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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2165/89

of 18 July 1989

extending the provisional anti-dumping duty on imports of calcium metal originating in the People's Republic of China and the Soviet Union

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EEC) No 707/89⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of calcium metal originating in the People's Republic of China and the Soviet Union;

Whereas the examination of the facts has not yet been completed and the Commission has informed the Chinese and the Soviet exporters concerned of its intention to propose one extension of the period of validity of the provisional duty for a further period not

exceeding two months; whereas the exporters did not object,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duty on imports of calcium metal originating in the People's Republic of China and the Soviet Union, imposed by Regulation (EEC) No 707/89, is hereby extended for a period not exceeding two months.

Without prejudice to Article 11 of Regulation (EEC) No 2423/88 and to any other decision taken by the Council, it shall apply until the entry into force of an act of the Council adopting definitive measures.

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 Council

The President

R. DUMAS

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 78, 21. 3. 1989, p. 10.

COUNCIL REGULATION (EEC) No 2166/89

of 18 July 1989

amending Regulation (EEC) No 1282/81 imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾,

Having regard to the proposal from the Commission, presented following consultations within the Advisory Committee as required by that Regulation,

Whereas :

- (1) Regulation (EEC) No 1281/81⁽²⁾, as amended by Regulation (EEC) No 2357/87⁽³⁾, imposed a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America. Pursuant to Article 1 (3) of the Regulation, '... the rate of the anti-dumping duty shall be 5,9 % for US Industrial Chemicals Co.'
- (2) US Industrial Chemicals Co. has informed the Commission that it changed its business name with effect from 17 December 1987 and that it has subsequently exported under the name of 'Quantum Chemical Corporation, USI Division'.
- (3) Having examined the documents submitted by the applicant in support of its assertion, the Commission has verified the change of business name and the fact that there has been no other

change in ownership or in the legal, production or marketing structures of the company in question. It therefore considers that the 5,9 % rate of the anti-dumping duty is applicable to Quantum Chemical Corporation, USI Division.

- (4) The Council confirms the Commission's conclusion. Regulation (EEC) No 1282/81 must therefore be amended again in order to ensure its uniform application in all the Member States, with effect from 17 December 1987, so as to cover all consignments from the company in question under its new name,

HAS ADOPTED THIS REGULATION :

Article 1

The third indent of Article 1 (3) of Regulation (EEC) No 1282/81 is hereby replaced by the following :

'— 5,9 % for Quantum Chemical Corporation, USI Division.'

Article 2

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

It shall apply with effect from 17 December 1987.

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

Done at Brussels, 18 July 1989.

For the Council

The President

R. DUMAS

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 129, 15. 5. 1981, p. 1.

⁽³⁾ OJ No L 213, 4. 8. 1987, p. 32.

COUNCIL REGULATION (EEC) No 2167/89

of 18 July 1989

fixing an intervention threshold for oranges in Spain for the 1988/89 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 16b (2) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2240/88 of 19 July 1988 fixing, for peaches, lemons and oranges, the rules for applying Article 16b of Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables⁽³⁾, as amended by Regulation (EEC) No 1521/89⁽⁴⁾ fixes an intervention threshold for oranges for the Community as constituted at 31 December 1985;

Whereas oranges have been bought in Spain during the 1988/89 marketing year; whereas an intervention threshold should therefore also be fixed for that product in Spain;

Whereas, for the purposes of fixing that threshold and determining the consequences of exceeding the threshold,

the criteria used for the Community as constituted at 31 December 1985 should be followed,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1988/89 marketing year, an intervention threshold is hereby fixed for oranges in Spain at 15 % of average production to be consumed fresh in the last five marketing years for which data are available.

2. The Commission shall adopt the intervention threshold provided for in paragraph 1 in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 2

Where quantities of oranges offered for intervention in Spain in the 1988/89 marketing year exceed the threshold laid down in Article 1, the institutional prices applying in Spain for the 1989/90 marketing year shall be reduced by 1 % for each 18 100 tonnes by which that threshold is exceeded.

Article 3

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 Council

The President

R. DUMAS

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 149, 1. 6. 1989, p. 1.

COUNCIL REGULATION (EEC) No 2168/89
of 18 July 1989

amending Regulation (Euratom, ECSC, EEC) No 2274/87 introducing special measures to terminate the service of temporary staff of the European Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Court of Justice,

Whereas it has become clear that the measures laid down in Regulation (Euratom, ECSC, EEC) No 2274/87⁽²⁾ are unlikely to have the desired effect in the case of the European Parliament unless the number of temporary staff whose service can be terminated is adjusted to requirements;

Whereas increasing the figure from 10 to 15 would enable those measures to achieve the desired effect;

Whereas new multiannual research programmes to be carried out by the Joint Research Centre were adopted by the Council on 14 October 1988;

Whereas, in the interests of effective implementation of these programmes, there is a case, having regard to the restructuring currently under way, for allowing a number of serving temporary staff to be replaced by temporary staff specifically recruited for the new programmes;

Whereas the additional number involved is estimated at 16, bringing the number of JRC staff whose service can be terminated under Regulation (Euratom, ECSC, EEC) No 2274/87 to 150,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (Euratom, ECSC, EEC) No 2274/87 is hereby replaced by the following:

Article 2

The numbers of temporary staff in respect of whom the measures referred to in Article 1 may be taken shall be 15 in the case of the European Parliament and 150 in the case of the Commission. These numbers shall be spread over the years of application of this Regulation as follows:

	European Parliament	Commission
1987	0	32
1988	3	32
1989	6	36
1990	6	50

Article 2

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

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

Done at Brussels, 18 July 1989.

For the Council

The President

R. DUMAS

⁽¹⁾ OJ No C 158, 26. 6. 1989.

⁽²⁾ OJ No L 209, 31. 7. 1987, p. 1.

COMMISSION REGULATION (EEC) No 2169/89

of 19 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 18 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 20 July 1989.

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

Done at Brussels, 19 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. 1.

ANNEX

to the Commission Regulation of 19 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	136,13
0712 90 19	34,31	136,13
1001 10 10	13,87	148,32 ⁽¹⁾ ⁽²⁾
1001 10 90	13,87	148,32 ⁽¹⁾ ⁽²⁾
1001 90 91	13,66	105,68
1001 90 99	13,66	105,68
1002 00 00	41,42	114,07 ⁽³⁾
1003 00 10	32,09	102,47
1003 00 90	32,09	102,47
1004 00 10	23,49	86,42
1004 00 90	23,49	86,42
1005 10 90	34,31	136,13 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	136,13 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	143,02 ⁽⁴⁾
1008 10 00	32,09	0,00
1008 20 00	32,09	16,33 ⁽⁴⁾
1008 30 00	32,09	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	32,09	0,00
1101 00 00	32,13	160,96
1102 10 00	70,99	172,70
1103 11 10	35,82	244,22
1103 11 90	34,71	173,84

⁽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 2170/89

of 19 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 18 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 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 11. 11. 1975, p. 1.

⁽²⁾ OJ No L 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 19 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	0,99
0712 90 19	0	0	0	0,99
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	0,99
1005 90 00	0	0	0	0,99
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 2171/89**of 18 July 1989****establishing unit values for the determination of the customs value of certain perishable goods**

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 Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3773/87 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 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

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	29,24	1 267	235,33	60,55	205,58	5 236	22,65	43 940	68,29	19,77
1.20	0702 00 10 0702 00 90	Tomatoes	30,28	1 312	243,69	62,70	212,88	5 422	23,45	45 510	70,71	20,47
1.30	0703 10 19	Onions (other than sets)	20,15	873	162,15	41,72	141,65	3 608	15,60	30 282	47,05	13,62
1.40	0703 20 00	Garlic	177,13	7 678	1 425,30	366,77	1 245,09	31 714	137,18	266 177	413,60	119,73
1.50	ex 0703 90 00	Leeks	33,95	1 484	275,54	70,85	241,09	5 907	26,53	51 655	79,99	21,70
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	38,06	1 659	308,56	79,12	269,72	6 651	29,67	58 324	89,33	24,62
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	179,13	7 763	1 443,52	370,98	1 259,69	31 905	139,00	269 241	417,77	121,07
1.100	ex 0704 90 90	Chinese cabbage	64,47	2 795	518,82	133,51	453,22	11 544	49,93	96 891	150,55	43,58
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	52,94	2 294	426,65	109,65	372,32	9 430	41,08	79 578	123,47	35,78
1.120	ex 0705 29 00	Endives	35,98	1 568	291,05	74,89	252,83	6 361	28,07	54 951	84,47	23,52
1.130	ex 0706 10 00	Carrots	20,01	867	161,28	41,45	140,74	3 564	15,53	30 082	46,67	13,52
1.140	ex 0706 90 90	Radishes	106,60	4 645	864,46	221,94	751,52	18 854	82,98	161 745	250,18	69,62
1.150	0707 00 11 0707 00 19	Cucumbers	30,79	1 333	247,80	63,67	216,23	5 486	23,94	46 071	71,77	21,04
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	236,46	10 238	1 902,64	488,93	1 660,24	42 122	183,84	353 735	551,08	161,60
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna spp.</i> , <i>Phaseolus spp.</i>)	77,89	3 376	626,78	161,29	547,53	13 946	60,32	117 053	181,88	52,65
1.180	ex 0708 90 00	Broad beans	31,11	1 355	251,99	64,78	218,65	5 512	24,26	47 309	73,04	20,38
1.190	0709 10 00	Globe artichokes	27,71	1 201	223,34	57,40	194,90	4 936	21,50	41 657	64,63	18,73
1.200		Asparagus:										
1.200.1	ex 0709 20 00	— green	732,73	31 763	5 895,95	1 517,20	5 150,47	131 190	567,48	1 101 074	1 710,93	495,30
1.200.2	ex 0709 20 00	— other	416,48	18 032	3 351,18	861,16	2 924,23	74 190	323,80	623 043	970,64	284,64
1.210	0709 30 00	Aubergines (egg-plants)	32,55	1 411	261,92	67,40	228,80	5 828	25,21	48 915	76,00	22,00
1.220	ex 0709 40 00	Celery stalks and leaves	78,74	3 413	633,65	163,05	553,53	14 099	60,98	118 336	183,88	53,23
1.230	0709 51 30	Chantarelles	673,42	29 192	5 418,69	1 394,39	4 733,56	120 571	521,55	1 011 946	1 572,44	455,20
1.240	0709 60 10	Sweet peppers	73,57	3 189	592,02	152,34	517,17	13 173	56,98	110 561	171,79	49,73
1.250	0709 90 50	Fennel	22,39	976	182,01	46,65	157,86	3 933	17,46	34 299	52,61	14,50
1.260	0709 90 70	Courgettes	50,85	2 204	409,24	105,31	357,49	9 106	39,38	76 426	118,75	34,37
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	81,99	3 573	658,40	170,36	582,01	14 177	63,82	125 542	192,34	53,17
2.10	ex 0802 40 00	Chestnuts (<i>Castanea spp.</i>), fresh	71,58	3 124	577,39	149,21	508,93	12 383	55,77	109 540	168,40	45,76
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	26,15	1 133	210,45	54,15	183,84	4 682	20,25	39 302	61,07	17,67
2.30	ex 0804 30 00	Pineapples, fresh	33,76	1 463	271,67	69,91	237,32	6 045	26,14	50 735	78,83	22,82
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	117,79	5 106	947,81	243,90	827,97	21 089	91,22	177 005	275,04	79,62
2.50	ex 0804 50 00	Guavas and mangoes, fresh	136,48	5 916	1 098,24	282,60	959,38	24 436	105,70	205 097	318,69	92,25
2.60		Sweet oranges, fresh:										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	28,79	1 247	232,04	59,63	202,49	5 128	22,34	43 280	67,15	19,46

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ IrI	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	38,61	1 674	310,73	79,96	271,44	6 914	29,90	58 030	90,17	26,10
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	24,99	1 083	201,12	51,75	175,69	4 475	19,35	37 559	58,36	16,89
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	63,38	2 747	509,99	131,23	445,50	11 347	49,08	95 241	147,99	42,84
2.70.2	ex 0805 20 30	— Monreales and Satsumas	28,11	1 218	226,24	58,21	197,63	5 034	21,77	42 251	65,65	19,00
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	101,79	4 436	825,47	211,93	717,63	18 004	79,24	154 451	238,90	66,49
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	59,84	2 594	481,57	123,92	420,68	10 715	46,35	89 935	139,74	40,45
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	50,60	2 193	407,17	104,77	355,69	9 060	39,19	76 040	118,15	34,20
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	140,92	6 109	1 133,96	291,80	990,59	25 231	109,14	211 769	329,06	95,26
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	43,46	1 884	349,71	89,99	305,49	7 781	33,66	65 309	101,48	29,37
2.90.2	ex 0805 40 00	— pink	70,84	3 071	570,06	146,69	497,98	12 684	54,86	106 459	165,42	47,88
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	186,22	8 072	1 498,48	385,60	1 309,01	33 342	144,22	279 842	434,84	125,88
2.110	0807 10 10	Water-melons	19,25	834	154,93	39,87	135,34	3 447	14,91	28 934	44,96	13,01
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	46,85	2 031	377,02	97,02	329,35	8 389	36,28	70 410	109,40	31,67
2.120.2	ex 0807 10 90	— Other	65,69	2 847	528,60	136,02	461,76	11 761	50,87	98 717	153,39	44,40
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	57,22	2 480	460,50	118,50	402,27	10 246	44,32	85 998	133,63	38,68
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	74,60	3 234	600,34	154,48	524,43	13 358	57,78	112 114	174,21	50,43
2.150	0809 10 00	Apricots	69,17	2 998	556,57	143,22	486,20	12 384	53,57	103 941	161,51	46,75
2.160	0809 20 10 0809 20 90	Cherries	166,70	7 217	1 341,37	344,70	1 170,48	29 696	129,61	249 385	388,51	113,93
2.170	ex 0809 30 00	Peaches	31,94	1 384	257,05	66,14	224,55	5 719	24,74	48 005	74,59	21,59
2.180	ex 0809 30 00	Nectarines	63,79	2 765	513,33	132,09	448,42	11 422	49,40	95 865	148,96	43,12
2.190	0809 40 11 0809 40 19	Plums	82,61	3 581	664,73	171,05	580,68	14 790	63,98	124 140	192,89	55,84
2.200	0810 10 10 0810 10 90	Strawberries	118,75	5 141	955,54	245,54	833,80	21 154	92,32	177 651	276,76	81,16
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	171,67	7 442	1 381,41	355,47	1 206,75	30 737	132,96	257 980	400,87	116,04
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	191,05	8 282	1 537,31	395,59	1 342,93	34 206	147,96	287 094	446,11	129,14
2.230	ex 0810 90 90	Pomegranates	64,94	2 834	523,88	135,38	461,76	11 235	50,60	99 388	152,79	41,52
2.240	ex 0810 90 90	Khakis	311,41	13 539	2 517,54	646,42	2 193,76	55 447	241,79	469 011	728,32	207,24
2.250	ex 0810 90 90	Lychees	333,12	14 517	2 701,33	693,55	2 348,43	58 917	259,33	505 433	781,78	217,58

COMMISSION REGULATION (EEC) No 2172/89

of 19 July 1989

on the sale at a price fixed in advance of certain boned beef held by certain intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 the possibility of intervention in beef and veal has led to the build-up of stocks in the Community; whereas some of the intervention purchases have been stored in the form of boned meat in order to improve the intervention system in accordance with Commission Regulation (EEC) No 859/89 ⁽³⁾;

Whereas Article 2 (1) of Council Regulation (EEC) No 98/69 ⁽⁴⁾, as amended by Regulation (EEC) No 429/77 ⁽⁵⁾, provides that the selling prices of frozen beef and veal bought in by the intervention agencies may be fixed in advance; whereas it is appropriate to make use of this system of selling;

Whereas it is important to comply with the provisions of Commission Regulation (EEC) No 2173/79 ⁽⁶⁾, as amended by Regulation (EEC) No 1809/87 ⁽⁷⁾, with regard to selling at a price fixed in advance;

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

Article 1

1. During the period 24 July to 8 September 1989, the sale shall take place of approximately;

— 300 tonnes of boned beef held by the Danish intervention agency and put into store before 1 January 1989,

— 500 tonnes of boned beef held by the United Kingdom intervention agency and put into store before 1 January 1989,

— 500 tonnes of boned beef held by the Italian intervention agency and put into store before 1 January 1989.

The qualities and prices of this meat are given in Annex I.

2. The intervention agency shall first sell the meat which has been in storage longest.

3. Sales shall take place in accordance with the provisions of Regulation (EEC) No 2173/79, and in particular Article 2 to 5 thereof.

4. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

This Regulation shall enter into force on 24 July 1989.

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

Done at Brussels, 19 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 91, 4. 4. 1989, p. 5.

⁽⁴⁾ OJ No L 14, 21. 1. 1969, p. 2.

⁽⁵⁾ OJ No L 61, 5. 3. 1977, p. 18.

⁽⁶⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁷⁾ OJ No L 170, 30. 6. 1987, p. 23.

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

Precio de venta expresado en ecus por tonelada ⁽¹⁾ — Salgspriser i ECU/ton ⁽¹⁾ — Verkaufspreise, ausgedrückt in ECU/Tonne ⁽¹⁾ — Τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο ⁽¹⁾ — Selling prices expressed in ecus per tonne ⁽¹⁾ — Prix de vente exprimés en écus par tonne ⁽¹⁾ — Prezzi di vendita espressi in ecu per tonnellata ⁽¹⁾ — Verkoopprijzen uitgedrukt in ecu per ton ⁽¹⁾ — Preço de venda expresso em ecus por tonelada ⁽¹⁾

1. DANMARK	<i>Kategori A</i>	<i>Kategori C</i>
Bryst og slag	2 155	2 155
Øvrigt kød af forfjerdinger	2 700	2 700
2. UNITED KINGDOM	<i>Category C</i>	
Rumps	4 855	
Foreribs	3 115	
Flanks / plates	1 800	
Shins and shanks	2 900	
Clod and sticking	2 670	
Brisket	2 600	
Ponies	2 825	
3. ITALIA	<i>Categoria A</i>	
Pancia	1 820	
Petto	1 950	
Spalla-giretto	2 645	
Collo	2 670	
Collo-sottospalla	2 670	
Sottospalla	2 670	

⁽¹⁾ Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

⁽¹⁾ Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

⁽¹⁾ Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

⁽¹⁾ Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

⁽¹⁾ These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

⁽¹⁾ Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

⁽¹⁾ Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

⁽¹⁾ Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

⁽¹⁾ Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos
de intervenção**

DANMARK :

Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
(tlf. 01 15 41 30 ; telex 15137 DK ; telefax 01 926 948)

UNITED KINGDOM :

Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302

ITALIA :

Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Via Palestro 81, Roma
Tel. 47 49 91
Telex 61 30 03

COMMISSION REGULATION (EEC) No 2173/89**of 19 July 1989****fixing the import levy on molasses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1898/89 ⁽³⁾, as last amended by Regulation (EEC) No 2086/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1898/89 to

the information at present available to the Commission that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 1,20 per 100 kg.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 199, 13. 7. 1989, p. 6.

COMMISSION REGULATION (EEC) No 2174/89

of 19 July 1989

amending Regulation (EEC) No 3889/87 laying down detailed rules for the application of the special measures for certain regions of hop production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2997/87 of 22 September 1987 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production⁽¹⁾, as amended by Regulation (EEC) No 1809/89⁽²⁾, and in particular Article 2 (6) thereof,

Whereas, following the amendment to Article 2 of Council Regulation (EEC) No 2997/87 introduced by Council Regulation (EEC) No 1809/89, it is necessary to fix a new deadline for the submission of programmes;

Whereas, following the said amendment to Regulation (EEC) No 2997/87, the condition that producer groups shall receive the special aid only if during the period 1988 to 1990, the area under hops cultivated by them does not exceed the area cultivated in 1986 was deleted, that is it is necessary to amend Commission Regulation (EEC) No 3889/87⁽³⁾, as amended by Regulation (EEC) No 619/88⁽⁴⁾, accordingly;

Whereas, it is appropriate to lay down rules for the fixing of the agricultural conversion rates to be applied for the payment of the special aid;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3889/87 is hereby amended as follows:

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

Done at Brussels, 19 July 1989.

1. The following sentence is added to Article 1 (2):

'For the reconversion plans to be implemented from 1990 to 1992, the programme shall be submitted before 31 December of the year preceding their implementation.'

2. Article 2 is amended as follows:

— in the fourth indent of paragraph 1 (c), 'in 1986,' is replaced by 'in 1986 to 1989',

— in the fifth indent of paragraph 1 (c), 'in 1988 to 1990' is replaced by 'in 1990 to the year of the crop following the completion of the conversion plan'.

The following paragraph is added:

'3. The Member State concerned shall inform the Commission of the date of completion of the conversion plans according to the programme adopted by the Commission.'

3. Article 4 is deleted.

4. At the end of Article 5, the following paragraph is added:

'3. The agricultural conversion rate to be used for the payment of the special aid in national currency shall be that in force on 1 January of the year of the completion of the conversion plan.

The agricultural conversion rate to be used for the payment of the advance of the special aid in national currency shall be that in force on 1 January of the year in which the decision approving the programme is taken by the Commission.'

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 284, 7. 10. 1987, p. 19.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 6.

⁽³⁾ OJ No L 365, 24. 12. 1987, p. 41.

⁽⁴⁾ OJ No L 60, 5. 3. 1988, p. 33.

COMMISSION REGULATION (EEC) No 2175/89**of 18 July 1989****fixing the level of the intervention threshold for oranges for the 1988/89
marketing year in Spain**

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 2167/89 of 18 July 1989 fixing an intervention threshold for the 1988/89 marketing year for oranges in Spain⁽¹⁾, and in particular Article 1 (2) thereof,

Whereas Article 1 of Regulation (EEC) No 2167/89 lays down the criteria for fixing the intervention threshold for oranges in Spain; whereas it is for the Commission to fix the level of that intervention threshold by applying the percentage defined in paragraph 1 of that Article to the average production intended to be consumed fresh over the last five marketing years for which figures are available;

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

The level of the intervention threshold for oranges for the 1988/89 marketing year in Spain, fixed by applying Article 1 of Regulation (EEC) No 2167/89, shall be 272 500 tonnes.

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⁾ See page 3 of this Official Journal.

COMMISSION REGULATION (EEC) No 2176/89

of 19 July 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas 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 1764/89 of 20 June 1989 fixing for the 1989/90 marketing year the reference prices for pears⁽³⁾ fixed the reference price for products of class I at 46,78 ECU per 100 kilograms net for the month of July 1989;

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

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;

Whereas, pursuant to Article 136 (2) of the Act of Accession⁽⁸⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 1,32 ECU per 100 kilograms net is applied to pears (CN codes 0808 20 31, 0808 20 33, 0808 20 35 and 0808 20 39) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 21 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 172, 21. 6. 1989, p. 27.
⁽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.
⁽⁸⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2177/89

of 19 July 1989

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

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

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

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

Whereas Commission Regulation (EEC) No 2055/89 ⁽³⁾ introduced a countervailing charge on aubergines originating in Spain (except in the Canary Islands);

Whereas for aubergines originating in Spain (except in the Canary Islands) there were no prices for six consecutive working days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of

aubergines originating in Spain (except in the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2055/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 195, 11. 7. 1989, p. 17.

COMMISSION REGULATION (EEC) No 2178/89

of 19 July 1989

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 766/68 of the Council of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Regulation (EEC) No 431/68 of the Council of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Regulation (EEC) No 394/70 of the Commission of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus

calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 July 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 19 July 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	19,88 ⁽¹⁾	
1701 11 90 910	22,62 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	19,88 ⁽¹⁾	
1701 12 90 910	22,62 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2161
1701 99 10 100	21,61	
1701 99 10 910	24,59	
1701 99 10 950	23,09	
1701 99 90 100		0,2161

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

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

COMMISSION REGULATION (EEC) No 2179/89**of 19 July 1989****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1921/89 ⁽³⁾, as last amended by Regulation (EEC) No 2130/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1921/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1921/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 16.

⁽⁴⁾ OJ No L 203, 15. 7. 1989, p. 35.

ANNEX

to the Commission Regulation of 19 July 1989 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,2640	—
1702 20 90	0,2640	—
1702 30 10	—	36,39
1702 40 10	—	36,39
1702 60 10	—	36,39
1702 60 90	0,2640	—
1702 90 30	—	36,39
1702 90 60	0,2640	—
1702 90 71	0,2640	—
1702 90 90	0,2640	—
2106 90 30	—	36,39
2106 90 59	0,2640	—

COMMISSION REGULATION (EEC) No 2180/89

of 19 July 1989

fixing the maximum export refund for white sugar for the 12th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 999/89

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

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

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

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 1381/89⁽⁴⁾; requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 999/89, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 12th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 12th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 28,339 per 100 kilograms.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 107, 19. 4. 1989, p. 6.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 5.

COMMISSION REGULATION (EEC) No 2181/89
of 19 July 1989
fixing the import levies on white sugar and raw sugar

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

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89⁽³⁾, as last amended by Regulation (EEC) No 2149/89⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 205, 18. 7. 1989, p. 35.

ANNEX

to the Commission Regulation of 19 July 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,91 ⁽¹⁾
1701 11 90	26,91 ⁽¹⁾
1701 12 10	26,91 ⁽¹⁾
1701 12 90	26,91 ⁽¹⁾
1701 91 00	26,40
1701 99 10	26,40
1701 99 90	26,40 ⁽²⁾

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

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

COMMISSION REGULATION (EEC) No 2182/89
of 19 July 1989

concerning applications for STM licences for milk and milk products 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 Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed 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 6 (4) thereof,

Having regard to Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 419/89⁽⁴⁾, and in particular Article 3 (2) thereof,

Whereas pursuant to Article 6 (3) of Regulation (EEC) No 574/86 the Commission has been notified of the applications for STM licences for milk and milk products during the first 10 days of July 1989; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences submitted during the first 10 days of July 1989 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by the coefficient set out below in the case of the following products and the categories referred to in Article 2 of Regulation (EEC) No 606/86:

CN code	Description	Coefficient
ex 0401	Milk and cream, fresh, not concentrated or sweetened:	
ex 0403	— in immediate packings of a net capacity of 2 litres or less	0,00578
	— other	1,00000
0405 00	Butter and other fats and oils derived from milk	0,00443
ex 0406	Cheese:	
	— Category 1: Emmentaler, Gruyère	0,40587
	— Category 2: Blue-veined cheese	0,74540
	— Category 3: Processed cheese	0,00715
	— Category 4: Parmigiano Reggiano, Grana Padano	0,24068
	— Category 5: Havarti, fat content 60 %	0,00460
	— Category 6: Edam in balls, Gouda	0,00974
	— Category 7: Soft ripened cow's milk cheeses	0,00559
	— Category 8: Cheddar, Chester	0,00572
	— Category 9: Other	0,00737

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 49, 21. 2. 1989, p. 10.

Article 2.

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2183/89

of 19 July 1989

fixing the amount of the subsidy on oil seeds

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

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

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

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2099/89 ⁽⁴⁾,

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

Having regard to the opinion of the Monetary Committee,
Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1933/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 2075/89 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1933/89 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed

quantities for the 1989/90 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of ECU 3,44 per 100 kilograms for colza and rape seed, and of ECU 11,55 per 100 kilograms for sunflower seed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy in the case of fixing for the 1989/90 marketing year for colza, rape and sunflower seed will be confirmed or replaced as from 20 July 1989 to take into account the consequences of the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 201, 14. 5. 1989, p. 8.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 187, 1. 7. 1989, p. 48.

⁽⁸⁾ OJ No L 196, 12. 7. 1989, p. 32.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 7 (')	1st period 8 (')	2nd period 9 (')	3rd period 10 (')	4th period 11 (')	5th period 12 (')
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,798	20,886	21,000	20,896	21,035	21,314
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	49,41	49,62	49,89	49,64	49,97	50,78
— Netherlands (Fl)	54,86	55,09	55,39	55,12	55,49	56,34
— BLEU (Bfrs/Lfrs)	1 004,27	1 008,52	1 014,02	1 009,00	1 015,71	1 029,19
— France (FF)	157,73	158,42	159,32	158,50	159,56	161,71
— Denmark (Dkr)	185,73	186,51	187,53	186,60	187,84	190,34
— Ireland (£ Irl)	17,556	17,632	17,732	17,641	17,758	17,998
— United Kingdom (£)	13,654	13,721	13,781	13,663	13,754	13,839
— Italy (Lit)	34 707	34 855	35 045	34 808	35 039	35 322
— Greece (Dr)	3 401,82	3 400,74	3 386,40	3 328,58	3 350,69	3 276,80
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 264,36	3 276,82	3 281,61	3 255,14	3 276,93	3 285,44
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 624,14	4 639,16	4 643,40	4 603,15	4 575,82	4 564,39

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

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 7 (1)	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)	5th period 12 (1)
1. Gross aids (ECU):						
— Spain	3,670	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	23,298	23,386	23,500	23,396	23,535	23,814
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	55,32	55,52	55,79	55,55	55,88	56,68
— Netherlands (Fl)	61,46	61,69	61,99	61,72	62,08	62,94
— BLEU (Bfrs/Lfrs)	1 124,99	1 129,24	1 134,74	1 129,72	1 136,43	1 149,90
— France (FF)	176,98	177,67	178,56	177,75	178,80	180,95
— Denmark (Dkr)	208,05	208,84	209,86	208,93	210,17	212,66
— Ireland (£ Irl)	19,697	19,774	19,874	19,783	19,900	20,140
— United Kingdom (£)	15,408	15,475	15,534	15,416	15,507	15,593
— Italy (Lit)	38 890	39 038	39 228	38 990	39 222	39 505
— Greece (Dr)	3 850,28	3 849,21	3 834,87	3 777,04	3 799,15	3 725,27
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 646,60	3 659,06	3 663,85	3 637,38	3 659,17	3 667,68
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	480,01	480,01	480,01	480,01	480,01	480,01
— in another Member State (Esc)	5 104,14	5 119,16	5 123,41	5 083,16	5 055,82	5 044,40

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

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 7	1st period 8 (1)	2nd period 9 (1)	3rd period 10 (1)	4th period 11 (1)
1. Gross aids (ECU):					
— Spain	5,170	6,890	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,756	19,439	19,570	20,812	19,677
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	49,51	46,32	46,63	49,54	46,89
— Netherlands (Fl)	55,17	51,28	51,62	54,90	51,90
— BLEU (Bfrs/Lfrs)	1 002,24	938,65	944,97	1 004,95	950,14
— France (FF)	150,73	146,36	147,39	157,14	148,19
— Denmark (Dkr)	181,31	173,59	174,76	185,85	175,72
— Ireland (£ Irl)	16,763	16,290	16,405	17,490	16,493
— United Kingdom (£)	11,838	12,343	12,404	13,303	12,415
— Italy (Lit)	32 844	32 400	32 618	34 621	32 708
— Greece (Dr)	2 119,98	3 005,66	2 980,05	3 186,39	2 943,68
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	1 053,45	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	3 323,15	3 298,19	3 300,93	3 468,97	3 302,88
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 084,21	6 062,06	6 063,67	6 287,23	5 991,38
— in another Member State (Esc)	5 929,59	5 908,00	5 909,57	6 127,45	5 839,12
3. Compensatory aids:					
— in Spain (Pta)	3 273,02	3 248,49	3 251,23	3 421,18	3 255,09
4. Special aid:					
— in Portugal (Esc)	5 929,59	5 908,00	5 909,57	6 127,45	5 839,12

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

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

ANNEX IV

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

(value of ECU 1)

	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
DM	2,071120	2,067800	2,064610	2,061590	2,061590	2,052400
Fl	2,335620	2,332250	2,329040	2,325920	2,325920	2,317130
Bfrs/Lfrs	43,355400	43,336500	43,318700	43,310200	43,310200	43,243200
FF	7,028610	7,025960	7,022350	7,018400	7,018400	7,010660
Dkr	8,035080	8,040930	8,044460	8,048460	8,048460	8,063670
£Irl	0,774311	0,774217	0,774752	0,775118	0,775118	0,777961
£	0,675813	0,678389	0,680941	0,683352	0,683352	0,690426
Lit	1 501,93	1 505,75	1 509,52	1 513,21	1 513,21	1 523,99
Dr	179,12000	181,24000	183,69900	186,08800	186,08800	194,21900
Esc	173,43000	174,42280	175,51900	176,73300	176,73300	180,21900
Pta	129,96400	130,63600	131,30000	131,92200	131,92200	133,80100

COMMISSION REGULATION (EEC) No 2184/89
of 19 July 1989
altering the export refunds on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to Regulation No 142/67/EEC of the Council of 21 June 1967 on export refunds on colza, rape and sunflower seeds ⁽³⁾, as last amended by Regulation (EEC) No 2429/72 ⁽⁴⁾, and in particular Article 2 (3) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the exchange rates to be applied in agriculture ⁽⁵⁾, as last amended by Regulation (EEC) No 2099/89 ⁽⁶⁾,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁷⁾, as last amended by Regulation (EEC) No 2216/88 ⁽⁸⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the export refunds on oil were fixed by Commission Regulation (EEC) No 1934/89 ⁽⁹⁾;

Whereas the abatement of the refund which arises, where appropriate, from the system of maximum guaranteed

quantities for the 1989/90 year, has not, to date, been fixed; whereas the amount of the refund for the 1989/90 year has been provisionally calculated on the basis of an abatement of ECU 3,44 per 100 kilograms for colza and rape seed;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1934/89 to the information at present known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of colza and rape seed, the amounts of the refund referred to in Article 4 (1) of Regulation (EEC) No 651/71 of the Commission ⁽¹⁰⁾ shall be as set out in the Annex hereto.

2. There shall be no refund on sunflower seed.

3. Certificates fixing the export refund in advance shall be valid from their date of issue until the end of the following month.

4. However, the amount of the export refund for colza and rape seeds shall be confirmed or replaced with effect from 20 July 1989 to take account, where applicable, of the consequences of the application of the maximum guaranteed quantities system.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No 125, 26. 6. 1967, p. 2461/67.

⁽⁴⁾ OJ No L 264, 23. 11. 1972, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁶⁾ OJ No L 201, 14. 5. 1989, p. 8.

⁽⁷⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁸⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁹⁾ OJ No L 187, 1. 7. 1989, p. 55.

⁽¹⁰⁾ OJ No L 75, 30. 3. 1971, p. 16.

ANNEX

to the Commission Regulation of 19 July 1989 altering the export refunds on oil seeds

<i>(amounts per 100 kilograms)</i>						
	Current 7 (1)	1st period 8 (1)	2nd period 9	3rd period 10	4th period 11	5th period 12
1. Gross refunds (ECU):						
— Spain	18,000	18,000	—	—	—	—
— Portugal	20,440	20,440	—	—	—	—
— other Member States	17,000	17,000	—	—	—	—
2. Final refunds:						
Seeds harvested and exported from:						
— Federal Republic of Germany (DM)	40,63	40,63	—	—	—	—
— Netherlands (Fl)	44,84	44,84	—	—	—	—
— BLEU (Bfrs/Lfrs)	820,88	820,88	—	—	—	—
— France (FF)	127,08	127,08	—	—	—	—
— Denmark (Dkr)	151,81	151,81	—	—	—	—
— Ireland (£ Irl)	14,144	14,144	—	—	—	—
— United Kingdom (£)	10,432	10,432	—	—	—	—
— Italy (Lit)	28 301	28 301	—	—	—	—
— Greece (Dr)	2 526,64	2 496,50	—	—	—	—
— Spain (Pta)	2 911,03	2 911,03	—	—	—	—
— Portugal (Esc)	3 875,78	3 873,79	—	—	—	—

(1) Subject of the consequences of the application of the system of maximum guaranteed quantities.

COMMISSION REGULATION (EEC) No 2185/89

of 19 July 1989

fixing the aid for soya beans

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 1491/85
of 23 May 1985 laying down special measures in respect
of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No
2217/88 ⁽²⁾, and in particular Article 2 (7) thereof,

Having regard to Council Regulation 2286/88 of 19 July
1988 providing for the granting of special aid for soya
beans produced and processed in Portugal ⁽³⁾,

Whereas the amount of the aid referred to in Article 2 (1)
of Regulation (EEC) No 1491/85 was fixed by Commis-
sion Regulation (EEC) No 521/89 ⁽⁴⁾, as last amended by
Regulation (EEC) No 1937/89 ⁽⁵⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 521/89 to

the information at present available to the Commission
that the amount of the aid at present in force should be
altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the aid provided for in Article 2 of Regu-
lation (EEC) No 1491/85 and the amount of the special
aid provided for in Article 1 of Regulation (EEC) No
2286/88 in the case of Portugal shall be as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 20 July 1989.

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

Done at Brussels, 19 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No L 201, 27. 7. 1988, p. 2.

⁽⁴⁾ OJ No L 58, 1. 3. 1989, p. 39.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 66.

*ANNEX***Aid for soya beans***(ECU/100 kg)*

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in :			
— Spain	0,000	28,767	28,767
— Portugal	18,457	28,767 (*)	28,767
— another Member State	18,457	28,767	28,767
(*) Special aid.			

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 December 1988

on aid granted by the Greek Government to the film industry for the production of Greek films

(Only the Greek text is authentic)

(89/441/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having given notice to the parties concerned to submit their comments pursuant to the above provision, and having regard to those comments,

Whereas :

I

Following repeated requests from the Commission, in particular by letters dated 13 October and 27 November 1986, the Greek Government tardily informed the Commission by letter dated 30 December 1986 of the existence of a law establishing aid for the Greek film industry (Law No 1597 of 12 May 1986, which entered into force on 21 May 1986).

The Law provides for aid in the following forms :

- first, automatic subsidies (Article 7 of the Law) equal to the public entertainment tax on films screened in cinemas, amounting to 12 % in Athens and Salonika and 8 % elsewhere. Payment of the subsidies ceases when they equal production costs,
- second, selective aid in the form of participation in film productions or State financing consisting in advances granted by the Greek Cinematography Centre for the production of Greek films (Article 18 of the Law). Participation in the production of films is of the order of 50 % of the cost of the film ; financing amounts to 25 %. Of 25 full-length films produced in Greece in 1987, 15 were granted State financing

which became non-returnable subsidies when revenue from the films did not cover production costs.

Prizes and endorsements for quality accompanied by cash prizes are also awarded for Greek films completed in the preceding year (Article 8). The Law defines the basic characteristics of the prizes, whilst the Ministry of Cultural Affairs adopts the implementing details.

Interest rates on bank loans or financing, irrespective of their form, for the production of Greek films may not exceed those applicable to business loans (Article 10 (1)).

In addition, the aid granted to cinema operators in the form of subsidies representing a percentage of the entertainment tax is subject to the compulsory programming of Greek films in those cinemas (Article 7 (4) of the Law).

The automatic subsidies, the prizes for quality, the terms of the production loans or financing and the compulsory programming rule are incompatible with the EEC Treaty as they are associated with a nationality condition which is discriminatory in respect of nationals of other Member States.

Similarly, the Commission considers that the selective film production aid provided for by Article 17 of the Law, granted in 1987 to 15 of the 25 films produced that year, appears to be awarded at least in practice to films meeting the definition of Greek films given in Article 5 of the Law. Such aid is therefore discriminatory and incompatible with the common market.

The necessary funds for the aid, managed by the Greek Centre for Cinematography, come from the tax levied on all films shown in Greek cinemas, amounting on average to Drs 600 to 650 million a year, or ECU 3 600 000 to 3 900 000.

A percentage of this tax (Article 7 of the Law), initially set at 50 %, but which can be increased gradually to 100 %, is earmarked for the development of the cinematographic art, the support of the Greek film industry and the study and implementation of national cultural policy in the field of cinema.

Some of the conditions governing the award of aid defined by the Law constitute restrictions based on nationality: thus Article 5, Chapter 1, stipulates that a film may be eligible for aid only if:

- (a) it is produced by Greek nationals or a legal person having their office in Greece and having as their legal representative a Greek national residing in Greece;
- (b) the original version of the film is in the Greek language and the screenplay and dialogue are written in Greek by a Greek national or person of Greek descent;
- (c) the director is Greek or of Greek descent;
- (d) three-quarters of each of the categories of technicians, actors and performing musicians are Greek;
- (e) most of the film was produced in Greece;
- (f) the negative and copies for screening in Greece and Cyprus were developed and printed in Greece;
- (g) all manual workers are Greek and covered for insurance purposes by the institute for Social Security or other public insurance body. This condition is mandatory for all national or foreign film production companies employing persons in Greece.

It is possible, exceptionally, in the cases provided for in Article 5 (2) and (3), by decision of the Minister for Cultural Affairs and with the approval of the Advisory Committee on Cinematography, for a film not fulfilling the criteria listed above to be regarded as Greek nevertheless. This exception, however, does not mean that the said criteria may be regarded as compatible. The rights guaranteed by the Treaty cannot be made subject to additional conditions not provided for by it even if they can be waived by decision of an administrative authority.

II

The aids referred to above, which constitute a considerable proportion of the financing which the producer would otherwise have to provide, facilitate the production of full-length films in particular; they are liable to affect intra-Community trade in a sector in

difficulty and to distort competition within the meaning of Article 92 (1) of the EEC Treaty.

The Commission has always considered that aid to the film industry should, in view of its combined economic and cultural function, qualify for exemption under Article 92 (3) (c) of the EEC Treaty provided, however, that it satisfies all the requirements of the Treaty, notably those concerning the free movement of persons and freedom to provide services (Articles 7, 48, 52 and 59).

The Greek aid measures, however, discriminate against nationals of other Member States and do not comply with Articles 7, 48, 52 and 59 of the EEC Treaty. They do not therefore qualify for exemption under Article 92 of the Treaty.

As soon as the Commission learnt of the non-notified Law No 1597/1986, it informed the Greek Government, notably by letter dated 13 February 1987, of the incompatibility of a number of the provisions of that law, and requested it to make the necessary modifications.

Since none of the replies from the Greek Government indicated that the Law would be amended in the near future to bring it into line with the Treaty, the Commission decided on 21 December 1987 to initiate the procedure provided for in the first subparagraph of Article 93 (2) of the EEC Treaty in respect of the said Law.

III

In its reply to the opening of the procedure, the Greek Government, in a letter dated 12 April 1988, emphasized the special nature of the film industry as an expression of national cultural values which must be safeguarded by establishing certain criteria based on nationality. It nonetheless acknowledged that not all the criteria contained in Article 5 were essential for that purpose. It was prepared to amend certain points, and even abolish points (d) and (g), whilst maintaining that a film must continue to have some 'stamp' of its cultural identity. The Government did not, however, state when the changes would be made nor their specific content. It did not rule out the possibility that one or more restrictions based on nationality might be retained on grounds of cultural identity. These observations bear no relevance to the question of the automatic granting of aid to film producers and cinema operators and the loans and financing granted by banks. Furthermore, the

Commission considers that in the case in point the reasons given do not justify restrictions on the free movement of persons and freedom to provide services, which are fundamental rights established by the EEC Treaty.

Although the Greek position evolved somewhat, the Commission cannot therefore conclude that all restrictions based on nationality contained in the definition of Greek films eligible for aid will be abolished. Article 5 of Law No 1597 can be considered compatible with the Treaty only if nationals of other Member States are treated in the same way as Greek nationals.

In spite of the time granted by the Commission since 13 February 1987, in spite of the bilateral explanatory meetings between the Commission departments and the Greek representatives before and after the opening of the Article 93 (2) procedure, the aid law in question has not been amended to date. In a letter dated 5 December 1988, the Greek Minister for Culture informed the Commission that a committee of experts had been given the task of drafting a new amending law which would be submitted to Parliament before the end of February 1989. No such draft has as yet been received by the Commission.

IV

During the procedure, the Greek authorities claimed, notably by letter dated 9 November 1987, that the aid was intended to assist the art of cinematography. They considered that, since no Community provisions prohibited Member States from assisting the national arts, no Community rules had been infringed.

The EEC Treaty, and in particular the rules on competition and the free movement of persons, services and capital, apply without exception to all gainful activities whether of an economic, cultural, social or other nature. Film production as a gainful activity satisfies the conditions for the application of the EEC Treaty. Furthermore, in accordance with the General Programmes of 18 December 1961, the Council adopted during the transitional period Directives 63/607/EEC⁽¹⁾, 65/264/EEC⁽²⁾, 68/639/EEC⁽³⁾ and 70/451/EEC⁽⁴⁾ in the field of film production. In particular, Article 3 (2) (b) of the last-mentioned Directive provides for the abolition of

the requirement that a person wishing to receive financial aid towards productions should be of a given nationality.

The Commission does not challenge the Greek Government's assertion that, in view of the situation in the Member States such as Greece which produce a smaller quantity of films, State aids are essential to maintain and develop the film industry.

The Commission could therefore consider examining the aid measures in question in the light of Article 92 (3) (c) of the Treaty and the derogations it provides for. The Law in question, however, does not simply establish aid for the Greek film industry, it restricts, needlessly for the purposes of the aid, the possibilities for nationals of other Member States to work as producers or take part in the production of assisted films.

The action taken by the Commission is aimed at ensuring that nationals of other Member States can benefit fully from the free movement of persons and freedom to provide services. It is not aimed at requiring that the artistic and technical members of a unit be composed of nationals from all or certain Member States. It is for the producer and possibly the director to decide on the composition of the unit. The choice must not, however, be limited by discriminatory provisions which grant aid on condition that certain functions are reserved for nationals.

The Commission would also point out that, under Community law, all selective or automatic assistance for film production can be made subject to the condition that the film be made in studios or laboratories situated in the State granting the aid.

To limit the free movement of persons and freedom to provide services only to films not receiving State aid would be to exclude the majority of national film productions from the scope of the EEC Treaty.

It is likely that the film industry would improve its position in relation to competition from third countries if, instead of artificially limiting by law the use of other Member States' artistic, intellectual, technical and financial resources, it increased that use.

The Commission considers that the obligation to make the original version of a film in the Greek language (Article 5 (1) (b)) constitutes a legitimate concern to preserve a national language. However, it should be made possible, notably by means of dubbing techniques, for all nationals not knowing Greek to take part in the making of a film. Should this possibility not be recognized, the obligation to make a film in Greek would constitute further or hidden discrimination contrary to the EEC Treaty.

⁽¹⁾ OJ No 159, 2. 11. 1963, p. 2661/63.

⁽²⁾ OJ No 85, 19. 5. 1965, p. 1437/65.

⁽³⁾ OJ No L 260, 22. 10. 1968, p. 22.

⁽⁴⁾ OJ No L 218, 3. 10. 1970, p. 37.

By amending Article 5 of the Law in question in line with the criteria described above, the assistance provided for in Article 7 (3), the prizes and endorsements for quality (Article 8) and the bank loans and financing for the production of Greek films (Article 10) would be compatible with the common market. In order for aid to cinema operators to be compatible with the common market, it is necessary that films made by other Member States be treated in the same way as Greek films, should the Greek authorities decide to retain the system of compulsory programming. The requirement that films be treated in the same way is provided for in Council Directive 63/607/EEC, and in particular in Article 5 thereof.

The selective aid scheme provided for by Article 17 can be based, under Community law, on cultural and artistic evaluation criteria. Entitlement to such aid, however, cannot be based on the conditions at present contained in Article 5 which require the producer or a certain number of participants in the film to be of Greek nationality. If the Greek legislator considers that a form of aid must be subject to certain cultural and quantitative conditions, the quantitative conditions must apply equally to Greek nationals and to nationals of other Member States.

Not only should such discrimination on grounds of nationality not be incorporated more or less explicitly in legislative instruments and implementing arrangements, they should not constitute a criterion applied in practice to the award of aid.

V

In view of the above considerations the Commission considers that:

- (a) Law No 1597 of 12 May 1986 is incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty because the award of aid is subject to conditions of nationality that are incompatible with Articles 7, 48, 52 and 59 of the EEC Treaty;
- (b) in view of the gravity of the restrictions in question, the provisions of the said Law must be amended within the shortest possible time, i.e. by 15 May 1989; after that date, no aid may be granted if the restrictions in question have not been removed;
- (c) in view of the mandatory nature of the obligations arising out of Articles 7, 48, 52 and 59 of the Treaty,

any aid granted after 15 May 1989 under the discriminatory conditions established by the said law is illegal and must therefore be recovered,

HAS ADOPTED THIS DECISION:

Article 1

1. The scheme of aid for the film industry introduced by Law No 1597 of 12 May 1986 is incompatible with the common market within the meaning of Article 92 (1) of the EEC Treaty because the award of aid is subject to conditions of nationality that are incompatible with Articles 7, 48, 52 and 59 of the EEC Treaty.

2. The Greek Government is hereby required to amend the aid scheme referred to in paragraph 1 in order to remove the restrictions on grounds of nationality by 15 May 1989.

After that date, no aid may be granted if the said restrictions have not been abolished.

3. If the Greek Government fails to comply with the obligations set out in paragraph 2, any aid granted after 15 May 1989 shall be deemed illegal and shall be recovered.

Article 2

The Greek Government shall inform the Commission of the measures it has taken to comply with this Decision by 15 May 1989.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 21 December 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission

COMMISSION DECISION

of 12 July 1989

approving the reinforced plan presented by Portugal for the eradication of contagious bovine pleuropneumonia (CBPP)

(Only the Portuguese text is authentic)

(89/442/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Decision 89/145/EEC of 20 February 1989 introducing a Community financial measure for the eradication of contagious bovine pleuropneumonia (CBPP) in Portugal ⁽¹⁾, and in particular Article 4 thereof,

Whereas pursuant to Article 1 of Decision 89/145/EEC, Portugal is to prepare a reinforced plan for the eradication of contagious bovine pleuropneumonia (CBPP);

Whereas by letter dated 14 June 1989 Portugal notified the Commission of a reinforced plan for the eradication of CBPP;

Whereas, after examination the plan was found to comply with Decision 89/145/EEC; whereas the conditions for financial participation by the Community are therefore met;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The reinforced plan presented by Portugal for the eradication of contagious bovine pleuropneumonia is hereby approved.

Article 2

Portugal shall bring into force by 1 March 1989 the laws, regulations and administrative provisions for implementing the plan referred to in Article 1.

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 12 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 53, 25. 2. 1989, p. 55.

COMMISSION DECISION

of 12 July 1989

authorizing Portugal to import from third countries at a reduced levy certain quantities of raw sugar during the period 1 July 1988 to 31 January 1989

(Only the Portuguese text is authentic)

(89/443/EEC)

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, hereinafter referred to as 'the Act', and in particular the third subparagraph of Article 303 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Articles 13 (2) and 16 (7) and the second subparagraph of Article 39 thereof,

Whereas, pursuant to the first and second subparagraphs of Article 303 of the Act, the maximum quantities of raw sugar to be imported at a reduced levy from certain ACP States, together with the relevant periods of application in order to supply the Portuguese refineries, have been determined by Commission Regulation (EEC) No 600/86⁽³⁾;

Whereas the third subparagraph of Article 303 of the Act provides in particular that, where, during the specified periods of application, the Community forward estimate for raw sugar for a given marketing year or part thereof shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third countries under the marketing year or part thereof concerned, the quantities which it is estimated are lacking, under the same conditions regarding the reduced levy as those provided for in respect of the quantities to be imported from the ACP States in question; whereas the forward estimate, for the period from 1 July 1989 to 30 June 1990, of Community raw sugar available for refining does not at this stage enable the quantities that the Portuguese refineries are lacking to be determined with any accuracy; whereas to ensure adequate supplies in these circumstances there should be fixed as a first step a quantity to be imported from third countries at a reduced levy for a specified period enabling the actual availabilities of Community raw sugar, particularly as regards the production of the French overseas department of

Réunion, to be known accurately and therefore to be able to fix as a second step the final quantities lacking;

Whereas, in order to ensure sound management of the markets in the sector and, in particular, effective control of operations, it is necessary firstly to apply to the sugar concerned the normal rules for performance of the customs formalities for import and, secondly, to provide for notification by Portugal of the quantities of raw sugar imported and refined within the meaning of this Decision;

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

HAS ADOPTED THIS DECISION:

Article 1

Portugal is hereby authorized to import from third countries during the period 1 July 1989 to 31 January 1990 a quantity of raw sugar not exceeding the equivalent of 127 000 tonnes of white sugar, at the reduced levy determined in accordance with Article 1 of Regulation (EEC) No 600/86.

Article 2

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 30 June 1990.

2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal, during the 1988/89 marketing year, and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantity of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

Except in cases of *force majeure* if the sugar in question is not refined within the prescribed time limit the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

In cases of *force majeure*, the competent authority in Portugal shall adopt the measures that it considers necessary, in the light of the circumstances worked by the interested party.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 20.

3. The application for the import licence and the licence itself shall include in box 12 the following:

'import of raw sugar at reduced levy in accordance with Decision 89/443/EEC'.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at 0,25 ECU for each 100 kilograms of sugar net.

Article 3

If the volume of applications for licences exceeds the quantity provided for in Article 1, Portugal shall proceed with a fair apportionment of this quantity among the applicants concerned.

Article 4

Portugal shall communicate to the Commission each month in respect of the previous month:

- (a) the quantities of raw sugar expressed by weight 'tel quel' for which the licences referred to in Article 2 have been issued;
- (b) the quantities of raw sugar, expressed by weight 'tel quel' actually imported under the licences referred to in Article 2;
- (c) the total quantities of sugar in question, by weight 'tel quel' and expressed as white sugar, which have been refined.

Article 5

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 12 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission