

Official Journal

of the European Communities

ISSN 0378-6978

L 207

Volume 32

19 July 1989

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2150/89**of 18 July 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 1834/89⁽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 1915/89⁽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 17 July 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 1915/89 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 19 July 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 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 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	34,31	137,19
0712 90 19	34,31	137,19
1001 10 10	13,87	149,31 ⁽¹⁾ ⁽²⁾
1001 10 90	13,87	149,31 ⁽¹⁾ ⁽²⁾
1001 90 91	13,66	107,59
1001 90 99	13,66	107,59
1002 00 00	41,42	113,08 ⁽³⁾
1003 00 10	32,09	103,21
1003 00 90	32,09	103,21
1004 00 10	23,49	83,09
1004 00 90	23,49	83,09
1005 10 90	34,31	137,19 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	137,19 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	141,72 ⁽⁴⁾
1008 10 00	32,09	0,00
1008 20 00	32,09	17,63 ⁽⁵⁾
1008 30 00	32,09	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	32,09	0,00
1101 00 00	32,13	163,59
1102 10 00	70,99	171,31
1103 11 10	35,82	245,75
1103 11 90	34,71	176,68

⁽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 2151/89

of 18 July 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 1834/89⁽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 1916/89⁽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 17 July 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 19 July 1989.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 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 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 18 July 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0,00
0712 90 19	0	0	0	0,00
1001 10 10	0	0	0	0,20
1001 10 90	0	0	0	0,20
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	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 2152/89
of 18 July 1989
fixing additional amounts for poultrymeat products

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 1989.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

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

⁽⁴⁾ OJ No L 154, 9. 6. 1973, p. 1.

ANNEX

to the Commission Regulation of 18 July 1989 fixing additional amounts for poultrymeat products

(ECU/100 kg)

CN code	Origin of imports (1)	Additional amount
0207 39 11	01	40,00
0207 41 10	01	40,00
0207 39 25	01	20,00
0207 41 71	01	20,00

(1) Origin :

01 Brazil.

COMMISSION REGULATION (EEC) No 2153/89

of 18 July 1989

re-establishing the levying of customs duties on lysine and its esters and salts thereof falling within CN code 2922 41 00 originating in Mexico to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

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

Whereas, in the case of lysine and its esters and salts thereof falling within CN code 2922 41 00 the individual ceiling was fixed at ECU 600 000; whereas, on 12 April 1989, imports of these products into the Community originating in Mexico reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Mexico,

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 July 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in Mexico,

Order No	CN code	Description
10.0250	2922 41 00	Lysine and its esters; salts thereof

Article 2

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

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

Done at Brussels, 18 July 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2154/89**of 18 July 1989****fixing the minimum selling prices for boned beef put up for sale by tender in
accordance with Regulation (EEC) No 2326/79**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 7 (3) thereof,Whereas, pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽³⁾, as last amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, the minimum selling prices for meat put up for sale by tender should be fixed taking into account tenders submitted;Whereas, in accordance with Article 1 of Commission Regulation (EEC) No 2326/79 ⁽⁵⁾, tenders have been invited for certain quantities of boned beef and veal fixed by Commission Regulation (EEC) No 1351/89 ⁽⁶⁾; whereas, consequently, the minimum selling prices should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The minimum selling prices for boned beef stored by the Danish and the United Kingdom intervention agencies for sale by tender in accordance with Regulation (EEC) No 2326/79, for which the time limit for the submission of tenders was 10 July 1989, shall be as set out in the Annex hereto.

2. Tenders submitted in response to the invitation referred to in paragraph 1 shall be rejected unless they are for the products listed in the Annex.

Article 2

This Regulation shall enter into force on 19 July 1989.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.⁽⁵⁾ OJ No L 266, 24. 10. 1979, p. 5.⁽⁶⁾ OJ No L 135, 19. 5. 1989, p. 8.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

DANMARK ⁽¹⁾

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ecus/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (ECU/τόνο) Minimum selling prices (Ecu/tonne) Prix de vente minimaux (Écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkoopprijzen (ecu/ton) Preço mínimo de venda (ECU/tonelada)
<i>Category A:</i> Bryst og slag	2 141

⁽¹⁾ Anuncio de licitación n° DK P — 60, DO n° C 162 de 29. 6. 1989, p. 15.

⁽¹⁾ Licitationsbekendtgørelse nr. DK P — 60, EFT nr. C 162 af 29. 6. 1989, s. 15.

⁽¹⁾ Ausschreibung Nr. DK P — 60, ABl. Nr. C 162 vom 29. 6. 1989, S. 15.

⁽¹⁾ Προκήρυξη διαγωνισμού αριθ. DK P — 60, ΕΕ αριθ. C 162 της 29. 6. 1989, σ. 15.

⁽¹⁾ Notice of invitation to tender No DK P — 60, OJ No C 162, 29. 6. 1989, p. 15.

⁽¹⁾ Avis d'adjudication n° DK P — 60, JO n° C 162 du 29. 6. 1989, p. 15.

⁽¹⁾ Bando di gara n. DK P — 60, GU n. C 162 del 29. 6. 1989, pag. 15.

⁽¹⁾ Bericht van inschrijving nr. DK P — 60, PB nr. C 162 van 29. 6. 1989, blz. 15.

⁽¹⁾ Anúncio de adjudicação n° DK P — 60, JO n° C 162 de 29. 6. 1989, p. 15.

UNITED KINGDOM ⁽²⁾

Productos — Produkter — Erzeugnisse Προϊόντα — Products — Produits Prodotti — Produkten — Produtos	Precios de venta mínimos (ecus/tonelada) Mindstesalgspriser (ECU/ton) Mindestverkaufspreise (ECU/Tonne) Ελάχιστες τιμές πώλησεως (ECU/τόνο) Minimum selling prices (Ecu/tonne) Prix de vente minimaux (Écus/t) Prezzi minimi di vendita (ECU/t) Minimumverkoopprijzen (ecu/ton) Preço mínimo de venda (ECU/tonelada)
<i>Category C:</i> Ponies Clod and sticking	2 810 2 659

⁽²⁾ Anuncio de licitación n° UK P — 55, DO n° C 162 de 29. 6. 1989, p. 19.

⁽²⁾ Licitationsbekendtgørelse nr. UK P — 55, EFT nr. C 162 af 29. 6. 1989, s. 19.

⁽²⁾ Ausschreibung Nr. UK P — 55, ABl. Nr. C 162 vom 29. 6. 1989, S. 19.

⁽²⁾ Προκήρυξη διαγωνισμού αριθ. UK P — 55, ΕΕ αριθ. C 162 της 29. 6. 1989, σ. 19.

⁽²⁾ Notice of invitation to tender No UK P — 55, OJ No C 162, 29. 6. 1989, p. 19.

⁽²⁾ Avis d'adjudication n° UK P — 55, JO n° C 162 du 29. 6. 1989, p. 19.

⁽²⁾ Bando di gara n. UK P — 55, GU n. C 162 del 29. 6. 1989, pag. 19.

⁽²⁾ Bericht van inschrijving nr. UK P — 55, PB nr. C 162 van 29. 6. 1989, blz. 19.

⁽²⁾ Anúncio de adjudicação n° UK P — 55, JO n° C 162 de 29. 6. 1989, p. 19.

COMMISSION REGULATION (EEC) No 2155/89

of 18 July 1989

and providing for the administration of Community tariff quotas for fresh or chilled tomatoes and strawberries originating in the African, Caribbean and Pacific States or the overseas countries and territories (1989/1990)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EEC) No 967/89 ⁽²⁾, and in particular Articles 13 and 22 thereof,

Whereas Article 13 of Regulation (EEC) No 486/85 provides for the opening by the Community of quotas for imports into the Community of the following:

- 2 000 tonnes of fresh or chilled tomatoes falling within CN code ex 0702 00 10, for the period 15 November 1989 to 30 April 1990, and,
- 1 100 tonnes of strawberries falling within CN code ex 0810 10 90, for the period 1 November 1989 to 28 February 1990,

originating in the countries in question;

Whereas the customs duties applicable within the limit of these quotas are set at 4,4 % with a minimum duty of ECU 0,8 per 100 kilograms net weight for tomatoes and at 5,6 % for strawberries; whereas these Community tariff quotas should be opened for the abovementioned periods;

Whereas under Regulation (EEC) No 1820/87 of 25 June 1987 concerning the application of Decision No 2/87 of the ACP-EEC Council of Ministers on the advance implementation of the Protocol to the third ACP-EEC Convention consequent on the Accession of the Kingdom of Spain and the Portuguese Republic to the European Community ⁽³⁾, Spain and Portugal may postpone implementation of the preferential arrangements for fruit and vegetables covered by

Regulation (EEC) No 1035/72 ⁽⁴⁾, as last amended by Regulation (EEC) No 1119/89 ⁽⁵⁾, until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the abovementioned tariff concession is not currently applicable in Spain or Portugal, but from 1 January 1990 it will apply throughout the Community except in Portugal; whereas from this date and within the limits of its tariff quotas Spain must apply customs duties calculated in accordance with the abovementioned protocol to the third ACP-EEC Convention;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 3;

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

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 customs duties applicable to imports into the Community as constituted at 31 December 1985 of the following products originating in the African, Caribbean and Pacific States of the overseas countries and territories shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

⁽¹⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽²⁾ OJ No L 103, 15. 4. 1989, p. 1.

⁽³⁾ OJ No L 172, 30. 6. 1987, p. 1.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 118, 29. 4. 1989, p. 12.

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1602	ex 0702 00 10	Fresh or chilled tomatoes, from 15 November 1989 to 30 April 1990	2 000	4,4 subject to a minimum of ECU 0,8 per 100 kg net
09.1604	ex 0810 10 90	Strawberries, from 1 November 1989 to 28 February 1990	1 100	5,6

2. The provisions of this Regulation shall apply throughout the Community except for Portugal from 1 January 1990.

3. From that date and within the limits of the tariff quotas Spain shall apply customs duties calculated in accordance with the Protocol to the third ACP-EEC Convention consequent on the Accession of Spain and Portugal to the European Communities.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

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

Article 5

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

Article 6

This Regulation shall enter into force on 1 November 1989

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

Done at Brussels, 18 July 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2156/89

of 18 July 1989

amending Council Regulation (EEC) No 797/85, following the fixing of new exchange rates to be applied in agriculture for the German mark and the Dutch guilder, by adjusting the amounts fixed therein in ecus for agricultural structures policy purposes

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 1636/87⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 1676/85 provides that where one or more agricultural conversion rates are revalued the amounts fixed in ecus and not connected with the fixing of prices may be increased; whereas provision should be made for increasing certain amounts specified in Council Regulation (EEC) No 797/85 on improving the efficiency of agricultural structures⁽³⁾, as last amended by Regulation (EEC) No 1609/89⁽⁴⁾, to the extent necessary to prevent their falling in terms of national currency;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts specified in Regulation (EEC) No 797/85 listed in the Annex hereto are adjusted as shown therein.

Article 2

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

It shall apply with effect from 1 January 1989.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽³⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁴⁾ OJ No L 165, 15. 6. 1989, p. 1.

ANNEX

The amounts referred to in Council Regulation (EEC) No 797/85 on improving the efficiency of agricultural structures	amounting to	are replaced by the following
Article 1a (4) (a)	ECU 600 per hectare and per year	ECU 600 per hectare and per year
Article 4 (2)	ECU 60 000 per MWU ECU 120 000 per holding	ECU 60 606 per MWU ECU 121 212 per holding
Article 5	ECU 60 000 per MWU ECU 120 000 per holding	ECU 60 606 per MWU ECU 121 212 per holding
Article 8 (2) Article 8 (3)	ECU 60 000 per MWU ECU 120 000 per holding ECU 25 000	ECU 60 606 per MWU ECU 121 212 per holding ECU 25 252
Article 15 (1) (a) Article 15 (1) (b) (iii)	ECU 101 per livestock unit ECU 120 per livestock unit and per hectare ECU 101 per hectare ECU 120 per hectare	ECU 102 per livestock unit ECU 121,2 per livestock unit and per hectare ECU 102 per hectare ECU 121,2 per hectare
Article 19c	ECU 100 per hectare ECU 60 per hectare	ECU 101 per hectare ECU 60,6 per hectare
Article 20 (2)	ECU 40 000 per holding ECU 10 000 ECU 1 800 per hectare ECU 300 ECU 90 per hectare ECU 14 400 per km	ECU 40 408 per holding ECU 10 102 ECU 1 819 per hectare ECU 303 ECU 91 per hectare ECU 14 547 per km

COMMISSION REGULATION (EEC) No 2157/89

of 18 July 1989

authorizing Italy not to apply in certain areas the scheme for the set-aside of arable land

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

Having regard to Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽¹⁾, as last amended by Regulation (EEC) No 2156/89 ⁽²⁾, and in particular Article 32a (1) thereof,

Having regard to Commission Regulation (EEC) No 1273/88 of 29 April 1988 laying down criteria for delimiting the regions or areas which may be exempted from the schemes for the set-aside of arable land, extensification and conversion of production ⁽³⁾,

Whereas Italy has submitted an application to be exempted from the scheme for the set-aside of arable land in respect of the autonomous province of Trento; whereas this area accounts for 0,05 % of the arable land in Italy;

Whereas in view of the high risk of depopulation the area in question meets the criteria laid down in Regulation (EEC) No 1273/88;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Italy is authorized under Article 32a (1) of Regulation (EEC) No 797/85 not to apply in the autonomous province of Trento the scheme for the set-aside of arable land provided in Title 01 of the said Regulation.

Article 2

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

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ See page 12 of this Official Journal.

⁽³⁾ OJ No L 121, 11. 5. 1988, p. 41.

COMMISSION REGULATION (EEC) No 2158/89

of 18 July 1989

determining, for tobacco from the 1988 harvest, the quantity actually produced and the prices and premiums payable under the system of maximum guaranteed quantities

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

Having regard to Regulation (EEC) No 727/70 of the Council of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by Regulation (EEC) No 1251/89⁽²⁾, and in particular Article 4 (5) thereof,

Having regard to Commission Regulation (EEC) No 2824/88 of 13 September 1988 laying down certain detailed rules for the application of the system of maximum guaranteed quantities in the tobacco sector and amending Regulations (EEC) No 1076/78 and (EEC) No 1726/70⁽³⁾, and in particular Articles 1 and 2 (4) thereof,

Whereas Regulation (EEC) No 727/70 provides for a system of maximum guaranteed quantities; whereas that system provides in particular that where the quantities fixed for a variety or a group of varieties are exceeded, the prices and premiums concerned must be reduced in accordance with Article 4 (5) of that Regulation;

Whereas Regulation (EEC) No 2824/88 lays down that, before 31 July of the year following that of harvest, the Commission must, for each of the varieties or groups of varieties of tobacco for which a maximum guaranteed quantity has been fixed, determine in particular on the basis of the figures notified by the Member States, the quantity actually produced which, if exceeded, causes the prices and premiums for the variety or group of varieties concerned to be reduced by 1 % for each 1 % by which the maximum guaranteed quantity is exceeded; whereas when that occurs the norm price is reduced by an amount equal to the reduction in the premium; whereas in the case of the 1988 harvest the maximum reduction allowed is 5 %;

Whereas Council Regulation (EEC) No 2268/88⁽⁴⁾, as amended by Regulation (EEC) No 1252/89⁽⁵⁾, fixes *inter*

alia the maximum guaranteed quantities of leaf tobacco and the prices and premiums for the 1988 harvest;

Whereas on the basis of the figures available the quantities actually produced in respect of the 1988 harvest are those set out below; whereas the prices and premiums for that harvest should accordingly be adjusted as shown below;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1988 harvest the actual production of each variety or group of varieties of tobacco and the overrun of the maximum guaranteed quantities fixed by Regulation (EEC) No 2268/88 shall be those set out in Annex I to this Regulation.

2. For the 1988 harvest the norm and intervention prices and the amounts of the premium granted to purchasers of leaf tobacco, as referred to in Articles 2 and 3 of Regulation (EEC) No 727/70, and the derived intervention prices for baled tobacco, as referred to in Article 6 of the said Regulation, which are payable under the system of maximum guaranteed quantities, shall be as set out in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 16.

⁽³⁾ OJ No L 254, 14. 9. 1988, p. 9.

⁽⁴⁾ OJ No L 199, 26. 7. 1988, p. 20.

⁽⁵⁾ OJ No L 129, 11. 5. 1989, p. 17.

ANNEX I

Tobacco from the 1988 harvest : maximum guaranteed quantities by variety and group of varieties, quantities actually produced, and overrun of the maximum guaranteed quantities

Serial number	Group and variety	Maximum guaranteed quantity (tonnes)	Quantity actually produced (tonnes)	Overrun of the maximum guaranteed quantity (%)
GROUP I				
3	Virgin D	8 300	6 700	—
7	Bright	38 000	42 105	10,8
31	Virginia E	11 000	10 948	—
33	Virginia P	3 200	2 613	—
17	Basmas	30 000	24 410	—
18	Katerini	23 000	19 226	—
26	Virginia GR	3 500	4 526	29,3
Total		117 000	110 528	
GROUP II				
2	Badischer Burley	10 000	9 507	—
8	Burley I	42 000	33 981	—
9	Maryland	3 000	3 304	10,1
25	Burley GR	11 000	9 553	—
28	Fermented Burley	28 000	20 343	—
32	Burley E			
34	Burley P			
Total		95 750	77 923	
GROUP III				
1	Badischer Geudertheimer	12 000	70 969	491,4
4	Paraguay	28 000	23 599	—
5	Nijkerk	2 000	919	—
6	Misionero			
27	Santa Fé			
29	Havana E			
10	Kentucky	10 000	7 485	—
16	Round tip	250	155	—
30	Round Scafati			
Total		52 250	103 127	
GROUP IV				
13	Xanti-Yaka	27 000	19 854	—
14	Perustitza			
15	Erzegovina			
19	Kaba Koulak classic	40 000	33 730	—
20	Kaba Koulak non classic			
21	Myrodata			
22	Zychnomyrodata			
Total		67 000	53 584	
GROUP V				
11	Forchheimer Havana	20 000	6 517	—
12	Beneventano			
23	Tsebelia	33 000	43 351	31,4
24	Mavra			
Total		53 000	49 868	

ANNEX II

Norm prices, intervention prices, premiums and derived intervention prices for tobacco from the 1988 harvest, in accordance with the system of maximum guaranteed quantities

(ECU/kg)

Serial number	Variety	Norm price	Intervention-price	Premium	Derived Intervention-price
1	Badischer Geudertheimer and hybrids thereof	3,516	2,942	2,407	4,455
2	Badischer Burley E and hybrids thereof	4,512	3,835	2,961	5,426
3	Virgin D	4,626	3,932	2,927	5,179
4	(a) Paraguay and hybrids thereof (b) Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appel terre	3,400	2,890	2,352	—
5	Nijkerk	3,357	2,853	2,132	—
6	(a) Misionero and hybrids thereof (b) Rio Grande and hybrids thereof	3,128	2,659	2,159	—
7	Bright	3,947	3,286	2,338	4,569
8	Burley I	2,848	2,421	1,653	3,565
9	Maryland	3,219	2,675	1,781	3,854
10	(a) Kentucky and hybrids thereof (b) Moro di Cori (c) Salento	2,796	2,376	1,765	3,347
11	(a) Forchheimer Havana II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano	2,707	2,301	1,909	3,614
12	(a) Beneventano (b) Brasile Selvaggio and similar varieties	1,462	1,243	1,077	2,012
13	Xanti-Yaká	3,257	2,768	2,399	4,521
14	(a) Perustitza (b) Samsun	3,083	2,621	2,283 2,222	3,925 3,949
15	Erzegovina and similar varieties	2,770	2,355	2,057	3,540
16	(a) Round Tip (b) Scafati (c) Sumatra I	15,908	13,522	9,608	20,782
17	Basmas	6,090	5,177	3,072	5,914
18	Katerini and similar varieties	5,073	4,312	2,734	6,196
19	(a) Kaba Kulak classic (b) Elassona	4,022	3,419	2,078	4,925
20	(a) Kaba Koulak non classic (b) Myrodata Smyrnis, Trapezous and Phi I	3,030	2,576	1,423	3,979
21	Myrodata Agrinion	3,998	3,398	2,099	4,840
22	Zichnomyrodata	4,154	3,531	2,214	5,051
23	Tsebelia	3,065	2,580	2,463	3,984

(ECU/kg)

Serial number	Variety	Norm price	Intervention-price	Premium	Derived Intervention-price
24	Mavra	3,014	2,519	2,014	3,915
25	Burley GR	2,251	1,688 (1)	1,219 (1)	2,748 (1)
26	Virginia GR	3,649	3,073	2,988	4,283
27	Santa Fé	1,383	1,176	0,301	2,034
28	Fermented Burley	2,240	1,904	0,931	2,923
29	Havana E	2,878	2,447	1,952	3,634
30	Round Scafati	8,669	7,369	5,911	12,615
31	Virginia E	4,531	3,851	2,354	5,305
32	Burley E	2,965	2,520	1,398	3,789
33	Virginia P	4,263	3,624	2,354	4,953
34	Burley P	3,072	2,611	1,398	3,896

(1) By virtue of Article 13 of Regulation (EEC) No 727/70.

COMMISSION REGULATION (EEC) No 2159/89**of 18 July 1989****laying down detailed rules for applying the specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 14g thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion 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 5 (3) thereof,

Whereas Title IIa of Regulation (EEC) No 1035/72 provides for various specific measures to make good the inadequacy of production and marketing facilities for certain nuts and locust beans; whereas the aids provided for are granted to producers' organizations which have received specific recognition and which have submitted a plan approved by the competent national authority for improving the quality and the marketing of their produce;

Whereas it should be made clear that such specific recognition is not subject to prior recognition under Article 13 of Regulation (EEC) No 1035/72; whereas it is granted irrespective of the latter once the special conditions laid down for the granting thereof have been met;

Whereas the conditions laid down for the granting of recognition must provide some reasonable assurance that the producers' organizations receiving Community aid will, by virtue of the scope and duration of their activities and the very manner of their operation, help to bring about the desired improvement in production and marketing facilities for the products in question; whereas, to ensure that such producers' organizations enjoy at least a degree of stability, minimum limits should be laid down for the number of members and for the quantities of nuts and locust beans produced, depending on the characteristics of the various Community regions; whereas, to the

same end, it must be made a requirement that the statutes of such organizations are to include clauses which explicitly state that the producers are to control the decisions and verify the operation of the organization and clauses laying down penalties for any infringement of the agreed rules;

Whereas, in the interests of efficiency and good management, the aid granted by the Member State and the Community towards plans for the improvement of quality and marketing arrangements should be used only to finance marginal plantations; whereas the minimum area of a specialized orchard should even be defined for each region of production;

Whereas definitions should be laid down for the types of measures which may be included in plans where the primary objective is to improve the quality of production pursuant to Article 14d of Regulation (EEC) No 1035/72; whereas, although the national authorities will be responsible for approving the plans, there must be consultation and administrative cooperation with the Commission so that the aims of the regulations are upheld and so that the Commission can, if necessary, request alterations to the draft plan or even refuse to approve the granting of national or Community financial aid;

Whereas it should be made clear what measures to develop and improve Community consumption and utilization of nuts and locust beans will qualify for financial aid from the Community; whereas, to this end, the plans submitted must offer some guarantee that they are in the Community interest, that the measures taken will be effective, and that their direct or indirect impact will be to increase the consumption and utilization of the products concerned; whereas plans must be submitted by trade bodies or groups with some technical experience or by representatives of the economic sectors concerned; whereas, save as otherwise provided by the Commission, the performance or direct supervision of the work by the body or group which submitted the plan may be taken as evidence of the good faith of the parties concluding a contract with the Commission; whereas it should be stipulated that the various rules governing the fulfilment of the undertakings given are to be laid in a contract;

Whereas certain general rules should be laid down for financing the aid to be charged to the EAGGF Guarantee Section in accordance with Title IIa of Regulation (EEC) No 1035/72; whereas it should be made clear that

⁽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, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

Community aid may be paid out by the Member State only after, or at any rate not before, the national aid has been paid only after the proper checks have been carried out;

Whereas the aid for implementing plans to improve quality and marketing arrangements should be paid annually on the basis of the work actually carried out in accordance with the approved plans: whereas the maximum amount of aid per hectare, as fixed by Council Regulation (EEC) No 790/89 ⁽¹⁾, should be converted into the national currency concerned at the agricultural conversion rate applicable on the first day of each marketing year, in accordance with the provisions of Regulation (EEC) No 1676/85;

Whereas, for the purpose of implementing the various specific measures in question, the producers' organizations receiving the aid must be obliged to transmit detailed and precise information, at pre-set intervals, to the authority designated by the Member State so that the said authority can monitor the fulfilment of the undertakings given by the producers' organizations;

Whereas the beneficiaries' obligation to provide information cannot in itself guarantee proper management of the measures concerned; whereas, therefore, it should be made clear what verification of documents and on-the-spot checks are to be made by the national authorities in connection with the various types of aid provided for in Title IIa of Regulation (EEC) No 1035/72;

Whereas the most serious failures to fulfil the obligations laid down in Regulation (EEC) No 1035/72 or in this Regulation must be penalized in the appropriate manner;

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. Procedure' organizations engaged in the production and marketing of nuts and/or locust beans

- which have received specific recognition in accordance with Title I,
- and which have submitted a quality and marketing improvement plan meeting the requirements of Title II and approved by the Member State concerned

shall qualify for the specific measures provided for in Title IIa of Regulation (EEC) No 1035/72, subject to the rules laid down in Titles II, III and IV of this Regulation.

2. The Community shall contribute, on the terms laid down in Titles IV and V towards financing measures to expand and improve the consumption and utilization of the abovementioned products.

TITLE I

Specific recognition of producer's organizations for nuts and/or locust beans

Article 2

Member States shall grant specific recognition to organizations and groups of producers (hereinafter referred to as 'producers' organizations') engaged in the production and marketing of nuts and/or locust beans:

1. Which have been set up at the instigation of the producers themselves with a view to achieving, in the nut and locust bean sector, the objectives referred to in Article 13 (1) (a) of Regulation (EEC) No 1035/72;
2. which require their members to meet the obligations listed in this Article;
3. which make available to their members technical facilities for pre-sale operations, including storage and packaging of the products concerned;
4. whose statutes:
 - (a) make it compulsory for producers to have all their production of nuts and/or locust beans sold by the producers' organization;
 - (b) include provisions designed to ensure that producers have control over the organization and the decisions which it takes;
 - (c) lay down penalties for any infringement of the organization's rules by producers belonging thereto;
 - (d) make it compulsory for producers:
 - to belong to the producers' organization for a period of at least three years,
 - to give at least 12 months' advance notice of their departure therefrom;
 - (e) include provisions concerning the fees to be paid by their members;
5. which provide evidence of a sufficient level of economic activity, representing at the same time:
 - a minimum number of producers,
 - a minimum production per product and per region of production (Annexe I);
6. which give a written undertaking to submit a quality and marketing improvement plan in accordance with Title II;
7. which keep separate accounts for their activities relating to nuts and/or locust beans.

⁽¹⁾ OJ No L 85, 30. 3. 1989, p. 6.

Article 3

1. Producers' organizations shall submit their application for specific recognition to the competent authority designated by the Member State, together with their articles of incorporation and the particulars listed in Annex II.

2. The competent authority shall check the accuracy of the particulars supplied by scrutiny of documents and by on-the-spot inspections. In doubtful cases the competent authority shall carry out any appropriate checks to ensure compliance with the conditions laid down in Article 2.

3. Specific recognition shall be granted within three months of lodging the application, subject to any delay resulting from additional enquiries.

4. Each year, before 1 November, producers' organizations shall forward to the competent authority an updated version of the particulars listed in Annex II.

Article 4

The competent authority shall make periodic checks, and at least every three years, to ensure that the producers' organizations recognized in accordance with Article 3 are operating in the correct manner and that they are observing the conditions laid down for their recognition.

The competent authority shall withdraw specific recognition if it finds that:

- the obligations on which recognition is conditional have not been met,
- the particulars referred to in Article 3 (4) have not been supplied, or
- the particulars supplied are deliberately misleading.

Article 5

Each year, by 31 December, forward to the Commission:

1. a list of the producers' organizations for nuts and/or locust beans which have received specific recognition;
2. for each producers' organization, the form shown in Annex II, duly completed.

TITLE II

The quality and marketing improvement plan*Article 6*

For the purposes of this Regulation, a homogeneous and cohesive area used for the growing of nuts and/or locust

beans, hereinafter, referred to as an 'orchard', shall mean a plantation which is not intersected by other crops or plantations and which is geographically continuous. A single row of nut trees and/or locust trees planted alongside roads or other crops shall not be considered an orchard.

The area of orchards taken into account for the purposes of applying this Title and for the granting of financial aid from the Member State and the Community may not be less than a surface area of 0,20 hectares.

Article 7

The quality and marketing improvement plan, hereinafter referred to as the 'plan', which the producers' organization undertakes to implement on all or some of the orchards belonging to its members, shall provide for one or more of the following types of measure, with a view to improving productivity in the long term:

- the grubbing of nut trees and/or locust trees, followed by the planting of new trees,
- varietal conversion,
- the improvement of techniques for the growing, maintenance and pruning of orchards,
- genetic improvement and certification, stimulation and pollination,
- soil preparation, fertilization and improvement,
- planning and implementation of pest control,
- the provision of technical assistance to the members of the organization, in the form of training and guidance of crop management,
- the acquisition and use of market-preparation, storage, packaging and other facilities,
- technical assistance with sales management.

Measures qualifying for financial aid under the structural regulations shall not be eligible under this Regulation.

Article 8

1. Producers' organizations shall submit their draft plans for approval by the competent authority designated by the Member State, in the form shown in Annex III and together with all the supporting documents.

Implementation of the plan must not commence until the latter has been approved by the competent national authority.

2. The competent authority shall take a decision on the draft plan within five months of receiving the latter. Requests for changes as referred to in paragraph 3 (b) shall result in an interruption of that period.

The competent authority shall :

- use all appropriate means, including on-the-spot inspections, to check the accuracy of the information provided on the condition and the composition of the orchards belonging to the members of the producers' organization at the time when the plan is submitted,
- check that the plan has been submitted in the form shown in Annex III and that it is in line with the objectives of this Title,
- verify the economic self-consistency and technical validity of the draft plan, the validity of the estimates and the financing plan, and the timetable for implementation.

Before the end of the second month following receipt of the draft plans, the competent authority shall forward to the Commission those which may, in its opinion, be approved under Article 14d of Regulation (EEC) No 1035/72, together with a general assessment of their compliance with the criteria referred to in the third indent of the preceding subparagraph.

Within 60 days of receiving such communication, the Commission shall, if necessary, request the competent authority to reject plans or to have them modified.

3. The competent authority shall :

- (a) either approve plans if they meet the requirements of Article 14d of Regulation (EEC) No 1035/72 and the requirements of this Title ;
- (b) or request changes to draft plans, either on its own initiative or at the Commission's request. Draft plans must not be approved until they incorporate the changes requested ;
- (c) or reject plans, either on its own initiative or at the Commission's request.

4. Where there is a request to change the plan for technical reasons or through a desire to extend the area covered by the plan, in particular following an increase in the number of member producers, the competent authority shall take a decision in accordance with this Article. However, the time limit for the implementation of the amended plan may not exceed that originally laid down.

5. During the implementation of each plan the competent authority shall make periodic checks, by means of their reports which are to be sent to it each year by the producers' organizations concerned and by means of on-the-spot inspections, on the progress being made with the implementation of the approved plan, on whether the work done complies with the technical and financial requirements, and on the accuracy of the supporting documents submitted.

At least two on-the-spot inspections shall be conducted on each plan in the course of implementation.

Article 9

Each year, by 31 December, the competent authority shall forward to the Commission a report on the progress made in the implementation of the approved plans and on the outcome of the inspections carried out and shall provide

the Commission with all relevant information should any difficulties arise in the course of implementation which could jeopardize fulfilment of the undertakings given by the producers' organizations.

TITLE III

Aid for the formation of producers' organizations and for the establishment of a revolving fund

Article 10

For the purposes of calculating the additional flat-rate aid for the formation of producers' organizations as provided for in Article 14b of Regulation (EEC) No 1035/72 :

1. the quantities to be taken into consideration shall be those of products which have not been shelled ; in the case of locust beans, the quantities to be taken into consideration shall be those of beans in the pod ;
2. the quantities marketed shall be taken to mean those actually sold during the first marketing year following that of specific recognition.

Article 11

To qualify for the specific aid for the establishment of a revolving fund as provided for in Article 14c of Regulation (EEC) No 1035/72, producers' organizations shall communicate to the competent authority :

1. the structure of the capital of the revolving fund and proof of the producers' organization's contribution to the said capital ;
2. the arrangements for financing the revolving fund so that it can operate in a proper manner with a view to attaining the objectives laid down in Article 4c (2) ; such proof may be provided in the form of statements from a separate bank account ;
3. the supporting documents attesting to the value of the produce marketed :
 - during the first marketing year following the date of specific recognition,
 - or during another marketing year following recognition.

The value of the produce marketed shall be determined on the basis of :

- the annual volume of sales during the said marketing year,
- the average producer prices obtained over that marketing year.

Article 12

During the three marketing years following the payment of the aid in accordance with Article 18, the competent authority shall carry out checks to ensure :

- that the fund has operated and has been sustained as stated in the communication sent pursuant to Article 11 (2),

- that, at the beginning of each marketing year, the fund is reconstituted. The value of stocks of produce may be taken into account for the purposes of evaluating compliance with this obligation.

For inspection purposes, the producers' organization shall at all times keep at the disposal of the competent authority the bank statements and supporting documents attesting to transactions relevant to the operation of the fund.

TITLE IV

Promotional measures

Article 13

1. Measures aimed at developing and improving consumption and use of nuts and/or locust beans in the Community, as provided for in Article 4e of Regulation (EEC) No 1035/72, shall be of the following types :

- market research,
- the search for new outlets,
- economic studies relating to the design of packaging and presentation,
- the organization of contacts between the various economic operators,
- the organization of, and participation in, trade fairs and other trade-related events,
- promotional measures other than advertising campaigns,
- consumer surveys and tests,
- specialized publications,
- nutritional and dietetic studies.

2. To qualify for Community financing, the measures proposed must :

- place particular emphasis on the fact that the products are of Community origin,
- have an appreciable scope in terms of the market situation and market trends,
- offer some guarantee as to their satisfactory completion,
- be submitted either by a body with specific and substantiated technical experience or by an association or group which is representative of the various trade sectors or economic activities concerned within the Community. The measures shall be proposed by bodies, associations or groups established within the Community.

Measures which are brand-oriented or which make reference to a particular country or region of production shall be ineligible.

Article 14

Except where otherwise decided, by the Commission, measures must be carried out by the body, association or group which submitted the draft plan.

Only measures begun after the Commission's approval of the draft plan shall be eligible for financing under this Regulation.

Overhead costs incurred on the measures concerned shall qualify for financing only where the percentage specified in the contract concluded with the Commission is not exceeded.

Article 15

1. Proposals for measures shall be submitted in duplicate to the Commission by 31 December of each year.

2. Proposals must include at least the following information :

- (a) the title of the proposal, that is, a reference to the relevant measure or measures specified in Article 13 ;
- (b) the name of business name of those submitting the proposal ;
- (c) a summary outline of the proposed measure, including an introduction clearly defining the objectives (diagnosis of problems, targets to be pursued, strategy to be followed, etc.) :
 - the expected results, and in particular the direct or indirect impact which the measure is expected to have on the marketing and consumption of the products concerned,
 - the successive phases of implementation, the timetable for implementation ;
- (d) the cost of the proposed measure or measures, expressed in ecus and net of tax, with an item-by-item breakdown (based on comparative estimates, where necessary) and the relevant financing plan ;
- (e) where appropriate, the most recent report available on the activities of the body or group concerned.

3. The Commission shall inform the body, association or group concerned of the decision taken on its proposal by 1 June the following year. The Commission shall conclude contracts for the measures referred to in Article 14 with those applicants whose proposals have been selected.

Article 16

1. On application by the recipient, an advance of up to 50 % of the Community contribution to the cost of the measure shall be paid, from the fourth month following the signature of the contract referred to in Article 14, on presentation of suitable supporting documents. Payment of advances shall be subject to the lodging, in favour of the Commission, of a security of an equivalent amount. Such security may only be released with the agreement of the Commission.

2. Payment of the balance of the Community contribution shall be subject to the proper execution of the contract and to submission, no later than three months after the measure has been implemented, of a report drawn up by the recipient assessing the results of the measure or measures.

Article 17

Recipients of aid shall forward to the Commission, either on their own initiative or on request, all information relating to the implementation of plans and shall submit to any verifications or inspections carried out by the Commission.

TITLE V

General and financial provisions

Article 18

The specific aid for the establishment of a revolving fund, comprising both the aid from the Member State and the Community aid, shall be paid by the competent national authority to the producers' organizations within a maximum of three months of the aid application, once compliance with the provisions of Article 11 has been verified.

Article 19

To obtain the Community aid for their quality and marketing improvement plans, the producers' organizations qualifying therefor shall submit an aid application to the competent national authority at the end of each reference period.

'Reference period' means each annual period of the plan's implementation running from the anniversary of the plan's approval.

Aid applications shall be submitted each year in accordance with Annex IV, within the two months following the anniversary of the plan's approval, and must be accompanied by the invoices and all other documentary evidence relating to the work done.

Article 20

The competent authorities of the Member States, having checked the aid applications and the documentary evidence produced in support thereof, shall pay, each year within the two months following the lodging of the aid application, the aid granted by the Member State and the

Community in accordance with Article 14d (2) of Regulation (EEC) No 1035/72.

Article 21

The rate to be used each year for the conversion into national currency of the maximum amount of aid per hectare referred to in Article 2 of Regulation (EEC) No 790/89 shall be the agricultural conversion rate in force on the first day of the marketing year which begins during the reference period.

Article 22

1. Should any aid have been paid in error, Member States shall, except in cases of *force majeure*, recover the amounts paid, plus the interest thereon from the date when the aid was paid until the date when it is recovered. The rate of interest to be applied shall be that in force for similar recovery operations under national law.

Member States shall recover all aid paid pursuant to Title IIa of Regulation (EEC) No 1035/72 for those producers' organizations which cease their activities before the end of the third year following the date of the specific recognition referred to in Title I of this Regulation or from which specific recognition has been withdrawn under Article 4.

2. Aid recovered shall be paid to the disbursing agencies or departments and deducted by the latter from expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to the Community financing.

3. The financial consequences arising from inability to recover sums paid shall be borne by the Commission in proportion to the Community financing.

Article 23

Member States shall take the necessary steps to penalize any serious failure to fulfil the undertakings given or the obligations contracted under Title IIa of Regulation (EEC) No 1035/72 and under this Regulation.

TITLE VI

Financial provisions

Article 24

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

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

MINIMUM REPRESENTATIVE DATA RELATING TO ECONOMIC ACTIVITY, REFERRED TO IN ARTICLE 2 (5)

CN code	Product	Producer's association		Region
		Minimum number of members	Minimum production (t)	
0802 11	Almonds	10	100 tonnes	France : all regions
		50	1 000 tonnes	Spain : — mountain and hill areas and less-favoured areas (2) and islands
		50	2 000 tonnes	— others
		10	150 tonnes	Portugal : all regions
		30	50 tonnes	Greece : all regions
		40	3 000 tonnes	Italy : — Sicily
		40	2 500 tonnes	— Puglia
		30	1 000 tonnes	— Sardinia and other regions
		10	50 tonnes	Other Member States
0802 21 00	Hazelnuts and filberts	100	1 000 tonnes	France : all regions
		50	1 000 tonnes	Spain : — mountain and hill areas and less-favoured areas (2) and islands
		50	2 000 tonnes	— others
		10	50 tonnes	Portugal : all regions
		30	40 tonnes	Greece : all regions
		30	1 000 tonnes	Italy : — Sicily
		40	3 000 tonnes	— Campania
		40	2 500 tonnes	— Lazio
		30	1 000 tonnes	— Piemonte and other regions
		10	40 tonnes	Other Member States
0802 31 00	Walnuts	25	250 tonnes	France : all regions
		25	250 tonnes	Spain : — mountain and hill areas and less-favoured areas (2) and islands
		25	500 tonnes	— other
		10	50 tonnes	Portugal : all regions
		5	10 tonnes	Luxembourg : all regions
		40	15 tonnes	Greece : all regions
		30	2 000 tonnes	Italy : all regions
		5	10 tonnes	Other Member States

CN code	Product	Producer's association		Region
		Minimum number of members	Minimum production ⁽¹⁾	
0802 50 00	Pistachios	30	25 tonnes	Greece : all regions
		20	150 tonnes	Italy : all regions
		20	25 tonnes	Other Member States
1212 10 10	Locus beans	50	1 000 tonnes	Spain : — mountain and hill areas and less-favoured areas ⁽²⁾ and islands
		50	2 000 tonnes	— other
		25	100 tonnes	Portugal : all regions
		50	25 tonnes	Greece : all regions
		20	500 tonnes	Italy : all regions
		20	25 tonnes	Other Member States

⁽¹⁾ If the producers' organization handles various nuts and/or locust beans, the minimum production to be achieved is the sum of the minimum quantities laid down for each of the products and the regions concerned.

⁽²⁾ Within the meaning of Council Directive 86/466/EEC of 14 July 1986 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Spain). OJ No L 273, 24. 9. 1986, p. 104.

ANNEX II

DATA SHEET FOR PRODUCERS' ORGANIZATIONS

Member State

Year :

Marketing year

The data provided below relate to the

1. Business name :

2. Legal form :

3. Statutes (Attach a copy)

4. Address (Street, number, locality, telephone number, telex number)

— of the administrative headquarters

— of the sales headquarters

5. Territory covered :

6. Number of members :

— Number of producers

— Number of non-producer members (where applicable)

7. Particulars of members

Please enclose a list of members, providing the following particulars :

— surname and first name

— number of plots used to grow nuts and/or locust beans, together with the registration numbers of these plots

— area of irrigated and non-irrigated land used to grow almonds, hazelnuts or filberts, walnuts, pistachios and/or locust beans

— quantities harvested, broken down by species

— yield obtained per hectare of irrigated and non-irrigated land, broken down by species

8. Funding provided by members :

Membership fees ☐Other form of funding ☐

Joining fee

Annual fees :

(a) for the revolving fund :

— flat-rate amount

— percentage

(b) other purposes (please specify)

— flat-rate amount

— percentage

9. Rules laid down by the producers' organization :

- Rules relating to farming skills
 - Rules relating to production
 - Rules relating to marketing
- (please enclose a copy of these rules)

YES ☐ NO ☐

10. Technical facilities made available to members :

A. Preparation and packaging station :

YES ☐ NO ☐

Brief description of the facility (constituent parts, area covered, etc.) :

.....

.....

.....

B. Equipment installed :

- refrigerated storage : YES ☐ NO ☐

capacity : m³ or

..... t

- grading : YES ☐ NO ☐

throughput : t/h

- shelling : YES ☐ NO ☐

throughput : t/h

- drying : YES ☐ NO ☐

throughput : t/h

- other (please specify) :

..... throughput : t/h

11. Staff responsible for :

- administration :
- management :
- preparation, packaging, storage :
- technical assistance :
- other activities :

12. Total area of member' orchards :

Products	Area (ha)	
	irrigated	not irrigated
Nuts :		
— almonds		
— hazelnuts/filberts		
— walnuts		
— pistachios		
— Other (!)		
Locust beans		
Other fruit and vegetables (!)		
(!) Optional.		

13. Sales data for the preceding marketing year ⁽¹⁾ ⁽²⁾

Products	Produce harvested (t)	Unsold stocks (t)	Losses (t)	Produce marketed (t)	Average price obtained (nat. currency/t)	Value of produce marketed
almonds						
hazelnuts						
walnuts						
pistachios						
Locust beans						
Total						

14. Profit or loss on operations during the preceding marketing year :

.....

.....

.....

.....

15. Capital of revolving fund⁽²⁾ :

- (a) originally constituted (national currency)
- (b) for organizations already recognized :
- own funds : (national currency)
- public funds : (national currency)

Total :

16. Quality and marketing improvement plan :

- (a) Date of submission ⁽²⁾ :
- Date of approval ⁽²⁾ :
- Date of implementation :
- (b) Brief description of the measures planned/proposed/in progress (delete where inapplicable) :
- Varietal conversion :
-
- Marketing improvements :
-

⁽¹⁾ Unshelled products.

⁽²⁾ Where applicable.

To be completed by the member state

17. RECOGNITION — under Article 13 of Regulation (EEC) No 1035/72 for nuts and/or locust beans (after 20 March 1989)

— under Article 5 of Regulation (EEC) No. 1360/78 for locust beans (before 20 March 1989)

Date : Decision No

Published in : on :

18. SPECIFIC RECOGNITION UNDER ARTICLE 14b OF REGULATION (EEC) No 1035/72

Date : Decision No :

Published in : on :

19. ADDITIONAL FLAT-RATE AID GRANTED (where applicable)

— amount of the aid :

— date of the granting of the aid :

20. WITHDRAWAL OF SPECIFIC RECOGNITION

Date : Decision No :

Published in : on :

21. CHECKS CARRIED OUT

Date :

Subject :

Comments :

.....

.....

*ANNEX III***DESCRIPTION OF THE QUALITY AND MARKETING IMPROVEMENT PLAN PROVIDED FOR IN ARTICLE 8 (1)****A. Definition of the geographical area concerned****B. Description of the initial situation as regards :****1. Production**

- number of holdings, area farmed, yield per hectare, volume of production harvested and importance thereof in relation to national production. This data must be broken down by species of nut and/or locust bean ;
- status of the orchards (age, density, size, root-stocks, presence of other fruit trees, etc.) ;
- technical infrastructure available to the holdings

2. Technical assistance**3. Marketing**

Brief description of existing facilities, equipment and capacity.

C. Production potential : objectives and prospective outlets**D. Objectives pursued by the plan as regards :****1. Means of production**

- restructuring and/or conversion of orchards (replanting with new varieties or replacement by other nut trees and/or locust trees)
- growing techniques (management and pruning systems, renewal of trees, density, selection of varieties, choice of root-stocks, etc.)
- adaptation of new varieties (trial orchards where behaviour and yield may be studied)
- adaptation of new varieties (trial orchards where behaviour and yield may be studied)
- breeding of certified material (nurseries and orchards producing scions for selective breeding and cloning)
- pest control
- pollination
- soil preparation, fertilization and improvement (soil studies, improvement of nutrition and fertilization, soil preparation, etc.).

2. Technical assistance (staff needs relating to production, training, sales management and administration).**3. Marketing** (acquisition of necessary facilities for market preparation, packaging, storage, computerization and management of stocks).**E. Necessary investments**

1. Overall cost of the plan, broken down by type of measure.
2. Provisional cost, broken down by year of implementation.

F. Foreseeable period of implementation and annual timetable

(over a period not exceeding 10 years).

ANNEX IV

AID-APPLICATION PROVIDED FOR IN ARTICLE 19

Business name of the producers organization :

Administrative address :

(Street, number, locality, telephone number, telex number) :

Bank and account number to which the aid should be paid :

Specific recognition under Article 14b of Regulation (EEC) No 1035/72 :

Date : Decision No

Total area of the holding :

Reference period from :

to :

LIST OF MEASURES CARRIED OUT DURING THE PERIOD

Type of measure and supporting documents enclosed	Amount
A. Grubbing up of nut trees and/or locust trees followed by planting of new trees :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
B. Varietal conversion :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
C. Improvement of growing, management and pruning techniques :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
D. Genetic improvement and certification, stimulation of pollination :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
E. Soil preparation and improvement :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
to carry over	

Type of measure and supporting documents enclosed	Amount
Carried over	
F. Pest control :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
G. Provision of technical assistance in the form of training and guidance on crop management :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
H. Acquisition and use of facilities for market preparation, storage, packaging, etc. :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
I. Technical assistance with sales management :	
1. Invoice No : of :	
2. Invoice No : of :	
3. Invoice No : of :	
4. Invoice No : of :	
Total expenditure on improvement plan over the reference period :	

To be completed by the Member State :	
Application received on	
A. ELIGIBLE EXPENDITURE	Amount
1. Total expenditure declared :	
2. Total sums not eligible :	
3. (1 — 2) Expenditure to be taken into consideration :	
4. (3 × 0,55) Eligible expenditure :	
B. MAXIMUM PERMITTED AMOUNT	
1. Ecus :	
2. Rate on 1. 9. 19... :	
3. Total area :	
4. (1 × 2 × 3) Total eligible amount :	
C. AMOUNT TO BE PAID :	

Paid on:

COMMISSION REGULATION (EEC) No 2160/89

of 18 July 1989

re-establishing the levying of customs duties on sacks and bags (including cones) of polymers of ethylene falling within CN code 3923 21 00 originating in Thailand to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of sacks and bags (including cones) of polymers of ethylene falling within CN code 3923 21 00 the individual ceiling was fixed at ECU 4 380 000; whereas, on 31 March 1989, imports of these products into the Community originating in Thailand reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 July 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in Thailand,

Order No	CN code	Description
10.0480	3923 21 00	Sacks and bags (including cones) — Of polymers of ethylene

Article 2

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

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

Done at Brussels, 18 July 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2161/89

of 18 July 1989

introducing a countervailing charge on fresh lemons originating in Uruguay

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

Whereas Commission Regulation (EEC) No 1373/89 of 19 May 1989 fixing for the 1989/90 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the months of July and August 1989 at 60,82 ECU per 100 kilograms net;

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

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

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

Whereas, for fresh lemons originating in Uruguay the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 5,96 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Uruguay.

Article 2

This Regulation shall enter into force on 20 July 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 137, 20. 5. 1989, p. 24.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2162/89

of 18 July 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 1882/89⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1219/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1882/89⁽⁷⁾, as last amended by Regulation (EEC) No 2134/89⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 over 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 17 July 1989;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1882/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 19 July 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 182, 29. 6. 1989, p. 10.

⁽⁸⁾ OJ No L 203, 15. 7. 1989, p. 48.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
0714 10 10 ⁽¹⁾	33,66	107,53	102,70
0714 10 91	30,64	104,51	102,70
0714 10 99	33,66	107,53	102,70
0714 90 11	30,64	104,51	102,70 ⁽²⁾
0714 90 19	33,66	107,53	102,70 ⁽²⁾
1102 90 10	61,19	194,16	188,12
1103 19 30	61,19	194,16	188,12
1103 29 20	61,19	194,16	188,12
1104 11 10	34,27	109,62	106,60
1104 11 90	67,32	215,06	209,02
1104 21 10	52,04	170,24	167,22
1104 21 30	52,04	170,24	167,22
1104 21 50	82,64	267,32	261,28
1104 21 90	34,27	109,62	106,60
1106 20 10	33,66	107,53	100,88 ⁽²⁾
1107 10 91	65,42	196,91 ⁽²⁾	186,03
1107 10 99	51,63	149,88	139,00
1107 20 00	58,37	172,87 ⁽²⁾	161,99

⁽¹⁾ 6 % *ad valorem*, subject to certain conditions.

⁽²⁾ In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrow-root falling within CN codes 0714 90 11 and 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

COMMISSION REGULATION (EEC) No 2163/89

of 18 July 1989

concerning applications for STM licences in the beef and veal sector submitted during the first 10 days of July 1989

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 569/86 of 25 February 1986 laying down general rules for the application of the supplementary trade mechanism (STM) ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 6 thereof,

Whereas Regulation (EEC) No 569/86 provides for the use of STM licences in order to ensure that the tonnages traded of certain products do not exceed those laid down in the Act of Accession and in Commission Regulation (EEC) No 3972/88 ⁽⁴⁾; whereas, therefore, the Commission has to decide, in accordance with Article 6 of Regulation (EEC) No 574/86, whether STM licences can be issued for all, some, or none of the tonnages applied for;

Whereas, in the light of the quantities available and the applications for licences submitted during the first 10

days of July 1989, licences may, for certain products, be issued for the tonnages applied for and up to a percentage of the tonnages applied for in the case of other products,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences, submitted during the first 10 days of July 1989 and notified to the Commission,

(a) shall be accepted for the tonnages applied for in the case of the following products:

— meat of animals of the bovine species, frozen, and offal of animals of the bovine species;

(b) shall, in the case of the following products, be accepted up to the percentage shown:

— fresh or chilled meat of animals of the bovine species: 0,036 %,

— live animals of the bovine species, other than pure-bred breeding animals and animals for bull fights: 0,039 %.

Article 2

This Regulation shall enter into force on 19 July 1989.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽⁴⁾ OJ No L 351, 21. 12. 1988, p. 17.

COMMISSION REGULATION (EEC) No 2164/89

of 18 July 1989

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 1115/88⁽²⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80⁽³⁾, as last amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 26 June 1989, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas in the Annex to Commission Regulation (EEC) No 1310/88 of 11 May 1988 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat⁽⁵⁾ the weekly amounts of the guide level are set out pursuant to Article 9a (3) of Regulation (EEC) No 1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 26

June 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions following the abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 26 June 1989, the level of the premium is fixed at 58,411 ECU/100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 26 June 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 26 June 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 18 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	27,453	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	58,411	0
0204 21 00	58,411	0
0204 50 11		0
0204 22 10	40,888	
0204 22 30	64,252	
0204 22 50	75,934	
0204 22 90	75,934	
0204 23 00	106,308	
0204 30 00	43,808	
0204 41 00	43,808	
0204 42 10	30,666	
0204 42 30	48,189	
0204 42 50	56,950	
0204 42 90	56,950	
0204 43 00	79,731	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	75,934	
0210 90 19	106,308	
1602 90 71:		
— unboned (bone-in)	75,934	
— boned or boneless	106,308	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1934/89 of 30 June 1989 fixing the export refunds on oil seeds

(Official Journal of the European Communities No L 187 of 1 July 1989)

Page 57, Annex, column '1st period':

for: '1st period 8',

read: '1st period 8 (1)'.

Corrigendum to Commission Regulation (EEC) No 1978/89 of 3 July 1989 on the supply of various lots of refined rape seed oil as food aid

(Official Journal of the European Communities No L 189 of 4 July 1989)

On pages 18 and 19 in Annexes II and III in point 10 footnote (*) is deleted.

On page 20 note (*) is deleted.
