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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 1693/89 of 15 June 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 1694/89 of 15 June 1989 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 1695/89 of 15 June 1989 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products	5
Commission Regulation (EEC) No 1696/89 of 15 June 1989 fixing the amount of aid for peas, field beans and sweet lupins	8
Commission Regulation (EEC) No 1697/89 of 15 June 1989 adjusting the agricultural conversion rates for the pigmeat sector in Spain	15
Commission Regulation (EEC) No 1698/89 of 15 June 1989 fixing the export refunds on fruit and vegetables	17
* Commission Regulation (EEC) No 1699/89 of 15 June 1989 suspending Regulation (EEC) No 2192/81 as regards granting of aid for the purchase of butter by the armies and similar forces of the Member States	22
* Commission Regulation (EEC) No 1700/89 of 15 June 1989 fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses and repealing Regulation (EEC) No 2119/88	23
* Commission Regulation (EEC) No 1701/89 of 15 June 1989 fixing for the 1989/90 marketing year the amount of the levy in connection with the offsetting of storage costs for sugar	25
Commission Regulation (EEC) No 1702/89 of 15 June 1989 fixing the import levies on white sugar and raw sugar	26

Price : ECU 10,50

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Commission Regulation (EEC) No 1703/89 of 15 June 1989 altering the export refunds on white sugar and raw sugar exported in the natural state	28
Commission Regulation (EEC) No 1704/89 of 15 June 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	30
Commission Regulation (EEC) No 1705/89 of 15 June 1989 fixing the amount of the subsidy on oil seeds	32
Commission Regulation (EEC) No 1706/89 of 15 June 1989 fixing the export refunds on milk and milk products	36
* Commission Regulation (EEC) No 1707/89 of 15 June 1989 amending Regulation (EEC) No 1388/89 adopting exceptional support measures for the market in pigmeat in Italy	56
Commission Regulation (EEC) No 1708/89 of 15 June 1989 introducing a countervailing charge on apricots originating in Tunisia	57
Commission Regulation (EEC) No 1709/89 of 15 June 1989 repealing Regulation (EEC) No 1690/89 introducing a countervailing charge on the import of certain types of plum originating in Spain (except the Canary Islands)	58
Commission Regulation (EEC) No 1710/89 of 15 June 1989 abolishing the countervailing charge on fresh lemons originating in Spain (except the Canary Islands)	59

II Acts whose publication is not obligatory

Commission

89/373/EEC:

* Commission Decision of 30 November 1988 on aid decided by the Italian Government for investments in the public flat-glass industry (Veneziana Vetro)	60
---	-----------

89/374/EEC:

* Commission Decision of 2 June 1989 on the organization of a temporary experiment under Council Directive 66/402/EEC on the marketing of cereal seed, in order to establish the conditions to be satisfied by the crop and the seed of hybrids of rye	66
---	-----------

Corrigenda

* Corrigendum to Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt (OJ No L 201 of 22.7.1987)	68
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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 1693/89
of 15 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular Article 13 (5) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

Whereas these exchange rates being those recorded on 14 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 16 June 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 June 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	36,26	128,75
0712 90 19	36,26	128,75
1001 10 10	60,64	188,23 ⁽¹⁾ ⁽²⁾
1001 10 90	60,64	188,23 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	121,37
1001 90 99	35,73	121,37
1002 00 00	63,32	125,38 ⁽³⁾
1003 00 10	53,90	120,80
1003 00 90	53,90	120,80
1004 00 10	44,96	91,41
1004 00 90	44,96	91,41
1005 10 90	36,26	128,75 ⁽²⁾ ⁽³⁾
1005 90 00	36,26	128,75 ⁽²⁾ ⁽³⁾
1007 00 90	54,40	134,91 ⁽⁴⁾
1008 10 00	53,90	10,18
1008 20 00	53,90	8,03 ⁽⁵⁾
1008 30 00	53,90	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	53,90	0,00
1101 00 00	65,71	184,62
1102 10 00	103,35	190,23
1103 11 10	107,63	305,39
1103 11 90	69,15	197,58

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

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

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

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

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

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

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

COMMISSION REGULATION (EEC) No 1694/89

of 15 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⁽¹⁾, as last amended by Regulation (EEC) No 1213/89⁽²⁾, and in particular Article 15 (6) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

Whereas these exchange rates being those recorded on 14 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 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 11. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 15 June 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	0,39
0712 90 19	0	0	0	0,39
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	0,39
1005 90 00	0	0	0	0,39
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 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 1695/89

of 15 June 1989

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 12 and 13 June 1989 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 16 June 1989.

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 15 June 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽²⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

- (a) Lebanon: ECU 0,60 per 100 kg;
- (b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 1696/89

of 15 June 1989

fixing the amount of aid for peas, field beans and sweet lupins

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1104/88⁽²⁾, and in particular Article 3 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 3870/88⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 1105/88⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1988/89 marketing year was fixed by Council Regulation (EEC) No 2255/88⁽⁷⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly

increases in the threshold price was fixed by Regulation (EEC) No 2258/88⁽⁸⁾;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1989/90 marketing year was fixed by Council Regulation (EEC) No 1246/89⁽⁹⁾; whereas, as provided for in Article 2a of Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1247/89⁽¹⁰⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade; whereas this price is adjusted under the conditions and in the manner specified in Article 1 (2) of Regulation (EEC) No 2036/82, in order to take account of the prices of competing products in the case of field beans intended for animal feed;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

— in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽¹⁵⁾,

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 345, 14. 12. 1988, p. 21.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 110, 29. 4. 1988, p. 18.

⁽⁷⁾ OJ No L 199, 26. 7. 1988, p. 1.

⁽⁸⁾ OJ No L 199, 26. 7. 1988, p. 5.

⁽⁹⁾ OJ No L 129, 11. 5. 1989.

⁽¹⁰⁾ OJ No L 129, 11. 5. 1989.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽¹⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

— 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 correcting factor ;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries ; whereas, moreover, in the case of sweet lupins harvested in Spain it must be reduced by the difference between the activating threshold price applied in Spain and the common price ;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1911/88⁽¹⁾ ; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide price is increased monthly as from the beginning of the third month of the marketing year ; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1959/87⁽²⁾ for the 1988/1989 marketing year and by Council Regulation (EEC) No 1247/89 for the 1989/1990 marketing year ;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State ;

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

Done at Brussels, 15 June 1989.

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1988/89 marketing year, has been fixed by Commission Regulation (EEC) No 2731/88⁽³⁾ ;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 marketing year, has not, to date, been fixed ; whereas the amount of the subsidy for the 1989/90 marketing year has been provisionally calculated on the basis of the abatement for the 1988/89 marketing year,

HAS ADOPTED THIS REGULATION :

Article 1

1. The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

2. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for peas, field beans and sweet lupins will be confirmed or replaced as from 16 June 1989 to take into account the application of the arrangements for that marketing year.

Article 2

This Regulation shall enter into force on 16 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 168, 1. 7. 1988, p. 112.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 5.

⁽³⁾ OJ No L 241, 1. 9. 1988, p. 116.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
Peas used :							
— in Spain	6,943	5,503	5,503	5,661	5,819	5,977	6,135
— in Portugal	6,985	5,545	5,545	5,703	5,861	6,019	6,177
— in another Member State	7,300	5,860	5,860	6,018	6,176	6,334	6,492
Field beans used :							
— in Spain	7,300	5,860	5,860	6,018	6,176	6,334	6,492
— in Portugal	6,985	5,545	5,545	5,703	5,861	6,019	6,177
— in another Member State	7,300	5,860	5,860	6,018	6,176	6,334	6,492

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the maximum guaranteed quantity arrangements for that marketing year.

Products used in animal feed :

(ECU per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
A. Peas used :							
— in Spain	9,216	7,992	8,423	8,581	8,738	9,327	9,485
— in Portugal	8,899	7,682	8,127	8,284	8,442	9,045	9,203
— in another Member State	9,326	8,100	8,526	8,683	8,841	9,425	9,582
B. Field beans used :							
— in Spain	10,472	7,992	8,423	8,581	8,738	9,327	9,485
— in Portugal	10,195	7,682	8,127	8,284	8,442	9,045	9,203
— in another Member State	10,567	8,100	8,526	8,683	8,841	9,425	9,582
C. Sweet lupins harvested in Spain and used :							
— in Spain	8,799	10,347	10,921	10,921	10,921	11,497	11,497
— in Portugal	8,376	9,933	10,527	10,527	10,527	11,121	11,121
— in another Member State	8,946	10,490	11,058	11,058	11,058	11,627	11,627
D. Sweet lupins harvested in another Member State and used :							
— in Spain	9,949	10,237	10,811	10,811	10,811	11,387	11,387
— in Portugal	9,526	9,823	10,417	10,417	10,417	11,011	11,011
— in another Member State	10,096	10,380	10,948	10,948	10,948	11,517	11,517

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the maximum guaranteed quantity arrangements for that marketing year.

ANNEX II

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	352,49	282,96	282,96	290,59	298,22	305,85	313,48
— Denmark (Dkr)	64,54	52,33	52,33	53,74	55,15	56,56	57,97
— Federal Republic of Germany (DM)	17,24	13,84	13,84	14,21	14,58	14,96	15,33
— Greece (Dr)	492,18	861,13	861,13	889,57	918,00	946,44	974,87
— Spain (Pta)	1 145,68	923,70	923,70	948,06	972,41	996,77	1 021,13
— France (FF)	55,32	45,07	45,07	46,28	47,50	48,72	49,93
— Ireland (£ Irl)	6,141	5,002	5,002	5,137	5,272	5,408	5,543
— Italy (Lit)	12 060	9 857	9 857	10 122	10 388	10 654	10 920
— Netherlands (Fl)	19,32	15,46	15,46	15,87	16,29	16,71	17,12
— Portugal (Esc)	1 372,45	1 125,13	1 125,13	1 155,47	1 185,80	1 216,14	1 246,48
— United Kingdom (£)	4,150	3,864	3,864	3,975	4,086	4,197	4,308

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the maximum guaranteed quantity arrangements for that marketing year.

Amounts to be deducted in the case of :

- Peas used in Spain (Pta) : 55,05,
- Peas, and field beans used in Portugal (Esc) : 59,22.

ANNEX III

Partial aids

Peas intended for animal feed :

(in national currency per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	450,32	391,12	411,69	419,28	426,90	455,10	462,69
— Denmark (Dkr)	82,46	72,33	76,14	77,54	78,95	84,17	85,57
— Federal Republic of Germany (DM)	22,02	19,12	20,13	20,50	20,87	22,25	22,62
— Greece (Dr)	876,16	1 284,92	1 365,51	1 393,76	1 422,20	1 531,23	1 559,47
— Spain (Pta)	1 456,02	1 266,83	1 332,08	1 356,29	1 380,64	1 470,25	1 494,45
— France (FF)	70,69	62,31	65,59	66,80	68,02	72,52	73,72
— Ireland (£ Irl)	7,853	6,923	7,288	7,423	7,558	8,059	8,194
— Italy (Lit)	15 407	13 624	14 341	14 605	14 871	15 853	16 117
— Netherlands (Fl)	24,69	21,37	22,49	22,90	23,32	24,86	25,28
— Portugal (Esc)	1 753,35	1 555,22	1 637,01	1 667,15	1 697,49	1 809,62	1 839,76
— United Kingdom (£)	5,599	5,463	5,768	5,878	5,989	6,404	6,514
Amounts to be deducted in the case of use :							
— Spain (Pta)	16,96	16,66	15,88	15,73	15,88	15,11	14,96
— Portugal (Esc)	80,28	80,26	76,61	76,61	76,61	72,96	72,77

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the maximum guaranteed quantity arrangements for that marketing year.

ANNEX IV

Corrective amount to be added to the amounts in Annex III

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (FB/Flux)	0,00	0,00	0,00	80,04	3,05	0,13	0,52	0,00	0,00	0,00	25,52
— Denmark (Dkr)	0,00	0,00	0,00	14,66	0,56	0,02	0,10	0,00	0,00	0,00	4,67
— Federal Republic of Germany (DM)	0,00	0,00	0,00	3,91	0,15	0,01	0,03	0,00	0,00	0,00	1,25
— Greece (Dr)	0,00	0,00	0,00	314,17	11,98	0,52	2,04	0,00	0,00	0,00	100,16
— Spain (Pta)	0,00	0,00	0,00	253,92	9,68	0,42	1,65	0,00	0,00	0,00	80,95
— France (FF)	0,00	0,00	0,00	12,58	0,48	0,02	0,08	0,00	0,00	0,00	4,01
— Ireland (£ Irl)	0,000	0,000	0,000	1,400	0,053	0,002	0,009	0,000	0,000	0,000	0,446
— Italy (Lit)	0	0	0	2738	104	4	18	0	0	0	873
— Netherlands (Fl)	0,00	0,00	0,00	4,39	0,17	0,01	0,03	0,00	0,00	0,00	1,40
— Portugal (Esc)	0,00	0,00	0,00	311,64	11,88	0,51	2,02	0,00	0,00	0,00	99,36
— United Kingdom (£)	0,000	0,000	0,000	1,186	0,045	0,002	0,008	0,000	0,000	0,000	0,378

ANNEX V

Partial aids

Field beans intended for animal feed :

(in national currency per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	510,25	391,12	411,69	419,28	426,90	455,10	462,69
— Denmark (Dkr)	93,43	72,33	76,14	77,54	78,95	84,17	85,57
— Federal Republic of Germany (DM)	24,95	19,12	20,13	20,50	20,87	22,25	22,62
— Greece (Dr)	1 111,36	1 284,92	1 365,51	1 393,76	1 422,20	1 531,23	1 559,47
— Spain (Pta)	1 646,12	1 266,83	1 332,08	1 356,29	1 380,64	1 470,25	1 494,45
— France (FF)	80,11	62,31	65,59	66,80	68,02	72,52	73,72
— Ireland (£ Irl)	8,901	6,923	7,288	7,423	7,558	8,059	8,194
— Italy (Lit)	17 457	13 624	14 341	14 605	14 871	15 853	16 117
— Netherlands (Fl)	27,97	21,37	22,49	22,90	23,32	24,86	25,28
— Portugal (Esc)	1 986,67	1 555,22	1 637,01	1 667,15	1 697,49	1 809,62	1 839,76
— United Kingdom (£)	6,487	5,463	5,768	5,878	5,989	6,404	6,514
Amounts to be deducted in the case of use :							
— Spain (Pta)	14,65	16,66	15,88	15,73	15,88	15,11	14,96
— Portugal (Esc)	69,94	80,26	76,61	76,61	76,61	72,96	72,77

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the maximum guaranteed quantity arrangements for that marketing year.

ANNEX VI

Corrective amount to be added to the Amounts in Annex V

(in national currency per 100 kg)

Use of the products	BLEU	DK	DE	EL	ESP	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	80,04	3,05	0,13	0,52	0,00	0,00	0,00	25,52
— Denmark (Dkr)	0,00	0,00	0,00	14,66	0,56	0,02	0,10	0,00	0,00	0,00	4,67
— Federal Republic of Germany (DM)	0,00	0,00	0,00	3,91	0,15	0,01	0,03	0,00	0,00	0,00	1,25
— Greece (Dr)	0,00	0,00	0,00	314,17	11,98	0,52	2,04	0,00	0,00	0,00	100,16
— Spain (Pta)	0,00	0,00	0,00	253,92	9,68	0,42	1,65	0,00	0,00	0,00	80,95
— France (FF)	0,00	0,00	0,00	12,58	0,48	0,02	0,08	0,00	0,00	0,00	4,01
— Ireland (£ Irl)	0,000	0,000	0,000	1,400	0,053	0,002	0,009	0,000	0,000	0,000	0,446
— Italy (Lit)	0	0	0	2 738	104	4	18	0	0	0	873
— Netherlands (Fl)	0,00	0,00	0,00	4,39	0,17	0,01	0,03	0,00	0,00	0,00	1,40
— Portugal (Esc)	0,00	0,00	0,00	311,64	11,88	0,51	2,02	0,00	0,00	0,00	99,36
— United Kingdom (£)	0,000	0,000	0,000	1,186	0,045	0,002	0,008	0,000	0,000	0,000	0,378

ANNEX VII

Partial aid

Sweet lupins intended for use in animal feed :

(in national currency per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)	6th period 12 (1)
Products harvested in :							
— BLEU (Bfrs/Lfrs)	487,50	501,22	528,64	528,64	528,64	556,12	556,12
— Denmark (Dkr)	89,27	92,69	97,77	97,77	97,77	102,85	102,85
— Federal Republic of Germany (DM)	23,84	24,51	25,85	25,85	25,85	27,19	27,19
— Greece (Dr)	977,68	1 690,01	1 797,47	1 797,47	1 797,47	1 905,12	1 905,12
— Spain (Pta)	1 575,34	1 618,85	1 705,85	1 705,85	1 705,85	1 793,01	1 793,01
— France (FF)	76,53	79,86	84,24	84,24	84,24	88,62	88,62
— Ireland (£ Irl)	8,502	8,876	9,363	9,363	9,363	9,851	9,851
— Italy (Lit)	16 679	17 459	18 415	18 415	18 415	19 372	19 372
— Netherlands (Fl)	26,72	27,38	28,88	28,88	28,88	30,38	30,38
— Portugal (Esc)	1 898,12	1 992,98	2 102,04	2 102,04	2 102,04	2 211,29	2 211,29
— United Kingdom (£)	6,096	7,058	7,463	7,463	7,463	7,869	7,869
Amounts to be deducted in the case of use in :							
— Spain (Pta)	22,67	22,05	21,13	21,13	21,13	20,05	20,05
— Portugal (Esc)	107,16	106,95	101,95	101,95	101,95	97,15	97,15

(1) Subject, in cases of advance fixing for the 1989/90 marketing year, to application of the maximum guaranteed quantity arrangements for that marketing year.

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	58,21	2,22	0,10	0,38	0,00	0,00	0,00	18,56
— Denmark (Dkr)	0,00	0,00	0,00	10,66	0,41	0,02	0,07	0,00	0,00	0,00	3,40
— Federal Republic of Germany (DM)	0,00	0,00	0,00	2,85	0,11	0,00	0,02	0,00	0,00	0,00	0,91
— Greece (Dr)	0,00	0,00	0,00	228,48	8,71	0,37	1,48	0,00	0,00	0,00	72,84
— Spain (Pta)	0,00	0,00	0,00	184,67	7,04	0,30	1,20	0,00	0,00	0,00	58,87
— France (FF)	0,00	0,00	0,00	9,15	0,35	0,01	0,06	0,00	0,00	0,00	2,92
— Ireland (£ Irl)	0,000	0,000	0,000	1,018	0,039	0,002	0,007	0,000	0,000	0,000	0,325
— Italy (Lit)	0	0	0	1 992	76	3	13	0	0	0	635
— Netherlands (Fl)	0,00	0,00	0,00	3,19	0,12	0,01	0,02	0,00	0,00	0,00	1,02
— Portugal (Esc)	0,00	0,00	0,00	226,65	8,64	0,37	1,47	0,00	0,00	0,00	72,26
— United Kingdom (£)	0,000	0,000	0,000	0,862	0,033	0,001	0,006	0,000	0,000	0,000	0,275

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4582	7,85212	2,05853	174,240	131,963	6,90403	0,768411	1 482,18	2,31943	169,677	0,658718

COMMISSION REGULATION (EEC) No 1697/89
of 15 June 1989

adjusting the agricultural conversion rates for the pigmeat sector in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts ⁽¹⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽²⁾, as last amended by Regulation (EEC) No 1889/87 ⁽³⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so as to avoid the creation of new monetary compensatory amounts;

Whereas the movement of the market rate for the Spanish peseta during the reference period 7 to 13 June 1989 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 1595/89 ⁽⁵⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 3521/88 ⁽⁷⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Spain effective from 19 June 1989; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to avoid the creation of these new monetary compensatory amounts,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex V to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following:

Products	Agricultural conversion rates			
	ECU 1 = Pta...	Applicable until	ECU 1 = Pta...	Applicable from
Pigmeat	146,854	18 June 1989	147,136	19 June 1989

Article 2

This Regulation shall enter into force on 19 June 1989.

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁵⁾ OJ No L 157, 9. 6. 1989, p. 8.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁷⁾ OJ No L 307, 12. 11. 1988, p. 28.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1698/89
of 15 June 1989
fixing the export refunds on fruit and vegetables

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⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 30 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it

necessary to vary the refund for a given product according to the destination of that product;

Whereas the refund applicable to exports of tomatoes to Sweden should be reduced during the period 1 July to 30 September pursuant to the undertakings entered into with that country under the 1980 agreement⁽⁵⁾;

Whereas tomatoes, sweet fresh oranges, fresh lemons, apples, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class II, 'Extra' Class and Class I table grapes, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last indent of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

Whereas the obligations under Article 5 (1) (b) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁸⁾, as last amended by Regulation (EEC) No 3993/88⁽⁹⁾, may be relaxed in the case of exports to non-member countries outside Europe; whereas, in such a case, Article 19 (1) (c) of Regulation (EEC) No 3665/87 may be applied;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 194, 28. 7. 1980, p. 12.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁸⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 354, 22. 12. 1988, p. 22.

Whereas, for Spain and Portugal, the Act of Accession introduce transitional measures by phases and stages respectively; whereas, in particular as regards the arrangements applicable to exports to Spain from the Community as constituted at 31 December 1985, Article 141 provides that, during the first phase, the Community is not in principle to grant export refunds; whereas, pursuant to Article 146, the Kingdom of Spain is to be authorized to maintain, during the first phase, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas Article 275 provides for a special procedure for the grant of refunds on exports to Portugal from the Community as constituted at 31 December 1985; whereas, pursuant to Article 283, the Portuguese Republic is to be authorized to maintain, during the first stage, for exports to third countries, the arrangements in force before its accession for such trade, including any export aid or subsidies; whereas, under those circumstances, refunds for such exports should not be provided for in this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. The provisions of Articles 5 (1)(b) and 19 (1)(c) of Regulation (EEC) No 3665/87 shall apply to exports of sweet oranges, lemons, walnuts in shell, shelled hazelnuts and apples as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 June 1989 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (1)	Amount of refund (2)
0702 00 10 100		4,50 (3)
0702 00 10 900	—	—
0702 00 90 100		4,50 (3)
0702 00 90 900	—	—
0802 12 90 000		9,67
0802 21 00 000		11,30
0802 22 00 000		21,80
0802 31 00 000		14,00
0805 10 11 100	01	8,00
	09	5,32
0805 10 11 300	01	14,50
	09	9,67
0805 10 11 900	—	—
0805 10 15 100	01	17,00
	09	12,00
0805 10 15 300	01	14,50
	09	9,67
0805 10 15 900	—	—
0805 10 19 100	01	8,00
	09	5,32
0805 10 19 300	01	14,50
	09	9,67
0805 10 19 900	—	—
0805 10 21 100	01	8,00
	09	5,32
0805 10 21 300	01	14,50
	09	9,67
0805 10 21 900	—	—
0805 10 25 100	01	17,00
	09	12,00
0805 10 25 300	01	14,50
	09	9,67
0805 10 25 900	—	—
0805 10 29 100	01	8,00
	09	5,32
0805 10 29 300	01	14,50
	09	9,67
0805 10 29 900	—	—
0805 10 31 100	01	8,00
	09	5,32
0805 10 31 300	01	14,50
	09	9,67
0805 10 31 900	—	—
0805 10 35 100	01	17,00
	09	12,00
0805 10 35 300	01	14,50
	09	9,67
0805 10 35 900	—	—

(ECU/100 kg net)		
Product code	Destination of refund (1)	Amount of refund (2)
0805 10 39 100	01	8,00
	09	5,32
0805 10 39 300	01	14,50
	09	9,67
0805 10 39 900	—	—
0805 10 41 100	01	8,00
	09	5,32
0805 10 41 300	01	14,50
	09	9,67
0805 10 41 900	—	—
0805 10 45 100	01	17,00
	09	12,00
0805 10 45 300	01	14,50
	09	9,67
0805 10 45 900	—	—
0805 10 49 100	01	8,00
	09	5,32
0805 10 49 300	01	14,50
	09	9,67
0805 10 49 900	—	—
0805 20 50 100	—	—
0805 20 50 900	—	—
0805 30 10 100	01	15,00
	09	10,00
0805 30 10 900	—	—
0806 10 11 100	—	4,84
0806 10 11 300	—	4,84
0806 10 11 900	—	—
0806 10 15 100	—	4,84
0806 10 15 300	—	4,84
0806 10 15 900	—	—
0806 10 19 100	—	4,84
0806 10 19 300	—	4,84
0806 10 19 900	—	—
0808 10 91 100	—	—
0808 10 91 910	02	14,00
	03	4,50
	04	—
0808 10 91 990	—	—
0808 10 93 100	—	—
0808 10 93 910	02	14,00
	03	4,50
	04	—
0808 10 93 990	—	—
0808 10 99 100	—	—
0808 10 99 910	02	14,00
	03	4,50
	04	—
0808 10 99 990	—	—
0809 30 00 110	05	5,00
0809 30 00 190	—	—
0809 30 00 900	05	5,00

Notes :

(¹) The destinations are as follows :

- 01 Countries or States with a planned economy in central or eastern Europe and Yugoslavia,
- 02 Botswana, Lesotho, Swaziland, Zambia, Malawi, Mozambique, Tanzania, Kenya, Rwanda, Burundi, Uganda, Somalia, Madagascar, Comoros, Mauritius, Sudan, Ethiopia, Djibouti, the countries of the Arabian peninsula including the territories attached thereto (Saudi Arabia, Bahrain, Qatar, Kuwait, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Fujairah and Ras al Khaimah), Yemen Arab Republic and People's Democratic Republic of Yemen), Iran, Iraq and Jordan,
- 03 Countries and territories of Africa other than those mentioned above and South Africa, Syria, countries with a planned economy in central or eastern Europe, Yugoslavia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, Iceland, Norway, Sweden, Austria, the Faroe Islands, Finland and Greenland,
- 04 Hong Kong, Singapore, Malaysia, Indonesia, Thailand and Taiwan,
- 05 All destinations excluding Switzerland and Austria,
- 09 Other destinations.

(²) The refunds fixed in this Regulation shall not apply to exports :

- to Spain and Portugal from the Community as constituted at 31 December 1985,
- to third countries from Spain and tiers.

(³) For exports to Sweden in the period 1 July to 30 September 1989, the refund is reduced to 0,68 ECU/100 kg.

COMMISSION REGULATION (EEC) No 1699/89**of 15 June 1989****suspending Regulation (EEC) No 2192/81 as regards granting of aid for the purchase of butter by the armies and similar forces of the Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 763/89⁽²⁾, and in particular Article 12 (3) thereof,

Whereas Council Regulation (EEC) No 1723/81 of 24 June 1981 establishing general rules relating to measures to maintain the level of use of butter by certain categories of consumer and industry⁽³⁾, as amended by Regulation (EEC) No 863/84⁽⁴⁾, provides for the possibility of granting aid in respect of butter available on the market so as to enable that product to be purchased at a reduced price; whereas the armies and similar forces are among those categories of consumer,

Whereas, in view of the current situation on the market for butter a particular feature of which is lower production

and stocks of butter, the categories of consumer who may qualify for aid for the purchase of such butter must be restricted and consequently Commission Regulation (EEC) No 2192/81⁽⁵⁾, as last amended by Regulation (EEC) No 274/88⁽⁶⁾, should be suspended;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The application of Article 1 (1) of Regulation (EEC) No 2192/81 is hereby suspended.

Article 2

This Regulation shall enter into force on 1 July 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 172, 30. 6. 1981, p. 14.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 23.

⁽⁵⁾ OJ No L 213, 1. 8. 1981, p. 24.

⁽⁶⁾ OJ No L 26, 30. 1. 1988, p. 61.

COMMISSION REGULATION (EEC) No 1700/89

of 15 June 1989

fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses and repealing Regulation (EEC) No 2119/88

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

Having regard to Regulation (EEC) No 2759/75 of the Council of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1249/89 ⁽²⁾, and in particular Article 4 (6) thereof,

Whereas the Community market price for pig carcasses, as referred to in Article 4 (2) of Regulation (EEC) No 2759/75, must be established by weighting the prices recorded in each Member State by coefficients expressing the relative size of the pig population of each Member State; whereas these coefficients should be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 76/630/EEC of 20 July 1976 concerning surveys of pig production to be made by the Member States ⁽³⁾, as last amended by Directive 86/83/EEC ⁽⁴⁾;

Whereas, in view of the results of the census of December 1988 the weighting coefficients fixed by Commission Regulation (EEC) No 2119/88 ⁽⁵⁾ should be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The weighting coefficients referred to in Article 4 (2) of Regulation (EEC) No 2759/75 shall be as specified in the Annex to this Regulation.

Article 2

Regulation (EEC) No 2119/88 is hereby repealed.

Article 3

This Regulation shall enter into force on 1 July 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 223, 16. 8. 1976, p. 4.

⁽⁴⁾ OJ No L 77, 22. 3. 1986, p. 31.

⁽⁵⁾ OJ No L 186, 16. 7. 1988, p. 23.

*ANNEX***Weighting coefficients to be used in calculating the Community market price for pig carcasses**

Belgium	6,2
Denmark	9,2
Germany	22,8
Greece	1,3
Spain	16,5
France	11,8
Ireland	1,0
Italy	9,5
Luxembourg	0,1
Netherlands	13,9
United Kingdom	7,7

COMMISSION REGULATION (EEC) No 1701/89

of 15 June 1989

fixing for the 1989/90 marketing year the amount of the levy in connection with
the offsetting of storage costs for sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 8 (5) thereof,

Whereas Article 8 (1) of Regulation (EEC) No 1785/81 provides that the storage costs for sugar and syrups shall be reimbursed at a flat rate by the Member States;

Whereas Article 6 of Council Regulation (EEC) No 1358/77 ⁽³⁾, as last amended by Regulation (EEC) No 3042/78 ⁽⁴⁾, provides that the amount of the levy for Community sugar shall be calculated by dividing the total estimated reimbursement by the estimated quantity of sugar which will be marketed during the sugar marketing year in question; whereas the total estimated reimbursement is to be increased or decreased, as the case may be, by the amounts carried forward from previous marketing years;Whereas Article 8 (4) of Regulation (EEC) No 1785/81 provides that the monthly reimbursement amount shall be fixed by the Council simultaneously with the derived intervention prices; whereas the amount for 1989/90 as laid down in Council Regulation (EEC) No 1255/89 ⁽⁵⁾, is ECU 0,48 per 100 kilograms of white sugar;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1358/77, the quantity in store to be taken into account for the reimbursement of any one month's storage costs is equal to the arithmetic mean of the quantities held in store in the beginning and at the end of the month in question; whereas, for the 1989/90 marketing year, the

quantities of Community sugar in store each month may be estimated by reference to estimated stocks at the beginning of the marketing year, estimated monthly production and the quantities likely to be marketed for domestic consumption or exported during the same month; whereas total average monthly stocks during the 1989/90 marketing year can be estimated at approximately 96 million tonnes of sugar expressed as white sugar; whereas the total reimbursement for Community sugar can thus be estimated at approximately ECU 462 million for the 1989/90 marketing year; whereas the balance of previous sugar marketing years can be estimated at a positive amount of ECU 87 million; whereas the detailed rules for the application of the system of offsetting storage costs for sugar provide that the levy is to be fixed per 100 kilograms of white sugar; whereas the quantity of Community sugar which will be marketed during the 1989/90 marketing year for home consumption or for export may be estimated at approximately 12,5 million tonnes of sugar expressed as white sugar; whereas the amount of the levy for Community sugar should therefore be ECU 3 per 100 kilograms of white sugar:

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 marketing year, the amount of the levy referred to under the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81 is hereby fixed at ECU 3 per 100 kilograms of white sugar.

Article 2

This Regulation shall enter into force on 1 July 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 156, 25. 6. 1977, p. 4.

⁽⁴⁾ OJ No L 361, 23. 12. 1978, p. 8.

⁽⁵⁾ OJ No L 126, 9. 5. 1989, p. 4.

COMMISSION REGULATION (EEC) No 1702/89
of 15 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1466/89 ⁽³⁾, as last amended by Regulation (EEC) No 1667/89 ⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 163, 14. 6. 1989, p. 21.

ANNEX

to the Commission Regulation of 15 June 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	30,38 ⁽¹⁾
1701 11 90	30,38 ⁽¹⁾
1701 12 10	30,38 ⁽¹⁾
1701 12 90	30,38 ⁽¹⁾
1701 91 00	33,61
1701 99 10	33,61
1701 99 90	33,61 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 1703/89**of 15 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, 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 ⁽³⁾, as last amended by Regulation (EEC) No 1686/89 ⁽⁴⁾;

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 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 156, 8. 6. 1989, p. 11.

⁽⁴⁾ OJ No L 164, 15. 6. 1989, p. 30.

ANNEX

to the Commission Regulation of 15 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 ⁽¹⁾	
1701 11 90 910	26,91 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	25,20 ⁽¹⁾	
1701 12 90 910	26,91 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2740
1701 99 10 100	27,40	
1701 99 10 910	29,25	
1701 99 10 950	27,75	
1701 99 90 100		0,2740

⁽¹⁾ 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.

⁽²⁾ 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 1704/89

of 15 June 1989

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1500/89 ⁽³⁾, as amended by Regulation (EEC) No 1634/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1500/89 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1500/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 148, 1. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 159, 10. 6. 1989, p. 49.

ANNEX

to the Commission Regulation of 15 June 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3361	—
1702 20 90	0,3361	—
1702 30 10	—	45,84
1702 40 10	—	45,84
1702 60 10	—	45,84
1702 60 90	0,3361	—
1702 90 30	—	45,84
1702 90 60	0,3361	—
1702 90 71	0,3361	—
1702 90 90	0,3361	—
2106 90 30	—	45,84
2106 90 59	0,3361	—

COMMISSION REGULATION (EEC) No 1705/89
of 15 June 1989
fixing the amount of the subsidy on oil seeds

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

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

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 1225/89 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1595/89 ⁽⁴⁾,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1442/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 1650/89 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1442/89 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 year, has not, to date, been

fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of ECU 3,44 per 100 kilograms for colza and rape seed, and of ECU 11,55 per 100 kilograms for sunflower seed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ are as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.

4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza, rape and sunflower seed will be confirmed or replaced as from 16 June 1989 to take into account the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 157, 9. 6. 1989, p. 8.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 143, 26. 5. 1989, p. 25.

⁽⁸⁾ OJ No L 162, 13. 6. 1989, p. 35.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)
1. Gross aids (ECU):						
— Spain	0,580	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,182	17,570	17,750	17,280	16,891	16,518
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	50,40	41,86	42,28	41,19	40,28	39,62
— Netherlands (Fl)	56,25	46,35	46,82	45,58	44,56	43,76
— BLEU (Bfrs/Lfrs)	1 022,81	848,40	857,09	834,40	815,61	797,60
— France (FF)	155,47	132,39	133,80	130,11	127,06	124,09
— Denmark (Dkr)	185,57	156,90	158,51	154,31	150,84	147,51
— Ireland (£ Irl)	17,292	14,735	14,892	14,481	14,141	13,811
— United Kingdom (£)	12,867	11,435	11,533	11,131	10,838	10,396
— Italy (Lit)	33 653	29 159	29 451	28 590	27 932	27 074
— Greece (Dr)	2 489,89	2 748,88	2 735,62	2 588,91	2 508,61	2 284,68
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 235,67	2 718,96	2 734,23	2 649,77	2 590,87	2 494,55
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 534,39	4 013,59	4 029,36	3 916,73	3 840,74	3 646,36

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	23,682	20,070	20,250	19,780	19,391	19,018
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	56,30	47,76	48,18	47,09	46,18	45,52
— Netherlands (Fl)	62,86	52,94	53,42	52,18	51,15	50,35
— BLEU (Bfrs/Lfrs)	1 143,53	969,12	977,81	955,11	936,33	918,32
— France (FF)	174,43	151,63	153,05	149,35	146,30	143,33
— Denmark (Dkr)	207,68	179,23	180,83	176,64	173,16	169,83
— Ireland (£ Irl)	19,402	16,876	17,034	16,623	16,283	15,953
— United Kingdom (£)	14,554	13,188	13,287	12,884	12,591	12,149
— Italy (Lit)	37 740	33 342	33 634	32 772	32 115	31 257
— Greece (Dr)	2 879,94	3 197,35	3 184,09	3 037,38	2 957,08	2 733,15
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 621,21	3 101,20	3 116,47	3 032,01	2 973,11	2 876,79
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	480,01	480,01	480,01	480,01	480,01
— in another Member State (Esc)	5 004,41	4 493,60	4 509,37	4 396,73	4 320,75	4 126,37

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 6	1st period 7	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)
1. Gross aids (ECU):					
— Spain	5,170	5,170	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,453	21,453	18,528	18,528	18,528
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	51,14	51,14	44,19	44,20	44,20
— Netherlands (Fl)	57,01	57,01	48,87	48,87	48,87
— BLEU (Bfrs/Lfrs)	1 035,90	1 035,90	894,66	894,66	894,66
— France (FF)	156,20	156,20	139,21	139,21	139,21
— Denmark (Dkr)	187,53	187,53	165,46	165,46	165,46
— Ireland (£ Irl)	17,372	17,372	15,494	15,494	15,494
— United Kingdom (£)	12,683	12,683	11,892	11,834	11,834
— Italy (Lit)	33 845	33 845	30 703	30 622	30 622
— Greece (Dr)	2 323,75	2 262,80	2 783,57	2 723,73	2 723,73
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	3 328,69	3 328,69	3 064,36	3 048,50	3 048,50
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 247,31	6 243,71	5 879,39	5 854,80	5 854,80
— in another Member State (Esc)	6 088,55	6 085,04	5 729,98	5 706,01	5 706,01
3. Compensatory aids:					
— in Spain (Pta)	3 282,42	3 282,42	3 018,49	3 002,62	3 002,62
4. Special aid:					
— in Portugal (Esc)	6 088,55	6 085,04	5 729,98	5 706,01	5 706,01

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

(2) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU-1)

	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
DM	2,074490	2,070650	2,066870	2,063570	2,063570	2,054400
Fl	2,336420	2,332750	2,329090	2,325770	2,325770	2,316520
Bfrs/Lfrs	43,447000	43,427100	43,403900	43,384200	43,384200	43,297000
FF	7,034480	7,033920	7,033440	7,032850	7,032850	7,030400
Dkr	8,069900	8,069270	8,070960	8,072200	8,072200	8,086910
£Irl	0,776105	0,775766	0,775937	0,775907	0,775907	0,776298
£	0,669517	0,672050	0,674747	0,677228	0,677228	0,684344
Lit	1 504,65	1 508,72	1 512,73	1 516,01	1 516,01	1 526,12
Dr	178,12800	181,88400	184,54900	187,22700	187,22700	194,23300
Esc	172,68800	173,68900	174,63900	175,68100	175,68100	178,78300
Pta	133,97000	134,58400	135,19800	135,82900	135,82900	137,59700

COMMISSION REGULATION (EEC) No 1706/89
of 15 June 1989
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 763/89⁽²⁾, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 876/68 of the Council of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 1344/86⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of the Commission of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products⁽⁵⁾, as last amended by Regulation (EEC) No 222/88⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 84, 29. 3. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93 of the combined nomenclature, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down

additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within codes 0401, 0402, 0403, 0404, 0405 and 2309 of the combined nomenclature.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 15 June 1989 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 000		4,55
0401 10 90 000		4,55
0401 20 11 100		4,55
0401 20 11 500		7,63
0401 20 19 100		4,55
0401 20 19 500		7,63
0401 20 91 100		10,51
0401 20 91 500		12,44
0401 20 99 100		10,51
0401 20 99 500		12,44
0401 30 11 100		16,29
0401 30 11 400		25,72
0401 30 11 700		39,20
0401 30 19 100		16,29
0401 30 19 400		25,72
0401 30 19 700		39,20
0401 30 31 100		46,90
0401 30 31 400		73,85
0401 30 31 700		81,55
0401 30 39 100		46,90
0401 30 39 400		73,85
0401 30 39 700		81,55
0401 30 91 100		93,10
0401 30 91 400		137,37
0401 30 91 700		160,47
0401 30 99 100		93,10
0401 30 99 400		137,37
0401 30 99 700		160,47
0402 10 11 000		50,00
0402 10 19 000		50,00
0402 10 91 000		0,5000
0402 10 99 000		0,5000
0402 21 11 200		50,00
0402 21 11 300		82,38
0402 21 11 500		87,56
0402 21 11 900		95,00
0402 21 17 000		50,00
0402 21 19 300		82,38
0402 21 19 500		87,56
0402 21 19 900		95,00
0402 21 91 100		95,79
0402 21 91 200		96,54
0402 21 91 300		97,91
0402 21 91 400		105,86
0402 21 91 500		108,57
0402 21 91 600		118,92
0402 21 91 700		125,16
0402 21 91 900		132,07
0402 21 99 100		95,79

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 21 99 200		96,54
0402 21 99 300		97,91
0402 21 99 400		105,86
0402 21 99 500		108,57
0402 21 99 600		118,92
0402 21 99 700		125,16
0402 21 99 900		132,07
0402 29 15 200		0,5000
0402 29 15 300		0,8238
0402 29 15 500		0,8756
0402 29 15 900		0,9500
0402 29 19 200		0,5000
0402 29 19 300		0,8238
0402 29 19 500		0,8756
0402 29 19 900		0,9500
0402 29 91 100		0,9579
0402 29 91 500		1,0586
0402 29 99 100		0,9579
0402 29 99 500		1,0586
0402 91 11 110		4,55
0402 91 11 120		10,51
0402 91 11 310		17,83
0402 91 11 350		22,30
0402 91 11 370		27,65
0402 91 19 110		4,55
0402 91 19 120		10,51
0402 91 19 310		17,83
0402 91 19 350		22,30
0402 91 19 370		27,65
0402 91 31 100		21,87
0402 91 31 300		32,67
0402 91 39 100		21,87
0402 91 39 300		32,67
0402 91 51 000		25,72
0402 91 59 000		25,72
0402 91 91 000		93,10
0402 91 99 000		93,10
0402 99 11 110		0,0455
0402 99 11 130		0,1051
0402 99 11 150		0,1796
0402 99 11 310		20,57
0402 99 11 330		25,13
0402 99 11 350		34,08
0402 99 19 110		0,0455
0402 99 19 130		0,1051
0402 99 19 150		0,1796
0402 99 19 310		20,57
0402 99 19 330		25,13
0402 99 19 350		34,08
0402 99 31 110		0,2380
0402 99 31 150		35,55
0402 99 31 300		0,4690
0402 99 31 500		0,8155
0402 99 39 110		0,2380
0402 99 39 150		35,55
0402 99 39 300		0,4690

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8155
0402 99 91 000		0,9310
0402 99 99 000		0,9310
0403 10 11 100		4,55
0403 10 11 300		7,63
0403 10 13 000		10,51
0403 10 19 000		16,29
0403 10 31 100		0,0455
0403 10 31 300		0,0763
0403 10 33 000		0,1051
0403 10 39 000		0,1629
0403 90 11 000		50,00
0403 90 13 000		50,00
0403 90 19 000		95,79
0403 90 31 000		0,5000
0403 90 33 000		0,5000
0403 90 39 000		0,9579
0403 90 51 100		4,55
0403 90 51 300		7,63
0403 90 53 000		10,51
0403 90 59 110		16,29
0403 90 59 140		25,72
0403 90 59 170		39,20
0403 90 59 310		46,90
0403 90 59 340		73,85
0403 90 59 370		81,55
0403 90 59 510		93,01
0403 90 59 540		137,37
0403 90 59 570		160,47
0403 90 61 100		0,0455
0403 90 61 300		0,0763
0403 90 63 000		0,1051
0403 90 69 000		0,1629
0404 90 11 100		50,00
0404 90 11 910		4,55
0404 90 11 950		17,83
0404 90 13 120		50,00
0404 90 13 130		82,38
0404 90 13 140		87,56
0404 90 13 150		95,00
0404 90 13 911		4,55
0404 90 13 913		10,51
0404 90 13 915		16,29
0404 90 13 917		25,72
0404 90 13 919		39,20
0404 90 13 931		17,83
0404 90 13 933		22,30
0404 90 13 935		27,65
0404 90 13 937		32,67
0404 90 13 939		34,19
0404 90 19 110		95,79
0404 90 19 115		96,54
0404 90 19 120		97,91
0404 90 19 130		105,86
0404 90 19 135		108,57

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 19 150		118,92
0404 90 19 160		125,16
0404 90 19 180		132,07
0404 90 19 900		—
0404 90 31 100		50,00
0404 90 31 910		4,55
0404 90 31 950		17,83
0404 90 33 120		50,00
0404 90 33 130		82,38
0404 90 33 140		87,56
0404 90 33 150		95,00
0404 90 33 911		4,55
0404 90 33 913		10,51
0404 90 33 915		16,29
0404 90 33 917		25,72
0404 90 33 919		39,20
0404 90 33 931		17,83
0404 90 33 933		22,30
0404 90 33 935		27,65
0404 90 33 937		32,67
0404 90 33 939		34,19
0404 90 39 110		95,79
0404 90 39 115		96,54
0404 90 39 120		97,91
0404 90 39 130		105,86
0404 90 39 150		108,57
0404 90 39 900		—
0404 90 51 100		0,5000
0404 90 51 910		0,0455
0404 90 51 950		20,57
0404 90 53 110		0,5000
0404 90 53 130		0,8238
0404 90 53 150		0,8756
0404 90 53 170		0,9500
0404 90 53 911		0,0455
0404 90 53 913		0,1051
0404 90 53 915		0,1629
0404 90 53 917		0,2572
0404 90 53 919		0,3920
0404 90 53 931		20,57
0404 90 53 933		25,13
0404 90 53 935		34,08
0404 90 53 937		35,55
0404 90 53 939		—
0404 90 59 130		0,9579
0404 90 59 150		1,0586
0404 90 59 930		0,5652
0404 90 59 950		0,8155
0404 90 59 990		0,9310
0404 90 91 100		0,5000
0404 90 91 910		0,0455
0404 90 91 950		20,57
0404 90 93 110		0,5000
0404 90 93 130		0,8238
0404 90 93 150		0,8756

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 93 170		0,9500
0404 90 93 911		0,0455
0404 90 93 913		0,1051
0404 90 93 915		0,1629
0404 90 93 917		0,2572
0404 90 93 919		0,3920
0404 90 93 931		20,57
0404 90 93 933		25,13
0404 90 93 935		34,08
0404 90 93 937		35,55
0404 90 93 939		—
0404 90 99 130		0,9579
0404 90 99 150		1,0586
0404 90 99 930		0,5652
0404 90 99 950		0,8155
0404 90 99 990		0,9310
0405 00 10 100		—
0405 00 10 200		117,20
0405 00 10 300		147,44
0405 00 10 500		151,22
0405 00 10 700		155,00
0405 00 90 100		155,00
0405 00 90 900		196,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
0406 90 15 900	...	159,34
		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	732	123,35
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		—
2309 10 15 300		—
2309 10 15 400		—
2309 10 15 500		—
2309 10 15 700		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		—
2309 10 19 300		—
2309 10 19 400		—
2309 10 19 500		—
2309 10 19 600		—
2309 10 19 700		—
2309 10 19 800		—
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		15,00
2309 10 70 200		20,00
2309 10 70 300		25,00
2309 10 70 500		30,00
2309 10 70 600		35,00
2309 10 70 700		40,00
2309 10 70 800		44,00
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		—
2309 90 35 300		—
2309 90 35 400		—
2309 90 35 500		—
2309 90 35 700		—
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		—
2309 90 39 300		—
2309 90 39 400		—
2309 90 39 500		—
2309 90 39 600		—
2309 90 39 700		—
2309 90 39 800		—
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		15,00
2309 90 70 200		20,00
2309 90 70 300		25,00
2309 90 70 500		30,00
2309 90 70 600		35,00
2309 90 70 700		40,00
2309 90 70 800		44,40
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by "".

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

NB: The product 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 1707/89
of 15 June 1989
amending Regulation (EEC) No 1388/89 adopting exceptional support measures
for the market in pigmeat in Italy

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

Having regard to Regulation (EEC) No 2759/75 of the
Council of 29 October 1975 on the common organization
of the market in pigmeat⁽¹⁾, as last amended by
Regulation (EEC) No 1249/89⁽²⁾, and in particular Article
20 thereof,

Whereas, because of the outbreak of foot-and-mouth
disease in certain production regions in Italy, exceptional
support measures for the market in pigmeat have been
adopted for that Member State by Commission
Regulation (EEC) No 1388/89⁽³⁾;

Whereas, for veterinary reasons, the restrictions on the
free movement of live pigs and pigmeat products remain
in force; whereas, therefore, the final date laid down for
the granting of private storage aid under Regulation (EEC)
No 1388/89 should be extended;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1388/89, '16 June
1989' is hereby replaced by '30 June 1989'.

Article 2

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

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.
⁽³⁾ OJ No L 139, 23. 5. 1989, p. 17.

COMMISSION REGULATION (EEC) No 1708/89
of 15 June 1989
introducing a countervailing charge on apricots originating in Tunisia

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 ⁽¹⁾, as last amended by Regulation (EEC) No 1119/89 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1563/89 ⁽³⁾ introduced a countervailing charge on apricots originating in Tunisia;

Whereas for apricots originating in Tunisia there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of apricots originating in Tunisia can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1563/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 153, 6. 6. 1989, p. 20.

COMMISSION REGULATION (EEC) No 1709/89

of 15 June 1989

repealing Regulation (EEC) No 1690/89 introducing a countervailing charge on the import of certain types of plum 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⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1690/89⁽³⁾ introduced a countervailing charge from 16 June 1989 on the import of certain types of plum originating in Spain (except the Canary Islands);

Whereas verification has revealed that, due to an error of calculation, the said countervailing charge was unduly

introduced; whereas the countervailing charge should therefore not be applied and Regulation (EEC) No 1690/89 should be repealed with effect from its date of entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1690/89 is hereby repealed with effect from its date of entry into force.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 164, 15. 6. 1989, p. 38.

COMMISSION REGULATION (EEC) No 1710/89

of 15 June 1989

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

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

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

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

Whereas Commission Regulation (EEC) No 1562/89 of 5 June 1989 ⁽³⁾ introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);

Whereas the present trend of prices for products originating in Spain (except the Canary Islands) on the representative markets referred to in Commission Regulation (EEC) No 2118/74 ⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85 ⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the

reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

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,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1562/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 16 June 1989.

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

Done at Brussels, 15 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 153, 6. 6. 1989, p. 18.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 November 1988

on aid decided by the Italian Government for investments in the public flat-glass industry (Veneziana Vetro)

(Only the Italian text is authentic)

(89/373/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given notice in accordance with the above Article to interested parties to submit their comments, and having regard to those comments,

Whereas :

I

In 1985, a regrouping took place in the Italian public glass industry. The public holding Ente Partecipazioni e Finanziamento Industria Manifatturiera (EFIM) took over the shares held by another public holding Ente Nazionale Idrocarburi (ENI) in the glass industries Società Italiana Vetro (SIV), Veneziana Vetro, Veneziana Conterie and Foschi. From 2 October 1985 on, EFIM was the only shareholder in these companies. Within the framework of this new capital structure and following ministerial instructions, SIV became the leader of the public-sector glass Group. The regrouping was completed on 28 July 1986, when SIV took over Veneziana Vetro from their mutual shareholder EFIM.

On 28 November 1985, the Italian Government authorized EFIM to issue bond loans in the amount of Lit

510 000 million, Lit 41 000 million of which for investments in the glass industry⁽¹⁾. The legal basis for this authorization was Law-Decree 547 of 19 October 1985⁽²⁾ later converted into Law 749 of 20 December 1985⁽³⁾, earmarked for increasing investment funds in annual instalments corresponding to capital shares repaid by the State upon expiry. The interest on prefinancing as well as that on the bond issue and all other charges are paid by the State. On 16 December 1985 EFIM passed on Lit 20 500 million of the proceeds of these bond loans to SIV in the form of an advance on future increase in share capital. An additional Lit 19 475 million were passed on to SIV in the same form in the beginning of 1986.

On 18 September 1987, the Italian Government again authorized EFIM to issue bond loans, this time in the amount of Lit 150 000 million, Lit 50 000 million of which for the construction of a float line for the production of flat glass by Veneziana Vetro⁽⁴⁾.

Neither the first nor the second authorization by the Italian Government to EFIM to issue bonds at State expense in favour of investments in the public glass industry were notified to the Commission pursuant to Article 93 (3) of the EEC Treaty.

⁽¹⁾ *Gazzetta Ufficiale della Repubblica Italiana* No 6, 9. 1. 196, p. 40.

⁽²⁾ *Gazzetta Ufficiale della Repubblica Italiana* No 248, 21. 10. 1985, p. 7555.

⁽³⁾ *Gazzetta Ufficiale della Repubblica Italiana* No 299, 20. 12. 1985, p. 9180.

⁽⁴⁾ *Gazzetta Ufficiale della Repubblica Italiana* No 245, 20. 10. 1987, p. 36.

II

The Commission, having learned of the Italian Government's decision to regroup the public glass industry and to provide funds for a four-year investment plan, requested all necessary information on these financial transfers by telex dated 12 March 1986.

The Italian Government replied by telex dated 2 June 1986, indicating that the 1985-1988 glass plan resulted from the regrouping in this sector, that the public glass industry had been profitable since 1974 and that the provision of funds mentioned by the Commission was a normal shareholder's investment operation.

The Commission, being still unable to assess the financial transfers in question, then requested detailed information on their form, amounts, destination, objectives and year of payment as well as on the corresponding investments and restructuring measures.

The Italian Government replied by letter of 13 October 1986 stating that in 1985 EFIM had taken over ENI's 50 % stake in SIV as well as ENI's 100 % shareholdings in the three smaller companies Veneziana Vetro, Veneziana Conterie and Foschi. The price for this take-over had been established by arbitrators at Lit 95 400 million, this being the sum of Lit 121 300 million for the stake in SIV and minus Lit 25 900 million for Veneziana Vetro and Foschi. EFIM had then provided Lit 41 000 million additional capital to SIV for investments in the flat glass sector amounting to Lit 266 400 million in 1986-1988. These investments would include Lit 60 500 million for a processing plant for the motor-car industry in Spain and Lit 91 000 million for Veneziana Vetro. The Italian Government enclosed SIV's annual report for 1985.

The Commission, taking note of Veneziana Vetro's apparently unhealthy financial position and alarmed by reports on the effect of this company's investments on production capacity for basic flat glass, then requested the last three annual reports and the restructuring plan for Veneziana Vetro as well as information on the effect of its investments on production capacity and trade, by letter dated 6 November 1986.

The Italian Government replied by telex dated 20 January 1987, stating that the favourable situation in the public glass industry did not call for a restructuring plan, that there had been no financial intervention by the Government and that any future intervention would be notified in advance to the Commission. The Italian Government therefore did not consider it necessary to provide the requested information on investments and financial results to the Commission. It was furthermore stressed that the negative valuation of Veneziana Vetro could not be equated with debts, other reasons for this

'bad will' being the obsolete state of this company's plants and lack of adequately trained manpower.

On the basis of the incomplete information thus obtained from the Italian Government and from public sources, the Commission took the view that the subscription of Lit 41 000 million new capital to the flat glass industry, an unspecified amount of which appeared to be destined for Veneziana Vetro's Lit 91 000 million investment, contained elements of State aid, in view notably of the bad financial position of Veneziana Vetro; this company had made a loss of Lit 300 million in 1982, Lit 8 500 million in 1983, Lit 4 300 million in 1984 and Lit 6 300 million in 1985. The Commission believed that these aid elements were likely to distort competition and affect trade between Member States within the meaning of Article 92 (1), the more float line for the production of flat glass at Porto Marghera, which would increase this company's production capacity. As the Italian Government had provided no justification for the aid, the Commission was not able to determine whether one of the exemptions to the general incompatibility with the common market provided for in Article 92 might be applicable to the aid. The Commission therefore decided to initiate the procedure provided for in Article 93 (2) and, by letter dated 7 April 1987, gave notice to the Italian Government to submit its observations.

III

The Italian Government submitted its observations under the procedure by letter dated 21 July 1987, by a Memorandum dated 19 November 1987 and by letter dated 14 December 1987.

The Italian Government denied the existence of any link between the grant of capital to SIV and the losses of Veneziana Vetro and believed that the Commission was not taking into account the importance of SIV's Investments, among others for the restructuring and rationalization of Veneziana Vetro's flat glass production.

The Italian Government specified the details of the 1985 take-over of ENI's stake in the glass sector by EFIM and the subsequent transfer of EFIM's stake in Veneziana Vetro to SIV. It was explained that between 2 May 1985 and 28 July 1986, i.e. the period in which EFIM was the direct owner of Veneziana Vetro, Lit 8 200 million of the bad will transferred by ENI had been used by EFIM to cover Veneziana Vetro's losses. The remaining Lit 18 700 million 'bad-will' had been transferred to SIV together with Veneziana Vetro on 28 July 1986. SIV had used Lit 1 200 million to cover additional losses incurred by Veneziana Vetro and had used an additional Lit 16 000 million to increase that company's capital. Apart from the 'bad-will' obtained from ENI, EFIM had received Lit 41 000 million through a bond loan and had provided Lit 40 000 million thereof to SIV as new capital; the remaining Lit 1 000 million would cover the cost of the emission and administration of the loan. The gradual

redemption of the loan would be refunded by the State via an increase in EFIM's 'endowment fund'. SIV had decided to invest Lit 246 000 million in the period 1986-1988, to be financed by means of Lit 40 000 million capital, Lit 100 000 million commercial loans and Lit 96 000 million self-financing. The Investments in question were aimed at improvements in the productive structure, product development, renovation and modernization of existing plant and diffusion of innovative product and process technology. For Veneziana Vetro in particular, the interventions planned concerned restructuring, substitution of new plant for obsolete installations, training of personnel and the use of new advanced technology, thereby hardly altering productive capacity,

In its letter dated 14 December 1987, the Italian Government claimed that SIV intended to invest Lit 530 000 million of which Lit 80 000 million for the renovation of a float line, Lit 140 000 million for automation and modernization of existing plant and Lit 310 000 million investment as a follow-up to development activities within the group. EFIM had decided to raise Lit 75 000 million on the private capital market in 1988 for the financing of this four-year investment programme, Lit 40 000 million of which by issuing shares and Lit 35 000 million by issuing a debenture loan. The Italian Government furthermore submitted information to show that there would be a need for additional flat glass production plant.

In the context of the consultation of other interested parties, the Governments of five other Member States, an industry federation and two manufacturing groups in the same sector and the beneficiary SIV, submitted observations. A technical discussion with representatives of EFIM and SIV took place on 6 October 1987.

On 20 October 1987, the *Gazzetta Ufficiale della Repubblica Italiana* carried the Italian Government's decision to authorize EFIM to issue additional bonds at the expense of the State, of which an amount of Lit 50 000 million would be destined for the construction of Veneziana Vetro's float line at Porto Marghera.

This decision had never been mentioned by the Italian Government, by EFIM or by SIV within the framework of the Article 93 (2) procedure. The Commission therefore requested information regarding this new decision by letter dated 27 October 1987.

Still not having received the requested information, the Commission decided on 16 March 1988 to extend the procedure provided for in Article 93 (2), which it had opened regarding the Lit 41 000 million, in order to cover the additional Lit 50 000 million for Veneziana Vetro as well. The Commission took the opinion that both interventions seemed to contain elements of State aid

relating to the same investment, that these elements were likely to distort competition and affect trade between Member States within the meaning of Article 92 (1) and that none of the exemptions to the general incompatibility of such aid with the common market appeared applicable to it.

By letter dated 29 March 1988, the Commission gave notice to the Italian Government to submit its observations within the framework of the Article 93 (2) procedure.

IV

The Italian Government at first belatedly replied to the Commission's request for information regarding the second intervention by letter dated 29 March 1988. The Italian Government expressed its opinion that an increase of EFIM's endowment fund, financed by means of a debenture loan at the expense of the State, does not contain elements of State aid and need therefore not be notified on the basis of Article 93 (3). The transfer of these funds to Veneziana Vetro — which had not yet taken place — would certainly be compatible with the Treaty, in view of this company's positive performance.

By letter dated 26 July 1988, the Italian Government submitted its observations within the framework of the extended procedure. For the first time it presented the last three annual accounts of Veneziana Vetro and an overview of the financial relations between SIV and Veneziana Vetro in order to prove that no part of the Lit 41 000 million raised by EFIM in 1985/86 had been transferred to Veneziana Vetro in any form other than as a loan on conditions identical to those prevailing on the market.

With respect to the Lit 50 000 million decided in 1987, the Italian Government repeated that this sum so far had only been used to increase EFIM's endowment fund and therefore could not have affected trading conditions within the Community.

It was also stated that SIV had split up Veneziana Vetro into two separate companies: the old Veneziana Vetro with no economic activity and a new Società Veneziana Vetro, established on 15 April 1987, to which the old Veneziana Vetro's assets were transferred on 1 August 1987.

SIV and the old Veneziana Vetro merged in December 1987, thus permitting SIV to take advantage fiscally of Veneziana Vetro's cumulated losses of the last five years which amounted to almost Lit 15 000 million.

In the context of the consultation of other interested parties within the extended procedure, the Governments of three other Member States, an industry federation and two manufacturing groups in the same sector submitted information.

V

The provision of public funds to companies in the form of subscriptions of capital may involve elements of State aid. In order to verify whether such a provision of public funds is aid in the case where the undertaking is owned by the public authorities, it would be appropriate, ignoring any social elements or regional or sectoral policy, to consider whether under similar circumstances a private shareholder would go ahead with such an injection of capital in the same conditions on the basis of expected profitability.

In this context the Commission notes the differences between the financial situation of SIV and that of Veneziana Vetro.

SIV made a profit of Lit 1 100 million in 1982, Lit 400 million in 1983, Lit 200 million in 1984, Lit 2 000 million in 1985 and Lit 13 200 million in 1986, representing 0,5 %, 0,2 %, 0,1 %, 0,6 % and 3,6 % of its corresponding annual turnover. SIV's value was established at Lit 242 600 million by arbitrators in 1985.

Veneziano Vetro made losses amounting to Lit 300 million in 1982, Lit 8 500 million in 1983, Lit 4 300 million in 1984, Lit 6 300 million in 1985 and Lit 1 700 million in 1986, representing 2,5 %, 30,7 %, 14,8 %, 21,2 % and 6,8 % of its corresponding annual turnover. These losses were covered by its public shareholder, first ENI, then EFIM, then SIV. Its value was established at minus Lit 24 900 million by arbitrators in 1985, in view of expected losses and restructuring costs. The Italian Government itself pointed out to the Commission the obsolete nature of Veneziano Vetro's plant and its unqualified manpower for modern machinery.

It is the Commission's opinion that the provision of additional capital out of public funds to a company in such circumstances is likely to involve elements of State aid, as follows from the reflections set out in the Commission's communication to the Member States of 17 September 1984 concerning the application of Articles 92 and 93 of the EEC Treaty to public holdings in company capital.

With respect to the authorization to EFIM by the Italian Government on 28 November 1985 to issue Lit 41 000 million bonds, the proceeds of which were earmarked for investment in the public glass industry, the Commission notes that EFIM used Lit 39 975 million of this sum to increase SIV's share-capital. Within the framework of the Article 93(2) procedure, the Italian Government submitted evidence showing that — quite apart from the remainder of the bad-will taken over from ENI via EFIM — SIV made Lit 43 361 million available to Veneziana Vetro in 1987, but only in the form of loans at an interest rate equal to that on loans at an interest rate equal to that on loans Veneziana Vetro obtained from banks in the same year.

It is the Commission's opinion that the provision of Lit 39 975 million by EFIM to SIV in the form of additional share-capital does not differ from the behaviour of private investors in view of SIV's basically sound financial position and its increasing profitability in relation to its investment needs. Consequently, in accordance with the views in the Commission communication to the Member States of 17 September 1984 concerning the application of Articles 92 and 93 of the EEC Treaty to public holdings in company capital, this provision of share-capital is not aid within the meaning of Article 92 (1) of the EEC Treaty.

Neither can the provision of Lit 43 365 million by SIV to Veneziana Vetro in the forms of loans at market conditions as described by the Italian Government in its letter of 26 July 1988 be considered to contain elements of State aid. The Commission reserves the right, however, to reconsider its position should there be any change in the terms of the loans.

With respect to the Italian Government's authorization to EFIM in 1987 to provide Lit 50 million to Veneziana Vetro in the form of share-capital, it is the Commission's opinion that such an intervention would involve elements of State aid, in view of Veneziana Vetro's weak financial position, notably its losses and its equity in relation to its investment needs.

Within the framework of the procedure, the Italian Government repeatedly stated that EFIM so far had only used the proceeds from the Lit 50 000 million debenture-loan to increase its own endowment fund, without however altering the final destination of this sum, this being the financing of a new float line for the production of flat glass by Veneziana Vetro.

Consequently, the authorization to EFIM of 18 September 1987 to issue Lit 50 000 million bonds at the expense of the Italian Government to be used for investments by Veneziana Vetro implies elements of State aid within the meaning of Article 92 (1) of the EEC Treaty because it enables Veneziana Vetro to be relieved, by means of State resources, of part of the cost of investment which it would normally have to bear.

By not notifying its decision as a draft to the Commission, the Italian Government failed to fulfil its obligations pursuant to Article 93 (3) of the EEC Treaty. At least since 7 April 1987, when the Italian Government was informed of the reasons why the Commission had decided to initiate the Article 93 (2) procedure regarding the provision of Lit 41 000 million to the Italian public flat glass industry, this Government knew that the Commission regarded injections of capital out of public sources for Veneziana Vetro as aid. The aid decided is thus improper in any event for breach of procedure; it is moreover incompatible with the common market within the meaning of Article 92.

VI

Whereas SIV mainly produces and processes float glass, especially for the motor-car and construction industries, Veneziana Vetro before the construction of its float line only produced drawn glass.

Flat glass is traded between Member States; Italy exported 143 000 tonnes of flatglass (drawn glass, float glass, insulating glass, safety glass, glass mirror, Nimex codes 70.05-70.09) to nine other Member States, Spain and Portugal in 1983, 150 000 tonnes in 1984, 179 000 tonnes in 1985 and 193 000 tonnes in 1986, whereas the corresponding imports amounted to 141 000 tonnes, 160 000 tonnes, 141 000 tonnes and 152 000 tonnes. The SIV group — which now includes Veneziana Vetro — participates in this trade by exporting half of its production mainly to other Member States.

There is competition between flat glass manufacturers. According to the information available to the Commission, there were in 1987 29 float lines in the Community of twelve, belonging to six main groups, one of which is SIV; there were also five sheet tanks (drawn glass). Six float lines and one sheet tank were located in Italy; one of these float lines had stopped producing. Veneziano Vetro's last sheet glass tank also stopped production in 1987 and its new float line commenced production in 1988.

Where financial assistance from the State strengthens the position of certain enterprises compared with that of others competing with them in the Community, it must be deemed to affect those other enterprises.

Consequently, the aid which the Italian Government has decided to grant to Venzao Vetro will affect trade between Member States and distort or threaten to distort competition within the meaning of Article 92 (1).

Article 92 (1) provides that, in principle, any aid fulfilling the criteria set out therein is incompatible with the common market.

The exceptions to this principle set out in Article 92 (2) of the Treaty are inapplicable in this case in view of the nature and objectives of the proposed aid.

Article 92 (3) of the Treaty lists the aid which may be considered compatible with the common market. Compatibility with the Treaty must be viewed in the context of the Community as a whole and not in that of a single Member State. In order to ensure the proper functioning of the common market and taking into account the principles laid down in Article 3 (f) of the Treaty, the exceptions to the principle of Article 92 (1) set out in paragraph 3 of that Article must be interpreted strictly when any aid scheme or any individual aid award is examined.

In particular, they may be applied only where the Commission establishes that, without the aid, market forces alone would be insufficient to induce potential

recipients to act in such a manner as to contribute to the attainment of one of the objectives sought.

To apply the exceptions to cases which do not contribute to the attainment of such an objective, or where the aid is not essential to that end, would be tantamount to granting undue advantages to the industries or firms of certain Member States, the financial position of which would be bolstered, and might affect trade between Member States and distort competition without this being justified in any way by the common interest within the meaning of Article 92 (3).

The Italian Government has been unable to give, or the Commission to discover any justification for a finding that the aid in question falls into any of the categories of exception provided for in Article 92 (3).

With regard to the exceptions provided for in Article 92 (3) (a) and (c) for aid that promotes or facilitates the development of certain areas, it should be noted that the Italian Government has not advanced any considerations of a regional nature for the grant of the aid in question. With respect to the construction of the new float line at Porto Marghera, it should be noted that the standard of living there is not abnormally low and that there is no serious underemployment there within the meaning of the exception provided for in Article 92 (3) (a), nor is the area in which Porto Marghera is located at present included among those receiving special regional assistance within the meaning of the exception provided for in Article 92 (3) (c).

As to the exceptions provided for in Article 92 (3) (b), the aid in favour of the construction of a new float line is intended neither to promote the execution of an important project of common European interest nor to remedy a serious disturbance in the Italian economy; neither has the Italian Government advanced any arguments in favour of a possible application of these exceptions.

As to the exceptions provided for in Article 92 (3) (c) in favour of aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest, it should be noted that after years of under-utilization of capacity and heavy price competition, demand for flat glass at present equals potential supplies and that profitability in this sector has increased markedly; SIV's results bear witness to this development.

Future demand for flat glass depends very much on the requirements of its two principal outlets, the motorcar and construction industries. Future supply of flat glass will be influenced by new productive capacity under construction of or planned in Luxembourg, France, the United Kingdom and Spain, as well as in countries outside the Community.

Within the framework of the procedure, the Italian Government at first claimed that the construction of the new float line at Porto Marghera would leave productive capacities unchanged, later that capacities would increase by only 10 % without however providing any figures to substantiate these statements.

In the present situation, every new float line adds 2-3 % to installed capacity in the Community. Even if one takes into account the closure of an obsolete 90 tonnes per day sheet tank of Veneziana Vetro in February 1986 and the closure of its second 75 tonnes per day sheet tank in 1987, the new float line at Porto Marghera will clearly increase productive capacity in quantitative and qualitative terms, as it can produce 350 tonnes per day in various ranges. SIV's yearly report on 1986 also confirms that there will be an increase in capacity, but does not believe that it will disrupt the market. SIV will process most of Veneziana Vetro's output, partly in new processing plant in Spain and Belgium, mainly for the motorcar industry.

It has been the consistent policy of the Commission to ensure that structural development in the flat glass sector, given its vulnerability, is not perturbed by State aid. The Commission therefore determined by Decisions 84/487/EEC⁽¹⁾ and 84/507/EEC⁽²⁾ that aid measures proposed respectively by the Netherlands and Luxembourg Government for the setting-up of additional flat glass production and processing plant were incompatible with the common market and should therefore not be granted. Neither did the Commission find aid measures for the renovation of existing float lines compatible with the common market and therefore, by Decisions 86/593/EEC⁽³⁾ and 87/195/EEC⁽⁴⁾ required that the Belgian Government refrain from granting aid to such renovations, even despite the innovatory aspects of the investments concerned. The validity of this approach was confirmed by the Court of Justice in its recent Judgment of 8 March 1988 in Joined Cases 62 and 72/87.

The aid will alter trading conditions in the Community. SIV itself, having become the leader of the newly formed public sector glass Group, stated in its report on 1985: 'The restructuring of what has become EFIM-controlled Veneziaqna Vetro is particularly significant to the Group. Since this company is now included in SIV's development plans, it will give SIV an important production and marketing base in northern Italy ready to supply European markets'.

Even with the improved situation in the flat glass industry, it is the Commission's finding that the aid which the Italian Government has decided to grant to

Veneziana Vetro, given its effects on production and on intra-Community trade, cannot be considered to facilitate the development of this sector without adversely affecting trading conditions to an extent contrary to the common interest.

Consequently, the Italian Government's aid does not satisfy the conditions necessary for the application of one of the exceptions set out in Article 92 (3) of the EEC Treaty.

Lastly, it should be noted that, in view of the assurances given by the Italian authorities by letter dated 26 July 1988, the Commission has based this Decision on the assumption that the Italian Government decided to grant the aid in question of Lit 50 000 million to Veneziana Vetro but has not actually paid out this sum, not even indirectly through EFIM. There would therefore appear to be no grounds for including any obligation to recover the aid, the sole requirement being that the Italian Government refrain from implementing the measure in question.

HAS ADOPTED THIS DECISION:

Article 1

The Italian Government may not award the aid of Lit 50 000 million, published in the *Gazzetta Ufficiale della Repubblica Italiana* of 20 October 1987, to the undertaking Veneziana Vetro at Porto Marghera.

Article 2

The Italian Government shall inform the Commission within two months of the date of notification of this Decision of the measures it has taken to comply therewith.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 November 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

⁽¹⁾ OJ No L 276, 19. 10. 1984, p. 37 (Maasglas).

⁽²⁾ OJ No L 283, 27. 10. 1984, p. 39 (Luxguard).

⁽³⁾ OJ No L 342, 5. 12. 1986, p. 32 (St Roch).

⁽⁴⁾ OJ No L 77, 19. 3. 1987, p. 47 (Glaverbel).

COMMISSION DECISION

of 2 June 1989

on the organization of a temporary experiment under Council Directive 66/402/EEC on the marketing of cereal seed, in order to establish the conditions to be satisfied by the crop and the seed of hybrids of rye

(89/374/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽¹⁾, as last amended by Commission Directive 89/2/EEC⁽²⁾, and in particular Article 13a thereof,

Whereas Directive 89/2/EEC included hybrids of rye within the scope of Directive 66/402/EEC but did not establish the conditions to be satisfied by the crop and the seed of hybrids of rye, which were left to be determined by reference to the results of a temporary experiment organized pursuant to Article 13a of Directive 66/402/EEC; whereas a temporary experiment should accordingly be organized;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. A temporary experiment shall be organized, under the conditions specified in Article 2, at Community level, in order to establish the conditions to be satisfied by the crop and the seed of hybrids of rye.

2. Any Member State may participate in the experiment.

Article 2

1. Seed of rye hybrids may be marketed within the Community, under a label as specified in paragraph 3, provided that the conditions laid down in paragraph 2 are satisfied.

2. The conditions referred to in paragraph 1 are as follows:

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽²⁾ OJ No L 5, 7. 1. 1989, p. 31.

(a) Conditions to be satisfied by the crop:

- (i) The standards or other conditions laid down in Annex I (1), (4) and (5) to Directive 66/402/EEC in respect of crops of rye shall apply.
- (ii) The crop for the production of certified seed shall be derived from basic seed satisfying the conditions laid down in this Decision.
- (iii) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination
 - for the production of basic seed:
 - where male sterility is used (minimum distance): 1 000 m
 - where male sterility is not used (minimum distance): 600 m
 - for the production of certified seed (minimum distance): 500 m.
- (iv) The crop shall have sufficient identity and purity as regards the characteristics of the components, including male sterility. In particular, the crop shall conform to the following standards or other conditions:
 - the number of plants of the crop species, which are recognizable as obviously not being true to the component shall not exceed
 - one per 30 m² for the production of basic seed
 - one per 10 m² for the production of certified seed, this standard to apply in official field inspections only to the female component,
 - in the case of basic seed, where male sterility is used, the level of sterility of the male-sterile component shall be at least 98 %.

(v) Certified seed shall be produced in mixed cultivation of a female male-sterile component with a male component which restores male fertility.

(b) Conditions to be satisfied by the seed:

- (i) The standards or other conditions laid down in Annex II (2) to Directive 66/402/EEC in respect of rye seed shall apply
- (ii) The seed shall have sufficient varietal identity and varietal purity, or, in the case of seed of a

component, sufficient identity and purity as regards its characteristics, including male sterility.

- (iii) Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

In particular, the seed shall conform to the following standards:

Category	<i>Claviceps purpurea</i> (maximum number of sclerotia or fragments of sclerotia in a sample of the weight specified in column 4 of Annex III to Directive 66/402/EEC)
Basic seed:	
— where male sterility is used	6
— where male sterility is not used	3
Certified seed	6

- (c) Post control test of basic seed:

Seed shall not be certified as certified seed unless an official post-control test, based on samples of basic seed taken officially, and carried out during the growing season of the seed entered for certification as certified seed, shows that the basic seed has met the requirements for basic seed laid down in this Decision in respect of identity and purity as regards the characteristics of the components, including male sterility.

- (d) Lot and sample weights:

The conditions laid down in Annex III to Directive 66/402/EEC in respect of rye seed shall apply.

3. The label referred to in paragraph 1 shall be the official label mentioned in Article 10 of Directive

66/402/EEC, with the reference to the number of this Decision after the words 'EEC rules and standards'.

Article 3

The experiment shall end on 30 June 1992. Member States may decide to cease participating in the experiment at an earlier date.

Article 4

1. Member States shall inform the Commission whether they have decided to participate in the experiment.

2. Member States shall report to the Commission and to other Member States, before the end of each year:

- the areas of crops producing seed of each category, for which field inspection and certification have been carried out in accordance with the experiment,
- the quantities of seed produced by category,
- the varieties concerned, and
- the results of the tests for *Claviceps purpurea*,
- the results of the post-control referred to in Article 2 (2) (c).

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 2 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

CORRIGENDA**Corrigendum to Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt**

(Official Journal of the European Communities No L 201 of 22 July 1987)

On page 15 in the eighth and ninth lines of the third recital:

for: '... narcotic drugs,'

read: '... narcotic drugs and psychotropic substances,'

On page 17 in the third line of the second subparagraph of Article 2 (2):

for: '... narcotic drugs...'

read: '... narcotic drugs and psychotropic substances...'
