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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2361/89

of 1 August 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 31 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 2 August 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

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

Done at Brussels, 1 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 August 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	34,31	144,40
0712 90 19	34,31	144,40
1001 10 10	15,88	154,67 ⁽¹⁾ ⁽²⁾
1001 10 90	15,88	154,67 ⁽¹⁾ ⁽²⁾
1001 90 91	15,20	112,04
1001 90 99	15,20	112,04
1002 00 00	42,96	120,83 ⁽⁶⁾
1003 00 10	33,63	108,48
1003 00 90	33,63	108,48
1004 00 10	25,03	95,36
1004 00 90	25,03	95,36
1005 10 90	34,31	144,40 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	144,40 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	146,77 ⁽⁴⁾
1008 10 00	33,63	4,72
1008 20 00	33,63	23,63 ⁽⁴⁾
1008 30 00	33,63	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	33,63	0,00
1101 00 00	34,43	170,01
1102 10 00	73,29	182,31
1103 11 10	38,99	254,11
1103 11 90	37,03	183,46

⁽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 2362/89

of 1 August 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 31 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 2 August 1989.

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

Done at Brussels, 1 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 1 August 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 8	1st period 9	2nd period 10	3rd period 11
0709 90 60	0	0,32	0,32	0
0712 90 19	0	0,32	0,32	0
1001 10 10	0	0,20	0,20	0,20
1001 10 90	0	0,20	0,20	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	2,83
1003 00 90	0	0	0	2,83
1004 00 10	0	4,04	4,04	4,04
1004 00 90	0	4,04	4,04	4,04
1005 10 90	0	0,32	0,32	0
1005 90 00	0	0,32	0,32	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	44,18
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 8	1st period 9	2nd period 10	3rd period 11	4th period 12
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	5,04	5,04
1107 10 99	0	0	0	3,76	3,76
1107 20 00	0	0	0	4,39	4,39

COMMISSION REGULATION (EEC) No 2363/89**of 1 August 1989****on the supply of various lots of skimmed-milk powder as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1750/89 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 6 594 tonnes of skimmed-milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by

Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid, for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

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, 1 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 172, 20. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOT A

1. **Operation No** (1): 369/89 — Commission Decision of 16. 3. 1988
2. **Programme**: 1988
3. **Recipient**: CICR, 17 avenue de la Paix, CH-1211 Geneva; telex 22269 CICR CH
4. **Representative of the recipient** (2): Delegação do Comité Internacional da Cruz Vermelha, Traversa de João Seca n° 14, C.P. 2501, Luanda, República Popular de Angola; tel. 93382/92225, telex 3353 CIGV AN
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: vitaminized skimmed-milk powder (A + D)
7. **Characteristics and quality of the goods** (3) (4) (5): see OJ No C 216, 14. 8. 1987, p. 4 (I.1.B.1 to I.1.B.3)
8. **Total quantity**: 20 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 25 kg see OJ No C 216, 14. 8. 1987, pp. 4 and 5 (I.1.B.4 and I.1.B.4.2)
Supplementary markings on the packaging: see Annex II and see OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: Lobito
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 20 to 30. 9. 1989
18. **Deadline for the supply**: 7. 11. 1989
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders** (6): 21. 8. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 4. 9. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 4 to 14. 10. 1989
 - (c) deadline for the supply: 21. 11. 1989
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 14. 7. 1989 fixed by Commission Regulation (EEC) No 2110/89 (OJ No L 201, 14. 7. 1989, p. 27)

LOT B

1. **Operation No** ⁽¹⁾: 64/89 — Commission Decision of 12. 12. 1988
2. **Programme**: 1988
3. **Recipient**: Ecuador
4. **Representative of the recipient** ⁽²⁾: Ambassade de l'Équateur, 70 chaussée de Charleroi, B-1060 Bruxelles; tel. 537 9130, telex: 63292 B
5. **Place or country of destination**: Ecuador
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see list published in OJ No C 216, 14. 8. 1987, p. 4 (under I.1.B.1 to I.1.B.3)
8. **Total quantity**: 300 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 25 kilograms and see list published in OJ No C 216, 14. 8. 1987, pp. 4 and 6, I.1.B.4 and I.1.B.4.3.
Supplementary markings on the packaging: see Annex II and see list published in OJ No C 216, of 14. 8. 1987, p. 6 (under I.1.B.5)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: Guayaquil
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 9. to 21. 10. 1989
18. **Deadline for the supply**: 4. 12. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders** ⁽⁶⁾: 21. 8. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 4. 9. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 29. 9. to 6. 11. 1989
 - (c) deadline for the supply: 18. 12. 1989
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
200 rue de la Loi,
B-1049 Bruxelles;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** ⁽⁷⁾: refund applicable on 14. 7. 1989 fixed by Commission Regulation (EEC) No 2110/89 (OJ No L 201, 14. 7. 1988, p. 27)

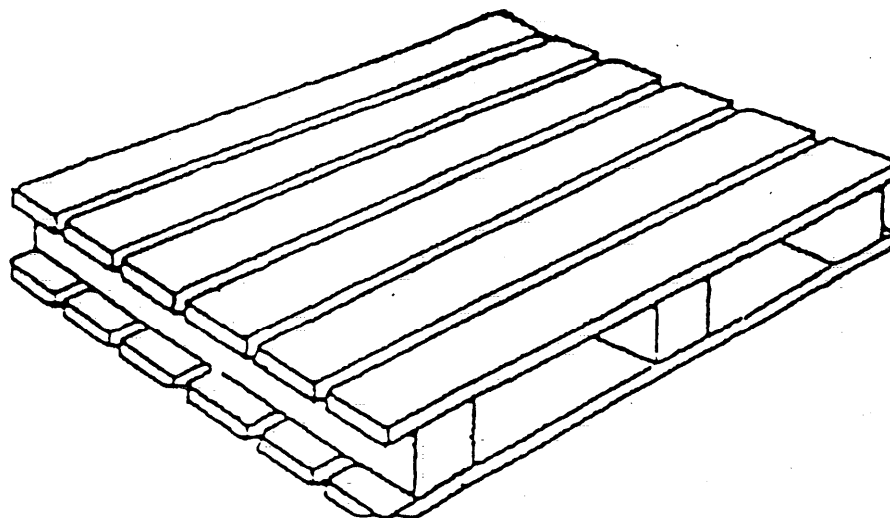
LOTS C - D - E - F - G - H - I - K - L - M - N - O - P - Q - R - S - T - U - V
- X - Y - Z - AA - AB - AC

1. **Operation Nos** (1): see Annex II — Commission Decision of 3. 3. 1989
2. **Programme**: 1989
3. **Recipient**: World Food Programme, via Cristoforo Colombo 426, I-00145 Roma; telex 626675 WFP I
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods**: see OJ No C 216, 14. 8. 1987, p. 4 (I.1.B.1 to I.1.B.3); Lots C to M and Q to AC (3) (4) (5) (11); Lots N and O (2) (4) (7) (8) (11); Lot P (4) (8) (9) (11)
8. **Total quantity**: 6 274 tonnes
9. **Number of lots**: 25; see Annex II
10. **Packaging and marking**: 25 kg; see No C 216, 14. 8. 1987, pp. 4 and 6 (I.1.B.4 and I.1.B.4.3); E - F - G - L - M - N - O - P on pallets (13)
Supplementary markings on packaging: see Annex II and OJ No C 216, 14. 8. 1987, p. 6 (I.1.B.5)
11. **Method of mobilization**: Community market; H - I - K (10)
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 15. 9. 1989 to 21. 10. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of a second invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 21. 8. 1989 at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 4. 9. 1989 at 12 noon
 - (b) period for making the goods available at the port of shipment: 29. 9. 1989 to 4. 11. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, Bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer** (7): refund applicable on 14. 7. 1989 fixed by Commission Regulation (EEC) No 2110/89 (OJ No L 201, of 14. 7. 1989, p. 27).

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) At the request of the beneficiary the successful tenderer shall deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (³) Commission delegate to be contacted by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4,
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex ;
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05
- (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁶) The successful tenderer shall give the beneficiaries' representatives, at the time of delivery, a certificate of origin.
- (⁷) The successful tenderer will transmit to the recipients' representatives on delivery a certificate in English stating that the skimmed milk powder contains no lard. Send this together with shipping documents.
- (⁸) The manufacturing of the skimmed-milk powder must be carried out within the three-month period preceeding the period for making the goods available at the port of shipment.
- (⁹) A radiation certificate must be provided declaring that 'the consignment has been tested for radionuclide contamination and has been found fit for human consumption'.
- (¹⁰) The three lots must be loaded in the same port on the same date.
- (¹¹) Veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 90 days prior to the processing.
- (¹²) Commission delegate to be contacted by the successful tenderer : Delegacion de la comision en Caracas Avenida Orinoco, Las Mercedes Apartado 67076, Las Americas 1061 Caracas, Venezuela ; telex 27298 COMEU VC.
- (¹³) Palletization of skimmed-milk powder
- 25 kg bags to be supplied on a two-way double deck non-reversible pallet with protruding slats, as per design, of the following dimensions :
- 1 m x 1,2 m (approximately one-third of the underside of the pallet to consist of wood) :
- upper board 22 mm thick
 - bottom board 22 mm thick
 - blocks 95 x 95 mm

40 bags to be placed onto the pallets, interlocked and shrink-wrapped with a plastic sheet of 150 micron thickness, with three external nylon straps in each direction to secure the unit-load.



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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	Accion nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegnings Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
(1)	(2)	(3)	(4)	(5)	(6)
A	20	CICR	369/89	Angola	Acção nº 369/89 / AO/65 / Leite em pó / Donativo da Comunidade Económica Europeia / Distribuição gratuita / Lobito
B	300	Ecuador	64/89	Ecuador	Acción nº 64/89 / Leche en polvo desnatada enriquecida con vitaminas A y D / Donación de la Comunidad Económica Europea / Para distribución gratuita
C	40	WFP	370/89	Bolivia	Acción nº 370/89 / Bolivia 0280100 / Despachado por el Programa Mundial de Alimentos / Antofagasta / in transit to Potosi / Bolivia
D	93	WFP	371/89	Bolivia	Acción nº 371/89 / Bolivia 0280100 / Despachado por el Programa Mundial de Alimentos / Arica / in transit to Cochabamba / Bolivia
E	50	WFP	257/89	Yemen PDR	Action No 257/89 / Yemen 0226502 / DSE / Gift of the European Economic Community / Action of the World Food Programme / Aden
F	100	WFP	258/89	Yemen PDR	Action No 258/89 / Yemen 0304200 / DSE / Gift of the European Economic Community / Action of the World Food Programme / Aden
G	315	WFP	259/89	Yemen PDR	Action No 259/89 / Yemen 0245302 / Gift of the European Economic Community / Action of the World Food Programme / Aden
H	305	WFP	261/89	Tunisie	Action nº 261/89 / Tunisie 0340800 / LEP / Don de la Communauté économique européenne / Action du Programme alimentaire mondial / Tunis
I	250	WFP	414/89	Tunisie	Action nº 414/89 / Tunisie 0340800 / LEP / Don de la Communauté économique européenne / Action du Programme alimentaire mondial / Tunis
K	250	WFP	415/89	Tunisie	Action nº 415/89 / Tunisie 0340800 / LEP / Don de la Communauté économique européenne / Action du Programme alimentaire mondial / Tunis

(1)	(2)	(3)	(4)	(5)	(6)
L	80	WFP	268/89	Burundi	Action n° 268/89 / Burundi 0304700 / LEP / Don de la Communauté économique européenne / Action du Programme alimentaire mondial / Dar-es-Salaam en transit vers Bujumbura, Burundi (1)
M	385	WFP	269/89	Uganda	Action No 269/89 / Uganda 0241701 / DSE / Action of the World Food Programme / Mombasa in transit to Tororo, Uganda
N	240	WFP	270/89	Pakistan	Action No 270/89 / Pakistan 0245100 / DSE / Gift of the European Economic Community / Action of the World Food Programme / Karachi
O	173	WFP	271/89	Pakistan	Action No 271/89 / Pakistan 0245100 / DSE / Gift of the European Economic Community / Action of the World Food Programme / Karachi
P	100	WFP	272/89	Nepal	Action No 272/89 / Nepal 0070902 / DSE / Gift of the European Economic Community / Action of the World Food Programme / Calcutta in transit to Birganj, Nepal
Q	341	WFP	282/89	Perú	Acción n° 282/89 / Perú 0234101 / Despachado por el Programa Mundial de Alimentos / Callao
R	421	WFP	283/89	Perú	Acción n° 283/89 / Perú 0234101 / Despachado por el Programa Mundial de Alimentos / Matarani
S	204	WFP	284/89	Perú	Acción n° 284/89 / Perú 0234101 / Despachado por el Programa Mundial de Alimentos / Salaverry
T	200	WFP	285/89	Brasil	Acção n° 285/89 / Brasil 0279400 / Acção do Programa Alimentar Mundial / Recife
U	372	WFP	286/89	Brasil	Acção n° 286/89 / Brasil 0273200 / Acção do Programa Alimentar Mundial / Belém
V	342	WFP	287/89	Brasil	Acção n° 287/89 / Brasil 0273200 / Acção do Programa Alimentar Mundial / Recife
X	320	WFP	416/89	Brasil	Acção n° 416/89 / Brasil 0273200 / Acção do Programa Alimentar Mundial / Recife
Y	320	WFP	417/89	Brasil	Acção n° 417/89 / Brasil 0273200 / Acção do Programa Alimentar Mundial / Recife
Z	320	WFP	418/89	Brasil	Acção n° 418/89 / Brasil 0273200 / Acção do Programa Alimentar Mundial / Recife
AA	320	WFP	419/89	Brasil	Acção n° 419/89 / Brasil 0273200 / Acção do Programa Alimentar Mundial / Recife
AB	135	WFP	288/89	Brasil	Acção n° 288/89 / Brasil 0254000 / Acção do Programa Alimentar Mundial / Vitória Esp. Sa.
AC	120	WFP	289/89	Ecuador	Acción n° 289/89 / Ecuador 0277000 / Despachado por el Programa Mundial de Alimentos / Guayaquil

(1) Y un punto negro de un diámetro mínimo de 30 cm.

(1) Og en sort plet på mindst 30 cm i diameter.

(1) Und ein schwarzer Punkt mit einem Durchmesser von mindestens 30 cm.

(1) και μαύρο σημείο διαμέτρου το λιγότερο 30 cm.

(1) And a black dot at least 30 cm in diameter.

(1) Et un point noir d'au moins 30 cm de diamètre.

(1) E un punto nero di almeno 30 cm di diametro.

(1) En een zwarte stip van ten minste 30 cm diameter.

(1) E um ponto negro de pelo menos 30 cm de diâmetro.

COMMISSION REGULATION (EEC) No 2364/89
of 1 August 1989
concerning the stopping of fishing for cod by vessels flying the flag of the
United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 3950/88 of 11 December 1988 allocating, for 1989, Community catch quotas in Greenland waters ⁽³⁾, as amended by Regulation (EEC) No 1578/89 ⁽⁴⁾, provides cod quotas for 1989;

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

Whereas, according to the information communicated to the Commission, catches of cod in waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of the

United Kingdom or registered in the United Kingdom have reached the quota allocated for 1989,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1989.

Fishing for cod in the waters of NAFO zone 1 (Greenland waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 1 August 1989.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 352, 21. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 156, 8. 6. 1989, p. 3.

COMMISSION REGULATION (EEC) No 2365/89

of 1 August 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1882/89⁽²⁾, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2250/89⁽⁷⁾, as amended by Regulation (EEC) No 2360/89⁽⁸⁾;Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁷⁾ OJ No L 216, 27. 7. 1989, p. 10.⁽⁸⁾ OJ No L 222, 1. 8. 1989, p. 70.⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

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

Whereas these exchange rates being those recorded on 31 July 1989;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2250/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 2 August 1989.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 1 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 1 August 1989 altering the import levies on products
processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1102 20 10	67,80	264,88	258,84
1102 20 90	38,02	149,70	146,68
1102 90 30	50,68	179,02	172,98
1103 12 00	50,68	179,02	172,98
1103 13 11	67,80	264,88	258,84
1103 13 19	67,80	264,88	258,84
1103 13 90	38,02	149,70	146,68
1103 19 10	82,95	221,79	215,75
1103 29 10	82,95	221,79	215,75
1103 29 30	50,68	179,02	172,98
1103 29 40	67,80	264,88	258,84
1104 12 10	28,32	101,04	98,02
1104 12 90	55,64	198,24	192,20
1104 19 30	82,95	221,79	215,75
1104 19 50	67,80	264,88	258,84
1104 22 10	47,66	176,00	172,98
1104 22 30	47,66	176,00	172,98
1104 22 50	42,70	156,78	153,76
1104 22 90	28,32	101,04	98,02
1104 23 10	57,92	233,10	230,08
1104 23 30	57,92	233,10	230,08
1104 23 90	38,02	149,70	146,68
1104 29 10*20 ^(*)	59,85	162,43	159,41
1104 29 30*20 ^(*)	71,39	194,80	191,78
1104 29 95	46,60	125,28	122,26
1104 30 90	31,77	113,89	107,85
1106 20 91	75,79	252,07	227,89 ^(*)
1106 20 99	75,79	252,07	227,89 ^(*)
1108 12 00	75,79	252,07	231,52
1108 13 00	75,79	252,07	231,52
1108 14 00	75,79	252,07	115,76
1108 19 90	75,79	252,07	115,76 ^(*)
1702 30 51	168,77	398,70	301,98
1702 30 59	121,73	298,01	231,52
1702 30 91	168,77	398,70	301,98
1702 30 99	121,73	298,01	231,52
1702 40 90	121,73	298,01	231,52
1702 90 50	121,73	298,01	231,52
1702 90 75	172,20	413,08	316,36
1702 90 79	118,98	286,50	220,01
2106 90 55	121,73	298,01	231,52
2303 10 11	249,96	468,94	287,60

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

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

^(*) TARIC code: rye.

COMMISSION REGULATION (EEC) No 2366/89

of 1 August 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 2358/89⁽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 2 August 1989.

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

Done at Brussels, 1 August 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 222, 1. 8. 1989, p. 66.

ANNEX

to the Commission Regulation of 1 August 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,43 ⁽¹⁾
1701 11 90	26,43 ⁽¹⁾
1701 12 10	26,43 ⁽¹⁾
1701 12 90	26,43 ⁽¹⁾
1701 91 00	23,83
1701 99 10	23,83
1701 99 90	23,83 ⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 July 1989

introducing Community measures to set up pilot projects for the control of rabies with a view to its eradication or prevention

(89/455/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

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

Whereas the continued presence of rabies in certain areas of the Community involves a risk of propagation which constitutes a danger for Community livestock, likely to jeopardize the profitability of stockfarming, and a threat to human health;

Whereas the continued presence of rabies may create barriers to trade between Member States in live animals as a result of the introduction of measures to control animal movements;

Whereas it is therefore necessary to encourage the setting up of large scale pilot projects for the control of rabies with a view to its eradication or prevention and to that end to provide for Community financial aid;

Whereas it is necessary for facilities to be provided for the planning and the examination of the results of such pilot projects, particularly in cross-border areas; whereas it is

necessary to involve national voluntary organizations in these projects for their contribution to the preservation and conservation of flora and fauna in the Member States;

Whereas it is also necessary to establish a cooperation procedure between the Member States and the Commission for implementing the plans for pilot projects,

HAS ADOPTED THIS DECISION:

Article 1

A Community measure is hereby established to set up large-scale pilot projects for the eradication or prevention of rabies in the wild life of the Community using vaccines for the oral immunization of foxes.

Article 2

Rabies shall be a compulsorily notifiable disease in all species.

Article 3

For the purposes of the application of this Decision, the Member States referred to in Article 4 (1) shall set up, under the conditions laid down therein, large-scale pilot projects for the oral immunization of foxes.

The minimum area for national or cross-border pilot projects shall be 6 000 km² or the total national area of the Member State where the presence of rabies has been established. Priority shall be given to projects which provide for cross-border cooperation. A pilot project may include adjacent areas of a third country.

⁽¹⁾ OJ No C 85, 6. 4. 1989, p. 8.

⁽²⁾ OJ No C 158, 26. 6. 1989.

⁽³⁾ Opinion delivered on 31 May 1989 (not yet published in the Official Journal).

The pilot projects shall be set up taking into account natural and administrative boundaries, the prevalence of rabies as well as the epidemiological situation. The projects must indicate the estimated cost of the vaccines, bait and any schemes provided for in the following subparagraph as well as the estimated total annual cost of the operation.

Pilot projects may include schemes to conserve or preserve flora and fauna undertaken by voluntary organizations on the territory covered by these projects.

In accordance with the procedure laid down in Article 9, the Commission shall fix the detailed rules for collaboration with adjacent third countries which may wish to be associated with a pilot project in a Member State.

Article 4

1. Member States, on whose territory the presence of rabies has been established, shall forward to the Commission the pilot projects referred to in Article 3, prior to their implementation, not later than six months after the date of notification of this Decision, and annually thereafter. If a Member State establishes the presence of rabies during the course of the measure, it shall also forward a pilot project, six months prior to its implementation and annually thereafter. A Member State, on the territory of which the presence of rabies has not been established but which feels threatened by the possible incursion of rabies from a neighbouring country, may also forward a pilot project, six months prior to its implementation and annually thereafter.

2. The Commission shall examine the pilot projects forwarded in accordance with paragraph 1 for the purpose of determining whether they comply with the objectives of this Decision and may, for that reason, benefit from a financial contribution by the Community. Within four months following the receipt of any pilot project the Commission shall, after examining and, if necessary, amending the proposed pilot project, approve it in accordance with the procedure laid down in Article 9.

3. Provision shall be made, under the procedure laid down in Article 9, for coordinating Member States' pilot projects.

4. On the date fixed by the Commission in its decision of approval, in accordance with paragraph 2, Member States shall bring into force the laws, regulations or administrative provisions required to implement the pilot projects for the control of rabies with a view to its eradication or prevention.

Article 5

1. Community financial aid shall be given for the measures provided for in this Decision.

2. Expenditure incurred by the Member States in connection with measures adopted pursuant to the pilot projects approved in accordance with Article 9 shall qualify for Community aid within the limits fixed in Articles 6 and 7.

Article 6

1. The estimated amount of aid to be charged to the Community budget for the period laid down in paragraph 2 shall be ECU 9 300 000.

2. This measure shall be applicable for three years.

Article 7

1. Community financial aid shall be available for the following:

- the purchase of anti-rabies oral vaccine plus bait for foxes,
- the funding of small-scale preservation and conservation schemes carried out in regions where voluntary organizations lay bait free of charge,
- the cost of laying bait on a large scale where voluntary organizations do not lay it free of charge.

2. The Community shall reimburse to the Member States:

- ECU 0,5 for each vaccine plus bait laid within a pilot project area,
- expenditure incurred in carrying out small-scale conservation and preservation schemes in pilot project areas where voluntary organizations have been used for laying bait free of charge, up to a maximum of ECU 10 000 per pilot project area per year, for a maximum period of three years,
- up to a maximum of 50 % of the actual cost of laying bait as referred to in the third indent of paragraph 1.

3. Community support for third countries associated with pilot projects shall be limited to the amount laid down in the first indent of paragraph 2.

Payment shall be made within the limits of budget appropriations, on submission of supporting documents to the Commission.

4. Articles 8 and 9 of Regulation (EEC) No 729/70 ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾, shall apply *mutatis mutandis*.

5. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure laid down in Article 9.

Article 8

The Commission, working together with the authorities of the Member States, shall make regular on-the-spot checks to verify from a veterinary viewpoint whether the pilot projects are being implemented.

Member States shall take the necessary steps to facilitate these checks and shall in particular ensure that the experts are supplied at their request with all information and documentation needed for assessing the execution of the pilot projects.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

The provisions for implementing this Article, especially as regards the frequency and method of carrying out the checks referred to in the first paragraph, the rules governing the appointment of official veterinarians and the procedure which they must follow when drawing up their report, shall be adopted in accordance with the procedure laid down in Article 9.

Article 9

1. When the procedure laid down in this Article is to be used, matters shall, without delay, be referred by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called the 'Committee') set up by Decision 68/361/EEC⁽¹⁾.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in Article 148. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

4. If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If after a period of three months after the matter was referred to it the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 10

Before the three-year period laid down in Article 6 (2) has elapsed, the Commission shall submit a report to the Council on the results obtained, accompanied, if necessary, by a proposal for continuing the measures taken.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 24 July 1989.

For the Council

The President

H. NALLET

⁽¹⁾ OJ No L 255, 18. 10. 1968, p. 23.

COMMISSION

COMMISSION DECISION

of 8 March 1989

on the French Government's aid proposal in favour of Caulliez Frères, cotton yarn producer located in Prouvy, France

(Only the French text is authentic)

(89/456/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 as provided for in the said Article 93, and having regard to those comments,

Whereas :

I

By letter dated 3 March 1988 and with reference to the Community guidelines on aid to the textile and clothing industry of 1971 and 1977 as communicated to the Member States by letters of 30 July 1971 and 4 February 1977, the French Government notified the Commission of a proposal to grant financial assistance to Caulliez Frères, a producer of cotton yarn located in Prouvy.

The aid would be granted under the Regional Planning Grant Scheme (prime d'aménagement du territoire — PAT) and would take the form of a grant amounting to FF 5,3 million. It is intended to facilitate investments of FF 77,6 million for the purpose of creating a new cotton yarn spinning plant.

Following an initial scrutiny, the Commission considered that the proposed aid would not meet the conditions which must be fulfilled in order to benefit from any of the exceptions set out in Article 92 (2) and (3) of the Treaty establishing the EEC and, in particular, that it would not be in line with the Community guidelines on aid to the textile and clothing industry and would affect trading conditions to an extent contrary to the common interest.

Consequently, the Commission initiated the procedure provided for in the first subparagraph of Article 93 (2).

By letter of 20 April 1988, it gave the French Government notice to submit its comments. The other Member States were informed on 11 August and third parties on 18 August 1988.

II

By letter dated 29 June 1988, the French Government submitted its comments under the procedure thus initiated. It underlined that the aid would be granted under the Regional Planning Grant Scheme as approved by the Commission on 10 October 1984 by Decision 85/18/EEC⁽¹⁾, which is why it considered that the procedure should not have been initiated at all in respect of this aid proposal.

Concerning the substance of the case the French Government took the view that the sector concerned, combed cotton yarn, is far from being in an overcapacity situation and that other Member States' industries constantly increase their production capacities, whereas in France output has significantly been reduced over the years. It is also pointed out that the investment project is vital for the firm concerned because only by way of modernizing and rationalizing production the company can avoid falling behind technologically which would lead to its disappearance from the market. Furthermore, the French Government states that the new capacity to be created amounts to 1 750 tonnes of combed cotton yarn whereas the present capacity of Caulliez Frères is 2 400 tonnes. This new capacity, representing according to the French Government a mere 0,6 % of present Community production, is considered unable to distort competition.

The French Government points also to the situation on the French market where imports from all sources represent currently approximately 60 % of total consumption. Of these imports more than 50 % come from third countries, within and outside Europe.

⁽¹⁾ OJ No L 11, 12. 1. 1985, p. 28.

After having highlighted the fact that the projected investment is highly capital-intensive with FF 9 million per worker, the French Government finally points to the economic problems of the region concerned and considers that in a situation where unemployment stands at 17 % the proposed investment project is of great importance for the development of the area.

One other Member State and three parties other than Member State commented under this procedure.

By letter dated 11 November 1988, the French Government informed the Commission that it wished to withdraw the notification of 3 March 1988.

It is normal practice that the Commission close formal examination procedures under Article 93 (2) when in receipt of both a withdrawal and a formal confirmation of the government of the Member State concerned according to which the aid at issue will not be granted. In this case, however, the formal confirmation was not given.

Accordingly, the Commission, during a meeting held on 25 November and by letter dated 1 December 1988, rejected the request of the French Government and took the view that it does not have an effect on the Article 93 (2) procedure, unless completed by the confirmation that the aid at issue will not be granted. The French Government was invited to provide this confirmation at the latest by 8 December 1988 but no reply was received.

In these circumstances the Commission is justified in coming to the conclusion that the French Government has given no guarantee as to the non-implementation of this aid. Therefore, the Commission considers itself obliged to continue the procedure opened and to take this Decision.

III

There is a high volume of trade in cotton yarn and particularly in combed cotton yarn with approximately 35 % of total Community production being traded within the Community. The company in question, the production capacity of which will rise by 72,9 % from 2 400 tonnes to 4 150 tonnes as a result of the investment project, participates actively in this intra-Community trade by exporting some 25 % of its output to other Member States. Caulliez Frères presently represents 13,9 % of total French production of combed cotton yarn and 0,9 % of total EEC-production. By way of the project these shares would rise to 24 % and 1,6 % respectively. Furthermore, with a turnover of some FF 230 million and employing 430 people, the firm is already considerably larger than the average combed cotton yarn producer in France and the European Communities.

Combed cotton yarn represents approximately 30 % of total cotton yarn production, the rest being taken by carded and open-end carded yarn. All these yarns are used by the textile and clothing industry, the main utilization

of combed cotton yarn being for knitted clothing. All three subgroups of cotton yarn put together form the Multi-Fibre Arrangement product-category 1, one of the most sensitive product groups existing in textiles and clothing. The high degree of sensitivity results from a very considerable pressure from third countries. Also, the decline in weaving and knitting in the Community in recent years has reduced the demand for Community spun yarn. Moreover, there has been increasing use of filament yarn made of man-made fibres in stockings, socks, other garments and — above all — in carpets and industrial textiles which has reduced the demand for spun yarn.

As a result there exists a very high degree of competition amongst the approximately 90 producers of combed cotton yarn in the European Communities. Prices are seriously depressed and production has dropped by another 5 % in early 1988 compared to the same period in 1987. This has led to a capacity utilization which is considered insufficient, particularly in view of the considerable and still growing pressure from third countries.

The proposed assistance of FF 5,3 million to be granted under the Regional Planning Grant Scheme is State aid within the meaning of Article 92 (1) of the Treaty. This amount, even if relatively small in absolute terms, contains an important advantage because the aid would reduce the investment costs by 3,96 % net grant equivalent and would allow the firm to increase its capacity by 72,9 % without having to support all the costs related to this increase as unaided competitors would have to, if they wished to undertake such investments. Therefore, the aid would strengthen the firm's position compared to its competitors in intra-Community trade and the latter would be affected by this aid. As there is considerable trade in combed cotton yarn in the Community, because competition is very keen and as the firm participates actively in intra-EC trade, the proposed assistance is liable to affect trade and distort or threaten to distort competition within the meaning of Article 92 (1).

IV

Article 92 (1) of the EEC Treaty lays down the principle that aid having the features there described is incompatible with the common market.

The exceptions from this principle set out in Article 92 (2) are not applicable in this case because of the character of the aid and as the Act under which the aid is to be granted is not intended for such purposes.

Article 92 (3) sets out which aids may be considered to be compatible with the common market. The compatibility with the Treaty must be determined in the context of the Community and not of a single Member State. In order to safeguard the good functioning of the common market and taking into account the principles of Article 3 (f) of the Treaty, the exceptions from the principle of Article 92 (3) must be construed narrowly when an aid scheme or any individual award is scrutinized.

In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective or where an aid is not necessary to that end would be to give unfair advantages to certain Member States' industries or undertakings, the financial positions of which would merely be bolstered, and allow trading conditions between Member States to be affected and competition to be distorted without any justification on grounds of Community interest as set out in Article 92 (3).

The French Government has been unable to give, or the Commission to discover, any justification for a finding that the proposed aid falls within one of the categories of exceptions in Article 92 (3).

V

Combed cotton yarn production is a subsector of the textile industry. Therefore, the financial assistance proposed in favour of Cailliez Frères is subject to the conditions for aids to the textile and clothing industry, which also is why the French Government in its notification of the aid project dated 3 March 1988 specifically referred to these guidelines.

They contain a number of criteria worked out by the Commission with the aid of national experts in order to guide the Governments of the Member States on interventions they may possibly wish to make in this sector. In the 1971 guidelines the Commission points out that aids in the textile and clothing sector, which is marked by a very high degree of competition at Community level, involve a risk of causing distortion of competition which is unacceptable to competitors who do not benefit from such measures. Aids, which generally have very marked repercussions in this sector of industry, may under these guidelines be justified if they improve the structure of the textile industry. Such aids must be understood, according to the guidelines, to refer to aids to textile undertakings intended, *inter alia*, to facilitate the elimination of surplus capacity in the branches or sub-branches where it exists and to encourage the conversion of marginal activities to activities other than those of the textile sector. Aids of this nature must, however, meet certain conditions specified in the Guidelines of 1971, in particular they must not lead to increases in capacity.

Subsequent developments, in particular several aid schemes and individual aid awards introduced because of the pressure of the economic situation and employment

considerations and found to conflict with the Community interest in a number of respects, confirmed the Commission's concern so that it specified the guidelines in 1977. With a view to overcoming problems regarding structures and overcapacity, the Commission repeated and stressed that 'aids to create new capacity in those sectors of the textile and clothing industry where there is excess capacity or persistent stagnation of the market should be avoided'. It pointed out that in such sectors only assistance to firms converting to activities outside the industry or sector may, *a priori*, be given a favourable consideration.

Combed cotton yarn is a textile product which is characterized by stagnation and even reduction in demand, as outlined above and below, and capacity utilization also is insufficient.

The whole of the Community textile and clothing industry has undergone an extremely rapid progress of change over the last ten years. Production has declined under the pressure of outside competition both on traditional export markets and on the Community market. One million jobs, representing nearly 40 % of total employment in these industries, have been lost between 1975 and 1985. Both the severity and length of the crisis have forced undertakings in this sector to make great efforts to restructure and to modernize their production plants. As a result, the industry has been able to adapt and to reestablish progressively its competitiveness and profitability. The important role played by the Community Guidelines for aid to this sector in restoring a certain balance and in maintaining or reestablishing a true market economy has been widely recognized. As, however, the industry remains very vulnerable, not least because it continues to be subject to extremely strong international competition, the Commission takes the view that uncoordinated State intervention would conflict with the Community interest, particularly by putting at serious risk the past and, indeed, present efforts undertaken by the Community textile and clothing producers to adapt to changing market conditions. Therefore, the Commission continues to attach the greatest value to the taking into account by Member States of the abovementioned Guidelines.

In a situation where the production of combed cotton yarn in the Community is subject to severe pressures, both from imports and from a difficult market situation, itself contributed to by growing imports of fabric, garments and household textiles, so that capacity exceeds demand and pressure on margins is severe and competition intense, any artificial lowering of the expansion costs of a demand cotton yarn producer would weaken the competitive position of other producers and would have the effect of reducing capacity utilization and depressing prices, to the detriment and possible withdrawal from the market of producers which have hitherto survived owing to restructuring and productivity

improvements undertaken from their own resources. Despite the abovementioned unpromising background, companies elsewhere in the Community and, indeed, in France have continued to invest, unaided, in modernizing and replacing combed cotton yarn spinning capacity. The economies of such investments are, however, fragile and would be affected by any subsidized increase in capacity. The aided capacity increase by 72,9 %, making the firm Caulliez Frères the most important French combed cotton yarn producer, thus would have particularly marked effects, especially as the long-term volume increase in demand for textile products in the Community is under 1 % per year. As a result of the projected investment the company would rank amongst the 15 most important and largest manufacturers of this yarn in the European Community. Thus, the French Government's argument that the projected increase in capacity is insignificant must be rejected.

It also has to be pointed out that — in contrast to the French Government's claim that the French production share in the European Community in this product group is constantly going down — the French share of total Community production has in fact remained practically unchanged since the early 1980's. It has even increased recently following a rise in production of 20,3 % in 1987, whereas, for example, the United Kingdom and Germany have seen their shares being reduced (from 5,4 % to 4,9 % and 28,4 % to 27 % respectively). In the United Kingdom, moreover, cotton spinning is even in such a depressed state that many spinning mills operate on short time while others had to extend their 1988 holiday shutdown to reduce production. German combed cotton yarn production was down by 8 % in the first half of 1988. These facts not only indicate that the situation of the French industry is comparatively good, they also underline again the sensitivity of the sector. In this respect it should also be noted that French intra-Community exports of cotton yarn have risen considerably in the past years, most spectacularly by 15 % in the year 1987 making France one of the most important participants in this trade.

Furthermore, and with a view to the comment of the French Government under the procedure regarding the need to modernize and rationalize production of Caulliez Frères in order to survive technologically, the Commission recalls that it has always considered that, particularly in textiles and clothing, investments made by an enterprise for this purpose and without effecting any basic change do not qualify for assistance. On the

contrary, in textiles aids for modernization, rationalization and increases in capacity in subsectors facing the problems described above have always been rightly regarded as not bringing about any lasting improvement in the industry either at national or at Community level. They would instead affect conditions of competition in the common market without facilitating an improvement in the industry's competitive position which is a prerequisite for its recovery and success on the international textile market.

Finally, it has to be pointed out that permitting this aid project to go forward would set a precedent for the future and could lead to the growth of State aid on a large scale in this highly sensitive sector of the textile industry and, consequently, to very serious distortions of competition.

In view of all the foregoing considerations it is concluded that the aid proposal at issue here is not in line with the Community Guidelines on aids to textile and clothing industries. The aid proposed for the benefit of Caulliez Frères by favouring a capacity expansion project which increases existing capacities by 72,9 % in a sector facing severe problems throughout the Community must be considered as adversely affecting trading conditions to an extent contrary to the common interest. Therefore, the aid cannot benefit from the sectoral derogation under Article 92 (3) (c) of the Treaty.

With regard to the exemption provided for in Article 92 (3) (a) relating to aids intended to promote the development of certain areas, it must be observed that the standard of living in the area concerned here, Prouvy (Nord), is not abnormally low nor is there serious underemployment within the meaning of the exemption specified under Article 92 (3) (a).

With regard to the exemption under Article 92 (3) (c) in favour of aid to facilitate the development of certain economic areas, it must be noted that in the Community Guidelines on aid to the textile and clothing industry there manifests itself a Community policy which has the explicit support of all Member States.

Under this policy, and in the situation in which the combed cotton yarn industry presently finds itself, aided investments for the purpose of creating new yarn capacities do not facilitate the development of certain economic areas as they would not make a production plant financially and economically viable in the medium or long term and would not secure the jobs to be provided. Thus, the 17 % unemployment rate, pointed to by the French Government, would not be lastingly

reduced, so that the objectives set out in Article 92 (3) (c) would not be attained. In this respect the Commission would also point to the capital-intensity of the project with FF 9 million per worker. While it is intended to create a total of 53 new jobs over a period of three years, this does not outweigh the negative effects of the project already referred to above which also have to be taken into account when assessing whether the exemption under Article 92 (3) (c) for economic areas can be applied.

Furthermore, spinning of cotton yarn was the original industrial textile process and the bulk of the sector is concentrated in areas which today face problems of industrial decline in the EEC. In such a situation regional development at Community level would not be facilitated by the aid in question. Also, in view of the situation of the industry concerned and as outlined above, the aid to be granted in favour of a capacity increase of 72,9 % would be liable to affect trading conditions to an extent contrary to the common interest. Therefore, the proposed aid cannot benefit from the regional exemption under Article 92 (3) (c).

This conclusion cannot be changed by the fact that it is being proposed to grant the aid under the Regional Planning Grant Scheme which has been approved by the Commission, as pointed out by the French Government under the procedure. While it is correct that the region of Prouvy (Nord) is principally eligible for aid under this system, it must be observed that the Commission, in Article 7 of Decision 85/18/EEC approving the PAT-scheme, explicitly referred to the need to respect the specific rules existing in certain sectors. one of these sectors is the textile and clothing industry, where the Guidelines, as already referred to, have to be respected, which is why the French Government considered necessary the notification of this case. As pointed out above, the conditions set by these Guidelines are not met in the case at issue, so that the aid proposal cannot benefit from the general approval of the regional aid system in question. In this respect the Commission would specifically refer to the fact that the Guidelines specify that the regional aspect of aids must be assessed in the light of their effects on the sector concerned from the viewpoint of competition and intra-Community trade in order to control the sectoral effects of regional aids even in depressed areas.

As regards the exemptions provided for in Article 92 (3) (b), it is evident that the aid is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance of the French economy. A specific aid in favour of only one

cotton yarn producer is not suited to remedying the kind of situation described in Article 92 (3) (b).

Finally, the Commission would point out that for the same or similar reasons it had to turn down aid proposed or granted in favour of other textile and clothing companies or, indeed, the sector as such in the past. It would expressly refer to some of its decisions, namely concerning Boussac Saint Frères (87/585/EEC)⁽¹⁾, ENI/Lanerossi (89/43/EEC)⁽²⁾, Van den Berghe (88/173/EEC)⁽³⁾, the French parafiscal levies scheme (85/380/EEC)⁽⁴⁾, the textile aid scheme proposed by the United Kingdom (85/305/EEC)⁽⁵⁾ and the 1984 Belgian textile industry aid scheme (84/564/EEC)⁽⁶⁾.

VI

In view of all the foregoing considerations it is therefore concluded that the aid proposed for the benefit of Caulliez Frères, as notified to the Commission by letter dated 3 March 1988, does not meet the conditions which must be fulfilled in order for one of the exceptions under Article 92 (2) and (3) of the EEC Treaty to apply,

HAS ADOPTED THIS DECISION :

Article 1

The proposed aid amounting to FF 5,3 million to be granted to Caulliez Frères and notified to the Commission by letter of 3 March 1988 is incompatible with the common market within the meaning of Article 92 of the EEC Treaty.

France shall therefore refrain from implementing this proposal.

Article 2

France shall inform the Commission within two months of the dated notification of this Decision of the measures taken to comply herewith.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 8 March 1989.

For the Commission

Sir Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 352, 15. 12. 1987, p. 42.

⁽²⁾ OJ No L 16, 20. 1. 1989, p. 52.

⁽³⁾ OJ No L 78, 23. 3. 1988, p. 44.

⁽⁴⁾ OJ No L 217, 14. 8. 1985, p. 20.

⁽⁵⁾ OJ No L 155, 14. 6. 1985, p. 55.

⁽⁶⁾ OJ No L 312, 30. 11. 1984, p. 27.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2503/88 of 25 July 1988 on customs warehouses*(Official Journal of the European Communities No L 225 of 15 August 1988)*

On page 5 in the second subparagraph of Article 22 (1):

for: '... those costs need to be included ...',

read: '... those costs need not be included ...'.

Corrigendum to Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks*(Official Journal of the European Communities No L 160 of 29 May 1989)*

On page 2 in the eighth recital:

for: '... Council Directive 80/388/EEC ...',

read: '... Council Directive 88/388/EEC ...'.

On page 5 in Article 1 (4) (i) (1) (d):

for: '... accordance the procedure ...',

read: '... accordance with the procedure ...'.

On page 7 in the second indent of the second subparagraph of Article 1 (4) (o) (3):

for: '... 55 % vol an not more than 80 % vol.',

read: '... 55 % vol and not more than 80 % vol.'.

On page 8 in the second indent of Article 3 (1), eighth line:

for: 'cider spirit, eider *brandy* and perry spirit',

read: 'cider spirit, cider *brandy* and perry spirit'.

On page 10 in Article 8, the third line shall read:

... associating word or phrases such as 'like', 'type', 'style', ...

On page 11 in Article 13 the second line shall read:

... hereinafter referred to as 'the committee', shall be set up ...

On page 14 in Annex II in the column headed 'Geographical destination', the fifth line of the entry against 'i. Rum':

for: 'traditionne',

read: 'traditionnel'.

Corrigendum to Commission Regulation (EEC) No 2089/89 of 12 July 1989 determining, for the period 1 July 1989 to 31 January 1990, the quantities of raw sugar produced in the French overseas departments benefiting from the refining aid referred to in Council Regulation (EEC) No 2225/86

(Official Journal of the European Communities No L 199 of 13 July 1989)

Page 11, Article 3:

for: '1 July 1988',

read: '1 July 1989'.

Corrigendum to Commission Regulation (EEC) No 2099/89 of 13 July 1989 adjusting the agricultural conversion rates for the pigmeat sector in Greece

(Official Journal of the European Communities No L 201 of 14 July 1989)

Page 8, Article 1, in the table, the agricultural conversion rate applicable until 16 July 1989:

for: '196,93',

read: '196,093'.
