entry 'U = Uruguay' is inserted after the entry 'TR = Turkey'.
2. In the table in Part I (2), the following item is inserted after the item relating to Turkey:

| 1  | 2                                                                                                                | 3                                                                                                                                                                                                                                                                                     | 4                                                                                                                                                                                                                                                                                                                                                  | 5                                   | 6   |
|----|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----|
| 'U | Ministerio de Ganadería, Agricultura y Pesca, Dirección Granos (DIGRA), Unidad Ejecutora de Semillas, Montevideo | — 66/401<br><i>Festuca arundinacea</i><br><i>Lolium multiflorum</i><br><i>Phalaris aquatica</i><br><i>Lotus corniculatus</i><br><i>Trifolium pratense</i><br><i>Trifolium repens</i><br>— 66/402<br><i>Sorghum bicolor</i><br><i>Zea mays</i><br>— 69/208<br><i>Helianthus annuus</i> | — Basic seed / Semences de base<br>— Certified seed, 1st generation / Semences certifiées, première génération<br>— Basic seed / Semences de base<br>— Certified seed, 1st generation / Semences certifiées, première génération<br>— Basic seed / Semences de base<br>— Certified seed, 1st generation / Semences certifiées, première génération | B<br>CZ/1<br>B<br>CZ/1<br>B<br>CZ/1 | (d) |

### Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 May 1989.

For the Council

The President

C. ROMERO HERRERA

**COUNCIL DIRECTIVE**  
**of 8 June 1989**  
**on the prevention of air pollution from new municipal waste incineration plants**  
**(89/369/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s 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 the 1973 <sup>(4)</sup>, 1977 <sup>(5)</sup>, 1983 <sup>(6)</sup> and 1987 <sup>(7)</sup> European Community action programmes on the environment stress the importance of the prevention and reduction of air pollution;

Whereas the Council resolution of 19 October 1987 <sup>(8)</sup> on the action programme on the environment for 1987 to 1992 states that it is important for Community action to concentrate, *inter alia*, on implementation of appropriate standards in order to ensure a high level of public health and environmental protection;

Whereas Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(9)</sup> provides that waste must be disposed of without endangering human health and without harming the environment; whereas, to this end, the same Directive stipulates that any installation or undertaking treating waste must obtain a permit from the competent authority relating, *inter alia*, to the precautions to be taken;

Whereas Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants <sup>(10)</sup> provides that prior authorization shall be required to operate new industrial installations and in particular waste incineration plants; whereas this authorization may be issued only when all appropriate preventive measures against air pollution have been taken,

including the application of the best available technology not entailing excessive costs;

Whereas the abovementioned Directive 84/360/EEC stipulates that the Council, acting unanimously on a proposal from the Commission, shall, if necessary, fix emission limit values based on the best available technology not entailing excessive costs and suitable measurement techniques and methods;

Whereas incineration of municipal waste gives rise to emissions of substances which can cause air pollution and thereby harm public health and the environment; whereas in some cases this pollution may have transboundary features;

Whereas the techniques for reducing emissions of certain pollutants from municipal waste incineration plants are well established; whereas they can be applied reasonably economically in new incineration plants; whereas they provide a means of attaining concentrations of pollutants in the combustion gases not exceeding certain limit values;

Whereas Community limit values for dioxins and furans should be fixed as soon as possible;

Whereas all the Member States have laws, regulations and administrative provisions concerning the combating of air pollution from stationary plants; whereas several Member States have specific provisions on municipal waste-incineration plants;

Whereas the Community, by fixing emission limit values and other pollution-prevention requirements, helps increase the effectiveness of the action taken by the Member States to combat air pollution from municipal waste-incineration plants;

Whereas, in order to ensure an effective protection of the environment, requirements and conditions should be laid down for authorization for any new municipal waste-incineration plant; whereas these requirements must include an obligation to observe emission limit values for certain pollutants and appropriate combustion conditions, taking account of the technical character of the plant and of the operating conditions;

Whereas provision must be made for appropriate measurements and verifications at the incineration plants; whereas the public must be informed of the conditions imposed and of the results obtained;

<sup>(1)</sup> OJ No C 75, 23. 3. 1988, p. 4.

<sup>(2)</sup> OJ No C 69, 20. 3. 1989, p. 219.

<sup>(3)</sup> OJ No C 318, 12. 12. 1988, p. 3.

<sup>(4)</sup> OJ No C 112, 20. 12. 1973, p. 1.

<sup>(5)</sup> OJ No C 139, 13. 6. 1977, p. 1.

<sup>(6)</sup> OJ No C 46, 17. 2. 1983, p. 1.

<sup>(7)</sup> OJ No C 328, 7. 12. 1987, p. 1.

<sup>(8)</sup> OJ No C 328, 7. 12. 1987, p. 1.

<sup>(9)</sup> OJ No L 194, 25. 7. 1975, p. 39.

<sup>(10)</sup> OJ No L 188, 16. 7. 1984, p. 20.

Whereas, as well as the establishment of emission limit values, it is important to encourage the development and dissemination of knowledge and use of clean technology as part of the preventive efforts to combat environmental pollution in the Community, especially regarding waste disposal;

Whereas, in accordance with Article 130t of the Treaty, the adoption of such Community provisions does not prevent any Member State from maintaining or introducing more stringent measures for the protection of the environment compatible with the Treaty,

HAS ADOPTED THIS DIRECTIVE:

### Article 1

For the purposes of this Directive:

1. 'Air pollution' means the introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material property and impair or interfere with amenities and other legitimate uses of the environment.
2. 'Emission limit value' means the concentration and/or mass of polluting substances which is not to be exceeded in emissions from plants during a specified period.
3. 'Municipal waste' means domestic refuse, as well as commercial or trade refuse and other waste which, because of its nature or composition, is similar to domestic refuse.
4. 'Municipal waste-incineration plant' means any technical equipment used for the treatment of municipal waste by incineration, with or without recovery of the combustion heat generated, but

excluding plants used specifically for the incineration of sewage sludge, chemical, toxic and dangerous waste, medical waste from hospitals or other types of special waste, on land or at sea, even if these plants may burn municipal waste as well.

This definition covers the site and the entire installation comprising the incinerator, its waste, fuel and air supply systems and the devices and systems for checking incineration operations and continuously recording and monitoring incineration conditions.

5. 'New municipal waste-incineration plant' means a municipal waste incineration plant for which authorization to operate is granted as from the date specified in Article 12(1).

6. 'Nominal capacity' of the incineration plant means the sum of the incineration capacities of the furnaces of which the plant is composed, as specified by the constructor and confirmed by the operator, with due account being taken, in particular, of the calorific value of the waste, expressed as the quantity of waste incinerated per hour.

### Article 2

Without prejudice to Article 4 of Directive 84/360/EEC, Member States shall take the necessary measures to ensure that the conditions laid down in Articles 3 to 10 of this Directive are attached to the prior authorization required to operate all new municipal waste-incineration plants under Article 3 of Directive 84/360/EEC and under Article 8 of Directive 75/442/EEC.

### Article 3

1. The following emission limit values, standardized at the following conditions: temperature 273 K, pressure 101,3 kPa, 11 % oxygen or 9 % CO<sub>2</sub>, dry gas, shall apply to new municipal waste incineration plants:

Emission limit values in mg/nm<sup>3</sup> as a function of the nominal capacity of the incineration plant

| Pollutant                          | less than<br>1 tonne/h | 1 tonne/h or more<br>but less than 3 tonnes/h | 3 tonnes/h or more |
|------------------------------------|------------------------|-----------------------------------------------|--------------------|
| Total dust                         | 200                    | 100                                           | 30                 |
| Heavy metals                       |                        |                                               |                    |
| — Pb + Cr + Cu + Mn                | —                      | 5                                             | 5                  |
| — Ni + As                          | —                      | 1                                             | 1                  |
| — Cd and Hg                        | —                      | 0,2                                           | 0,2                |
| Hydrochloric acid (HCl)            | 250                    | 100                                           | 50                 |
| Hydrofluoric acid (HF)             | —                      | 4                                             | 2                  |
| Sulphur dioxide (SO <sub>2</sub> ) | —                      | 300                                           | 300                |

2. In regard to plants with a capacity of less than one tonne/h, the emission limit values may refer to an oxygen level of 17 %. In this case, the concentration values may not exceed those laid down in paragraph 1, divided by 2,5.

3. By way of derogation from paragraph 1, the competent authorities of a Member State may grant an authorization for plants with a nominal capacity of less than one tonne/h where special local conditions so require, provided that a limit value of 500 mg/nm<sup>3</sup> of total dust and all the provisions of Directive 84/360/EEC are complied with. The Member State concerned shall inform the Commission of these cases, which shall be the subject of consultations with it. The Commission shall in turn inform the other Member States thereof.

4. The competent authorities shall lay down emission limit values for pollutants other than those mentioned in paragraph 1 when they consider this to be appropriate because of the composition of the waste to be incinerated and of the characteristics of the incineration plant. For the purposes of laying down these emission limit values, the authorities shall take account of the potential harmful effects of the pollutants in question on human health and the environment and of the best available technology not entailing excessive costs. In particular, the competent authorities may fix emission limit values for dioxins and furans until such time as a Community directive concerning this specific question is adopted.

#### Article 4

1. All new municipal waste-incineration plants must be designed, equipped and operated in such a way that the gas resulting from the combustion of the waste is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even in the most unfavourable conditions, to a temperature of at least 850 °C at least two seconds in the presence of at least 6 % oxygen.

2. All new municipal waste incineration plants shall observe the following conditions when in operation :

- (a) the concentration of carbon monoxide (CO) in the combustion gases must not exceed 100 mg/nm<sup>3</sup> ;
- (b) the concentration of organic compounds (expressed as total carbon) in the combustion gases must not exceed 20 mg/nm<sup>3</sup>.

The limits stipulated under (a) and (b) above shall be standardized at the following conditions : temperature 273 K, pressure 101,3 kPa, 11 % oxygen or 9 % CO<sub>2</sub>, dry gas.

3. Conditions different from those laid down in paragraph 1 may be authorized if appropriate techniques are used in the incineration furnaces or combustion-gas treatment equipment, provided that the competent

authorities have satisfied themselves that, with the use of these techniques, the levels of polychlorinated dibenzodioxins (PCDDs) and of polychlorinated dibenzofurans (DCDFs) emitted will be equivalent to, or lower than, those obtained with the technical conditions laid down in paragraph 1.

Decisions taken under the provisions of this paragraph and the results of verifications made shall be communicated to the Commission by the competent authorities designated for this purpose by the Member States.

4. All new municipal waste-incineration plants must be designed, equipped and operated in such a way as to prevent emissions into the air giving rise to significant ground-level air pollution ; in particular, waste gases shall be discharged in a controlled fashion by means of a stack.

The competent authority shall ensure that the stack height is calculated in such a way as to safeguard human health and the environment.

#### Article 5

1. The temperatures and the oxygen content laid down in Article 4 are minimum values to be observed at all times when the plant is in operation.

2. The carbon monoxide (CO) concentration laid down in Article 4 (2) (a) is the limit value for the hourly average for all plants. In addition, in the case of plants of nominal capacity of 1 tonne/h or more, at least 90 % of all measurements taken in any 24 hour period must be below 150 mg/nm<sup>3</sup>. Those averages shall be calculated by taking into account only the hours in which the plant is actually in operation, including the start-up and shut-off periods.

3. In the case of the other substances to be continuously monitored under Article 6 :

- (a) none of the moving seven-day averages of the concentration values measures for these substances may exceed the corresponding limit values ;
- (b) none of the daily averages of the concentration values measured for these substances may exceed the corresponding limit value by more than 30 %.

For the purposes of calculating the abovementioned average values, only the periods in which the plant is actually in operation shall be taken into account, including the start-up and shut-off periods.

4. Where only discontinuous measurements are required, the emission limit values shall be regarded as having been complied with if the results of each of the series of measurements defined and determined according to the rules laid down by the competent authorities under Articles 6 (3), (4) and (5) do not exceed the emission limit values.

*Article 6*

1. The following measurements shall be taken at new municipal waste-incineration plants:

(a) concentrations of certain substances in the combustion gases:

(i) concentrations of total dust, CO, oxygen and HCl shall be continuously measured, and recorded in the case of plants of a nominal capacity equal to, or greater than, 1 tonne/h;

(ii) the following shall be measured periodically:

— concentrations of the heavy metals referred to in Article 3 (1), of HF, and of SO<sub>2</sub>, in the case of plants of a nominal capacity equal to, or greater than, 1 tonne/h,

— concentrations of total dust, of HCl, of CO and of oxygen in the case of plants of a nominal capacity of less than 1 tonne/h,

— concentrations of organic compounds (expressed as total carbon) in general;

(b) operating parameters:

(i) the temperatures of the gases in the area where the conditions imposed by Article 4 (1) are satisfied and the water vapour content of the combustion gases shall be continuously measured and recorded. Continuous measurement of the water vapour content shall not be necessary provided that the combustion gas is dried before the emissions are analysed;

(ii) the residence time of the combustion gases at the minimum temperature of 850 °C specified in Article 4 (1) must be the subject of appropriate verifications at least once when the incineration plant is first brought into service and under the most unfavourable operating conditions envisaged.

2. The results of the measurements referred to in paragraph 1 shall be standardized at the following conditions:

temperature 273 K, pressure 101,3 kPa, 11 % oxygen or 9 % CO<sub>2</sub>, dry gas.

Where Article 3 (2) is applied, however, they may be standardized at the following conditions:

temperature 273 K, pressure 101,3 kPa, 17 % oxygen, dry gas.

3. All the measurement results shall be recorded, processed and presented in an appropriate fashion so that the competent authorities can verify compliance with the conditions laid down, in accordance with procedures to be decided upon by those authorities.

4. The sampling and measurement procedures used to satisfy the obligations imposed by paragraph 1 and the location of the sampling or measurement points shall require the prior approval of the competent authorities.

5. For the periodic measurements, the competent authorities shall lay down appropriate measurement programmes to ensure that the results are representative

of the normal level of emissions of the substances concerned.

The results obtained must be suitable for verifying that the limit values applicable have been observed.

*Article 7*

All new municipal waste-incineration plants shall be equipped with auxiliary burners. These burners must be switched on automatically when the temperature of the combustion gases falls below 850 °C. They shall also be used during plant start-up and shut-down operations in order to ensure that the abovementioned minimum temperature is maintained at all times during these operations and as long as the waste is in the combustion chamber.

*Article 8*

1. Should the measurements taken show that the limit values laid down in this Directive have been exceeded, the competent authority shall be informed as soon as possible. It shall ensure that the plant concerned does not continue to operate while failing to comply with emission standards and shall take the necessary measures to ensure it is modified or no longer operated.

2. The competent authorities shall lay down the maximum permissible period of any technically unavoidable stoppages of the purification devices during which the concentrations in the discharges into the air of the substances which these devices are intended to reduce exceed the limit values laid down. In case of a breakdown, the operator shall reduce or close down operations as soon as practicable and until normal operations can be restored. Under no circumstances may the plant continue to operate more than eight hours uninterrupted; moreover, the cumulative duration over a year of operation in such conditions shall be less than 96 hours.

The dust content of the discharges shall under no circumstances exceed 600 mg/nm<sup>3</sup> during the periods referred to in the preceding subparagraph and all the other conditions, in particular the combustion conditions, shall be complied with.

*Article 9*

The information required by Article 9 of Directive 84/360/EEC and, in accordance with appropriate procedures and in the form decided upon by the competent authorities, the results of the controls provided for in Articles 5 and 6 shall be made available to the public, subject to respect of provisions applicable in respect of commercial secrecy.

*Article 10*

Exceptionally, Member States may derogate from some of the provisions of this Directive in the case of plants which are specifically designed to burn waste-derived fuels (i.e. fuel manufactured from the combustible fraction of municipal waste by advanced mechanical processes designed to maximize the recycling potential of such

waste and which contain no more than 15 % ash prior to any addition of substances to enhance fuel properties) where compliance with such provisions would entail excessive costs or if, given the technical characteristics of the plant in question, such provisions are inappropriate from a technical viewpoint, provided that :

- those plants burn no waste other than that defined above (apart from back-up fuels used for start-up operations),
- the provisions of Directive 84/360/EEC are complied with.

#### *Article 11*

1. In the framework of the verification required by Article 11 of Directive 84/360/EEC and also in relation to Article 4 of that Directive, Member States shall take the necessary measures to ensure that compliance with the conditions relating to new incineration plants pursuant to this Directive is verified by the competent authorities.

2. This Directive shall be without prejudice to the requirement of Article 12 of Directive 84/360/EEC for Member States to revise, where necessary, the conditions

imposed in the authorization granted to an incineration plant.

#### *Article 12*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 December 1990. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

#### *Article 13*

This Directive is addressed to the Member States.

Done at Luxembourg, 8 June 1989.

*For the Council*

*The President*

J. L. SAENZ COSCULLUELA

**COUNCIL DIRECTIVE****of 8 June 1989****amending Directive 83/129/EEC concerning the importation into Member States  
of skins of certain seal pups and products derived therefrom****(89/370/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Directive 83/129/EEC<sup>(1)</sup>, as amended by Directive 85/444/EEC<sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 83/129/EEC provides that Member States shall take or maintain all necessary measures to ensure that the products listed in the Annex thereto are not commercially imported into their territories;

Whereas Directive 83/129/EEC expires on 1 October 1989;

Whereas the European Parliament has adopted a written declaration calling for an indefinite extension of Directive 83/129/EEC;

Whereas the negative consequences to be expected from the expiry of Directive 83/129/EEC should, in the interest of all parties concerned, be avoided;

Whereas an extension of Directive 83/129/EEC is a useful complementary measure to the measure of the Canadian Government to end all commercial hunting of whitecoats and blue backs;

Whereas there are increasing doubts with regard to the effects of non-traditional hunting on the conservation of harp seals in the East Atlantic, the Barents Sea and the White Sea, where they are, in addition to hunting, also

affected by the depletion of prey fish species and entanglement in nets along the Norwegian coast;

Whereas the Commission submitted a report to the Council on 26 August 1983, followed by a supplementary report on 14 June 1985;

Whereas the Commission submitted a further report to the Council on 24 March 1988;

Whereas Directive 83/129/EEC should be amended so that it remains applicable *sine die*,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Article 2 of Directive 83/129/EEC is hereby replaced by the following:

*Article 2*

This Directive shall apply from 1 October 1983.

*Article 2*

This Directive is addressed to the Member State.

Done at Luxembourg, 8 June 1989.

*For the Council*

*The President*

J. L. SAENZ COSCULLUELA

<sup>(1)</sup> OJ No L 91, 9. 4. 1983, p. 30.

<sup>(2)</sup> OJ No L 259, 1. 10. 1985, p. 70.