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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2367/89

of 28 July 1989

amending Regulation (EEC) No 1277/84 laying down general rules for the system of production aid for processed fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the calculation of production aid pursuant to Article 5 of Regulation (EEC) No 426/86 must take account of the price in third countries; whereas, in order to assess that factor properly in the case of peaches and pears in syrup and/or natural fruit juice, the farm-gate prices actually paid in the main producing and exporting third countries on the world market for raw material of a quality comparable to that of fresh Community products used for processing should be taken into account; whereas, however, when that price is recorded, the figures should be weighted on the basis of actual exports of finished products from the producing countries concerned on the world market;

Whereas currency movements of the different currencies of the Member States may, in the absence of specific monetary compensatory mechanisms for this sector, result in distortion between producers in certain of those States; whereas provision should be made, in accordance with a suitable decision-making procedure, for the possibility of using a system of monetary adjustment if this proves necessary to ensure normal conditions of competition.

Whereas Regulation (EEC) No 1277/84 should be amended accordingly⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraphs are hereby added in Article 3 of Regulation (EEC) No 1277/84:

'7. For peaches and pears in syrup and/or in natural fruit juice, the production aid calculated pursuant to this Regulation may not exceed the difference between the minimum price paid to the Community producer and the price of the raw material in the main producing and exporting third countries.

That latter price shall be principally determined on the basis of farm-gate prices actually to fresh products of comparable quality used for processing, weighted according to the quantities of finished products exported by those third countries on the world market.

8. The Commission may, in accordance with the procedure laid down in Article 22 of Regulation (EEC) No 426/86⁽⁴⁾, introduce a system of monetary adjustment aiming to correct the production aid by taking account of the impact, on the minimum price less the aid, of the differences which exist between:

- the agricultural conversion rate, and
- the average of the rates referred to in Article 3 (1) of Regulation (EEC) No 1676/85 over a period to be determined.

(¹) OJ No L 49, 27. 2. 1986, p. 1.

Article 2

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

(¹) OJ No L 49, 27. 2. 1986, p. 1.
(²) OJ No L 118, 29. 4. 1989, p. 29.

(³) OJ No L 123, 9. 5. 1984, p. 25.

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

Done at Brussels, 28 July 1989.

For the Council

The President

M. CHARASSE

COUNCIL REGULATION (EEC) No 2368/89

of 28 July 1989

amending Regulation (EEC) No 3951/88 fixing catch possibilities for 1989 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the 1985 Act of Accession, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 3 of Regulation (EEC) No 170/83, it is incumbent upon the Council to establish the total allowable catches (TACs) by stock or group of stocks, the share available for the Community and also the specific conditions under which the catches must be made; whereas, in accordance with Article 4 of the said Regulation, the share available for the Community is to be allocated between the Member States;

Whereas Regulation (EEC) No 3951/88⁽²⁾ fixed catch possibilities for 1989 for certain fish stocks and groups of fish stocks in the Regulatory Area as defined in the NAFO Convention;

Whereas the scientific information now available on the cod stocks in NAFO divisions 2 J + 3 KL indicates a deterioration in the status of the stocks;

Whereas, in the framework of its wider international obligations, the Community participates in efforts to conserve fish stocks arising in international waters;

Whereas it is necessary consequently to reduce the fishing possibilities of the Community on the stocks in the current year,

HAS ADOPTED THIS REGULATION:

Article 1

The figures relating to cod in NAFO divisions 2 J + 3 KL set out in Annex I to Regulation (EEC) No 3951/88 are hereby replaced by those set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following that 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, 28 July 1989.

*For the Council**The President*

M. CHARASSE

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.⁽²⁾ OJ No L 352, 21. 12. 1988, p. 9.

ANNEX

Stock			Member State	1989 quota (tonnes)
Species	Geographical regions	Division		
Cod	North-west Atlantic	NAFO 2 J + 3 KL	Belgium	
			Denmark	
			Germany	15 080
			Greece	
			Spain	15 680
			France	2 470
			Ireland	
			Italy	
			Luxembourg	
			Netherlands	
			Portugal	24 510
			United Kingdom	660
			Available for Member States	
			EEC Total	58 400

COUNCIL REGULATION (EEC) No 2369/89**of 28 July 1989****amending Regulation (EEC) No 2763/83 as regards arrangements for processing
under customs control**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the practice of levying charges on certain oils for processing into oil chemical products in accordance with the tariff description of the imported goods leads to charges higher than is economically warranted in the light of the use made of them; whereas the excessive charge tends to lead to the relocation of this processing activity outside the Community; whereas, for this reason, Commission Regulation (EEC) No 4032/88⁽¹⁾, in accordance with Article 2 (3) of Council Regulation (EEC) No 2763/83 of 26 September 1983 on arrangements permitting goods to be processed under customs control before being put into free circulation⁽²⁾ as last amended by Regulation (EEC) No 4032/88, adopted temporary measures supplementing the list referred to in the said Article: whereas the said list should be amended in order to make that measure definitive; whereas babassu oil, referred to in Column I, falls within CN code 1513 21 19, not CN code 1513 29 30;

Whereas Commission Regulation (EEC) No 4151/87⁽³⁾ amended the list referred to in Article 2 of Regulation

(EEC) No 2763/83 following the entry into force of the Combined Nomenclature; whereas the said nomenclature has since been amended again by Commission Regulation (EEC) No 3174/88⁽⁴⁾ in respect of certain codes in the lists annexed to Regulations (EEC) No 4151/87 and No 4032/88; whereas it is consequently necessary to return to the classification of goods in the list annexed to Regulation (EEC) No 2763/83;

Whereas, in the interests of clarity, it is desirable to publish an updated version of the said list,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2763/83 is hereby replaced by that appearing in the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 1989.

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

Done at Brussels, 28 July 1989.

For the Council

The President

M. CHARASSE

⁽¹⁾ OJ No L 355, 23. 12. 1988, p. 36.

⁽²⁾ OJ No L 272, 5. 10. 1983, p. 1.

⁽³⁾ OJ No L 391, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 298, 31. 10. 1988, p. 1.

ANNEX

ANNEX

List referred to in Article 2

Order No	Column I	Column II
	Goods for which processing under customs control is authorized	Processing which may be carried out
1	Goods of any kind	Processing into samples presented as such or put up into sets
2	Goods of any kind	Reduction to waste and scrap or destruction
3	Goods of any kind	Denaturing
4	Goods of any kind	Recovery of parts of components
5	Goods of any kind	Separation and/or destruction of damaged parts
6	Goods of any kind	Processing to correct the effects of damage suffered
7	Goods of any kind	Usual forms of handling permitted in customs warehouses or in free zones in accordance with Directive 71/235/EEC
8	Tobacco falling within Chapter 24 of the Combined Nomenclature	Processing into homogenized or reconstituted tobacco falling within CN code 2403 91 00 and/or into tobacco powder falling within CN code ex 2403 99 90
9	Raw or unmanufactured tobacco falling within CN code 2401 10	Processing into tobaccos partially or totally stripped falling within CN code 2401 20 and into tobacco refuse, falling within CN code 2401 30 00
10	Palm oil falling within CN code 1511 10 10, or Solid fractions of palm oil falling within CN code 1511 90 19, or Fluid fractions of palm oil falling within CN code 1511 90 91, or Coconut oil falling within CN code 1513 11 10, or Fluid fractions of coconut oil falling within CN code ex 1513 19 30, or Palm kernel oil falling within CN code 1513 21 11, or Fluid fractions of palm kernel oil falling within CN code ex 1513 29 30, or Babassu oil falling within CN code 1513 21 19	Processing resulting in : — Mixture of fatty acids falling within CN codes 1519 11 00, 1519 12 00 and 1519 19 00 — Fatty acids falling within CN codes ex 2915 70 10, ex 2915 70 90, 2915 90 10, ex 2915 90 90, ex 2916 15 00 and ex 2916 19 90 — Mixture of methyl esters of fatty acids falling within CN code ex 3823 90 98 — Methyl esters of fatty acids falling within CN codes ex 2915 70 10, ex 2915 70 90, ex 2915 90 10, ex 2915 90 90, ex 2916 15 00 and ex 2916 19 90 — Mixture of fatty alcohols falling within CN code 1519 30 00 — Fatty alcohols falling within CN codes 2905 16 90, 2905 17 00 and 2905 19 90 — Glycerine falling within CN code 1520 10 00
11	Products falling within CN codes 2707 10, 2707 20, 2707 30, 2707 50, 2707 91 00, 2707 99 30, 2707 99 91, 2707 99 99 and 2710 00	Processing into products falling within CN codes 2710 00 71 or 2710 00 75
12	Crude oils falling within CN codes 2707 99 11 and 2707 99 19	Processing into products falling within CN codes 2707 10 90, 2707 20 90, 2707 30 90, 2707 50 91, 2707 50 99, 2707 99 30, 2902 20 90, 2902 30 90, 2902 41 00, 2902 42 00, 2902 43 00 and 2902 44 90
13	Chromium trioxide falling within CN code 2819 10 00	Processing into chromium falling within CN code 8112 20 31

COUNCIL REGULATION (EEC) No 2370/89

of 28 July 1989

amending, with regard to capelin, Regulation (EEC) No 3950/88 allocating, for 1989, Community catch quotas in Greenland waters

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the 1985 Act of Accession, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas the agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other⁽²⁾, and the Protocol on the conditions relating to fishing between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland on the other⁽³⁾, establish the fishing quotas allocated to the Community in Greenland waters;

Whereas catch quotas in Greenland waters for 1989 were allocated by Regulation (EEC) No 3950/88⁽⁴⁾, as amended by Regulation (EEC) No 1578/89⁽⁵⁾;

Whereas the Greenland Home Rule Authorities in a letter dated 19 May 1989 have offered the Community a supplementary quota for 1989 of capelin;

Whereas in accordance with the provisions of Article 8 (1) of the abovementioned Agreement, the Community has accepted Greenland's offer of a supplementary quota of 8 000 tonnes of capelin off East Greenland;

Whereas this acceptance implies an adjustment of the financial compensation in proportion to this supple-

mentary quota, as provided for in Article 3 (2) of the abovementioned Protocol;

Whereas it is for the Community to lay down, in accordance with Article 3 of Regulation (EEC) No 170/83, the conditions subject to which this quota may be used by Community fishermen;

Whereas, to ensure efficient management of the catch possibilities available, they should be distributed between the Member States by means of quotas in accordance with Article 4 of Regulation (EEC) No 170/83;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽⁶⁾, as amended by Regulation (EEC) No 3483/88⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The data (columns 1 to 6) relating to capelin set out in the Annex to Regulation (EEC) No 3950/88 are hereby replaced by those set out in the Annex to 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, 28 July 1989.

For the Council

The President

M. CHARASSE

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 29, 1. 2. 1985, p. 9.

⁽³⁾ OJ No L 29, 1. 2. 1985, p. 14.

⁽⁴⁾ OJ No L 352, 21. 12. 1988, p. 7.

⁽⁵⁾ OJ No L 156, 8. 6. 1989, p. 3.

⁽⁶⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽⁷⁾ OJ No L 306, 11. 11. 1988, p. 2.

ANNEX

Allocation of Community catch quotas in Greenland waters for 1989

Species	Area	Community catch quotas (tonnes)	Quotas allocated to Member States (tonnes)	Allocations for Norway (shown for information only)	Faroese quotas in Greenland waters according to EC/Greenland Fisheries Protocol ⁽¹⁾ (tonnes) (shown for information only)
1	2	3	4	5	6
Capelin	ICES XIV/V	8 000	Denmark 8 000	—	10 000

⁽¹⁾ These Faroese quotas are additional to the Community catch quotas and form part of the fishery arrangement for 1989 agreed on by the Community and the Faroe Islands.

COMMISSION REGULATION (EEC) No 2371/89

of 2 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 1 August 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 3 August 1989.

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

Done at Brussels, 2 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. 1.

ANNEX

to the Commission Regulation of 2 August 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	144,40
0712 90 19	34,31	144,40
1001 10 10	15,88	153,84 ⁽¹⁾ ⁽²⁾
1001 10 90	15,88	153,84 ⁽¹⁾ ⁽²⁾
1001 90 91	15,20	112,04
1001 90 99	15,20	112,04
1002 00 00	42,96	120,83 ⁽³⁾
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 ⁽¹⁾
1008 10 00	33,63	4,72
1008 20 00	33,63	31,63 ⁽⁴⁾
1008 30 00	33,63	0,00 ⁽²⁾
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	252,83
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 2372/89

of 2 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 1 August 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 3 August 1989.

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

Done at Brussels, 2 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 2 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	0,64
0712 90 19	0	0,32	0,32	0,64
1001 10 10	0	0,80	0,80	0,80
1001 10 90	0	0,80	0,80	0,80
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	0,64
1005 90 00	0	0,32	0,32	0,64
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	36,16
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 2373/89**of 1 August 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 4 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 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	£ IrI	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	43 949	68,29	19,77
1.20	0702 00 10 0702 00 90	Tomatoes	29,85	1 298	241,12	62,01	210,22	5 362	23,25	44 619	69,95	19,94
1.30	0703 10 19	Onions (other than sets)	16,48	716	133,08	34,23	115,92	2 959	12,83	24 627	38,61	11,00
1.40	0703 20 00	Garlic	167,32	7 277	1 351,26	347,55	1 176,97	30 050	130,33	250 047	392,04	111,75
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</i> spp., <i>Phaseolus</i> spp.)	56,31	2 449	454,76	116,97	396,10	10 113	43,86	84 152	131,94	37,60
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	531,39	23 113	4 291,43	1 103,80	3 737,92	95 435	413,93	794 118	1 245,07	354,91
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)	41,58	1 808	335,86	86,38	292,54	7 469	32,39	62 150	97,44	27,77
1.220	ex 0709 40 00	Celery stalks and leaves	77,08	3 352	622,48	160,10	542,19	13 843	60,04	115 188	180,59	51,48
1.230	0709 51 30	Chantarelles	586,95	25 530	4 740,13	1 219,21	4 128,74	105 413	457,21	877 148	1 375,25	392,01
1.240	0709 60 10	Sweet peppers	57,46	2 499	464,10	119,37	404,24	10 320	44,76	85 880	134,64	38,38
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</i> spp.), 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	26,50	1 152	214,06	55,05	186,45	4 760	20,64	39 611	62,10	17,70
2.30	ex 0804 30 00	Pineapples, fresh	38,95	1 694	314,56	80,90	273,99	6 995	30,34	58 209	91,26	26,01
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	117,54	5 112	949,27	244,16	826,83	21 110	91,56	175 659	275,41	78,50
2.50	ex 0804 50 00	Guavas and mangoes, fresh	120,38	5 236	972,20	250,06	846,80	21 620	93,77	179 903	282,06	80,40
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	30,08	1 308	242,96	62,49	211,62	5 403	23,43	44 959	70,48	20,09

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	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	42,99	1 870	347,19	89,30	302,41	7 721	33,48	64 248	100,73	28,71
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	30,53	1 328	246,59	63,42	214,79	5 483	23,78	45 632	71,54	20,39
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	64,11	2 788	517,76	133,17	450,98	11 514	49,94	95 810	150,21	42,81
2.70.2	ex 0805 20 30	— Monreales and Satsumas	37,83	1 645	305,51	78,58	266,11	6 794	29,46	56 535	88,63	25,26
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	59,35	2 581	479,36	123,29	417,53	10 660	46,23	88 705	139,07	39,64
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	51,49	2 239	415,82	106,95	362,19	9 247	40,10	76 947	120,64	34,38
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	99,36	4 322	802,45	206,39	698,95	17 845	77,40	148 491	232,81	66,36
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	46,51	2 023	375,62	96,61	327,17	8 353	36,23	69 507	108,97	31,06
2.90.2	ex 0805 40 00	— pink	70,58	3 070	570,00	146,61	496,48	12 675	54,97	105 477	165,37	47,14
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	121,37	5 279	980,23	252,12	853,80	21 798	94,54	181 389	284,39	81,06
2.110	0807 10 10	Water-melons	18,23	793	147,25	37,87	128,26	3 274	14,20	27 249	42,72	12,17
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	34,86	1 516	281,52	72,41	245,21	6 260	27,15	52 095	81,67	23,28
2.120.2	ex 0807 10 90	— Other	51,34	2 233	414,66	106,65	361,18	9 221	39,99	76 732	120,30	34,29
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	56,68	2 465	457,74	117,73	398,70	10 179	44,15	84 703	132,80	37,85
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>))	58,92	2 562	475,83	122,39	414,46	10 581	45,89	88 052	138,05	39,35
2.150	0809 10 00	Apricots	63,54	2 763	513,17	131,99	446,98	11 412	49,49	94 962	148,88	42,44
2.160	0809 20 10 0809 20 90	Cherries	143,96	6 262	1 162,64	299,04	1 012,68	25 855	112,14	215 144	337,31	96,15
2.170	ex 0809 30 00	Peaches	44,72	1 945	361,22	92,90	314,63	8 033	34,84	66 843	104,80	29,87
2.180	ex 0809 30 00	Nectarines	68,11	2 962	550,06	141,48	479,11	12 232	53,05	101 787	159,58	45,49
2.190	0809 40 11 0809 40 19	Plums	67,29	2 927	543,46	139,78	473,36	12 085	52,41	100 565	157,67	44,94
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>	170,54	7 418	1 377,27	354,24	1 199,63	30 628	132,84	254 861	399,58	113,90
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	202,54	8 809	1 635,69	420,71	1 424,72	36 375	157,77	302 680	474,56	135,27
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 2374/89

of 1 August 1989

on the supply of refined rape seed oil to non-governmental organizations (NGOs) 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, by its Decision of 3 March 1989 on the supply of food aid to NGOs, the Commission allocated to those organizations 100 tonnes of refined rape seed oil to be supplied;

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

A tendering procedure is hereby initiated for the award of a contract for the supply of refined rape seed oil to NGOs in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

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

1. **Operation No** (1): 290/89
2. **Programme**: 1989
3. **Recipient**: Euronaid, PO box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient** (2): see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: Mozambique
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** (3) (4) (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.A.1)
8. **Total quantity**: 100 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** (6) (7): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - in new bunged metal drums, coated inside with food-can varnish or having been subject to a procedure giving equivalent guarantees, of 200 kilograms net weight, fully filled and hermetically sealed in an atmosphere of nitrogen. The drums should be strong enough to withstand a long sea journey. Their composition must not be such as to be harmful to human health or to cause a change in the colour, taste or odour of their contents. Each drum must be fully leakproof
 - the drums must carry the following wording: 'ACÇÃO Nº 290/89 / OLEO VEGETAL / MOÇAMBIQUE / DWH / 92802 / BEIRA DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA / DESTINADO A DISTRIBUIÇÃO GRATUITA'
11. **Method of mobilization**: Community market
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**: 3. 10. 1989 to 31. 10. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** (8): tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 8. 1989, not later than 12 noon. Tenders shall be valid until 12 midnight on 23. 8. 1989
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 9. 1989, not later than 12 noon. Tenders shall be considered valid until 12 midnight on 6. 9. 1989
 - (b) period for making the goods available at the port of shipment: 17. 10. 1989 to 14. 11. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (9): 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**: —

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) 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.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- (⁴) Shipment to take place in 20-foot containers; conditions FLC/LCL shipper's-count-load and stowage (cls).

The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of cartons belonging to each number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer, the number of which is to be provided to the beneficiary's forwarder.
- (⁵) The supplier should send a duplicate of the original invoice to:

MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
- (⁶) The successful tenderer shall give a health certificate to the beneficiaries' representative at the time of delivery.
- (⁷) The successful tenderer shall give a certificate of origin to the beneficiaries' representative at the time of delivery.
- (⁸) 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
- (⁹) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.

COMMISSION REGULATION (EEC) No 2375/89

of 1 August 1989

on the supply of refined sunflower oil to the Arab Republic of Egypt 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 Council 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, by its Decision of 14 July 1989 on the supply of food aid to Egypt, the Commission allocated to this country 6 000 tonnes of refined sunflower oil;

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

A tendering procedure is hereby initiated for the award of a contract for the supply of refined sunflower oil to Egypt in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in the Annex hereto.

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

1. **Operation Nos** ⁽¹⁾: 379 to 381/89 and 409 to 411/89
2. **Programme**: 1989
3. **Recipient**: Arab Republic of Egypt
4. **Representative of the recipient** ⁽²⁾: Ambassade de la République Arabe d'Égypte, section commerciale, 522 avenue Louise, B-1050 Bruxelles; tel. (02) 647 32 27, telex 64809 COMRAU B
5. **Place or country of destination**: Egypt
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIIA.2)
8. **Total quantity**: 6 000 tonnes net
9. **Number of lots**: six (A: 1 000 tonnes; B: 1 000 tonnes; C: 1 000 tonnes; D: 1 000 tonnes; E: 1 000 tonnes; F: 1 000 tonnes)
10. **Packaging and marking**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under III.B):
 - new drums of 200 litres or 200 kilograms,
 - the drums must carry the following wording:
'ACTIONS No 379 TO 381/89 AND 409 TO 411/89 / SUNFLOWER OIL / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO EGYPT'
11. **Method of mobilization**: Community market
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 stage**: 3. 10. 1989 to 31. 10. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 8. 1989, not later than 12 noon. Tenders shall be valid until 12 midnight on 23. 8. 1989
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 9. 1989, not later than 12 noon. Tenders shall be considered valid until 12 midnight on 6. 9. 1989
 - (b) period for making the goods available at the port of shipment: 17. 10. 1989 to 14. 11. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: 15 ECU per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾: 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**: —

Notes :

(1) The operation number is to be quoted in all correspondence.

(2) Commission delegate to contact by the successful tenderer :

Mme Henrich, Délégué, 6 IBN Zanki Str. Cairo Zamalek ; telex 94258 EUROP UN-CAIRO.

(3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must be endorsed by an Egyptian Embassy or Consulate.

(4) Point (g) of Article 7 (3) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.

(5) 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

COMMISSION REGULATION (EEC) No 2376/89

of 2 August 1989

opening an invitation to tender for the sale of olive oil held by the Spanish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 12 (4) thereof,Whereas Article 2 of Council Regulation (EEC) No 2754/78 ⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 629/86 ⁽⁴⁾, the Spanish intervention agency holds in stock large quantities of olive oil;Whereas Commission Regulation (EEC) No 2960/77 ⁽⁵⁾, as last amended by Regulation (EEC) No 3818/85 ⁽⁶⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in virgin olive oil where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency 'Servicio Nacional de Productos Agrarios', hereinafter referred to as 'Senpa', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

- 2 000 tonnes of virgin olive oil,
- 10 000 tonnes of lampante virgin olive oil.

By way of derogation from Article 5 (2) of Regulation (EEC) No 2960/77, Senpa shall, where the quantity of oil in a container exceeds 500 tonnes, be authorized to establish several lots with part only of that oil.

Article 2

The invitation to tender shall be published on 1 September 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of Senpa, calle Beneficencia 8, Madrid 28004, Spain.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach Senpa, calle Beneficencia 8, Madrid 28004, Spain, not later than 2 p.m. (local time) on 12 September 1989. Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 500 tonnes for virgin olive oil and 1 500 tonnes for lampante virgin olive oil.

Article 4

1. With regard to lampante virgin olive oil, tenders shall be submitted for an oil of 3° acidity.

2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

- up to 3° acidity:
 - increase of Pta 49,35 for each tenth of a degree of acidity below 3°;
- above 3° up to 8° acidity:
 - reduction of Pta 49,35 for each tenth of a degree of acidity above 3°;
- above 8°:
 - additional reduction of Pta 53,98 for each tenth of a degree above 8°.

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 60, 1. 3. 1986, p. 8.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, Senpa shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by Senpa not later than the fifth working day after the date of notification of the decision referred to in Article 6.

Senpa shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Pta 3 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Pta 400 per 100 kilograms.

Article 10

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, 2 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2377/89**of 2 August 1989****opening an invitation to tender for the sale of olive oil held by the Italian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation (EEC) No 136/66/EEC, the Italian intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency, 'Azienda di Stato per gli interventi nel mercato agricolo', hereinafter referred to as

'AIMA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantity of olive oil: approximately 8 000 tonnes of lampante virgin olive oil.

Article 2

The invitation to tender shall be published on 1 September 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach AIMA at the central office, via Palestro 81, Rome, Italy not later than 2 p.m. (local time) on 12 September 1989.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 1 500 tonnes.

Article 4

1. Tenders shall be submitted for an oil of 5° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:
 - up to 5° acidity:
increase of Lit 528,6 for each tenth of a degree of acidity below 5°;
 - above 5° up to 8° acidity:
reduction of Lit 528,6 for each tenth of a degree of acidity above 5°;
 - above 8°:
additional reduction of Lit 578,2 for each tenth of a degree above 8°.

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tenders received for each lot put up for sale.

Article 6

The minimum selling price shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by AIMA not later than the seventh day of each month following that during which the tenders were submitted.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 30 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 4 000 per 100 kilograms.

Article 10

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, 2 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2378/89

of 2 August 1989

opening an invitation to tender for the sale of olive oil held by the Portuguese intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 12 (4) thereof,Whereas Article 2 of Council Regulation (EEC) No 2754/78 ⁽³⁾ provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Portuguese intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77 ⁽⁴⁾, as last amended by Regulation (EEC) No 3818/85 ⁽⁵⁾, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Portuguese intervention agency, 'Instituto Nacional de Intervenção e Garantia Agrícola', hereinafter referred to

as 'INGA', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantity of olive oil: 300 tonnes of virgin olive oil.

Article 2

The invitation to tender shall be published on 11 August 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of INGA, Rua Padre António Vieira n.º 1, Lisbon, Portugal.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The tenders must reach the INGA at the central office, Rua Padre António Vieira n.º 1, Lisbon, Portugal not later than 2 p.m. (local time) on 24 August 1989.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is entered in that status as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 85 tonnes.

Article 4

Not later than three days after the expiry of the time limit laid down for the submission of tenders, INGA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

Article 5

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 20.

Article 6

The olive oil shall be sold by INGA not later than the fifth working day after the date of notification of the decision referred to in Article 5.

INGA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

Article 7

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Esc 3 340 per 100 kilograms.

Article 8

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Esc 430 per 100 kilograms.

Article 9

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, 2 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2379/89

of 2 August 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 3 August 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, 2 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 2 August 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	16,54 ⁽¹⁾	
1701 11 90 910	23,66 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	16,54 ⁽¹⁾	
1701 12 90 910	23,66 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,1798
1701 99 10 100	17,98	
1701 99 10 910	26,03	
1701 99 10 950	24,53	
1701 99 90 100		0,1798

⁽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 2380/89
of 2 August 1989

laying down provisions for the implementation of Article 5 (2) of Council Regulation (EEC) No 1697/79 on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1697/79 of 24 July 1979 on the post-clearance recovery of import duties or export duties which have not been required of the person liable for payment on goods entered for a customs procedure involving the obligation to pay such duties⁽¹⁾, and in particular Article 10 (2) thereof,

Whereas Commission Regulation (EEC) No 1573/80⁽²⁾, as amended by Regulation (EEC) No 946/83⁽³⁾, laid down provisions for the implementation of Article 5 (2) of Regulation (EEC) No 1697/79; whereas those provisions consist mainly of procedural rules specifying the circumstances in which the competent authorities of the Member States may decide for themselves whether or not to take action for post-clearance recovery and the circumstances in which such decision must be taken by the Commission; whereas a Commission decision is always required where the duties in question total ECU 2 000 or more;

Whereas experience has shown that in certain cases in which preferential tariff treatment has been granted when the limits within which such treatment could be granted have already been reached, failure by the competent authorities to require of the person liable for payment all or part of the amount of the import duties legally due on goods generally constitutes an error on their part which could not reasonably have been detected by the said liable person;

Whereas in such cases responsibility for taking a decision according to Article 5 (2) of Regulation (EEC) No 1697/79 may be transferred to the competent authorities of the Member States;

Whereas where the Commission has adopted a decision establishing that Article 5 (2) is applicable and where exceptional issues of fact or of law are involved which may arise again, it is advisable to provide for authorizing one or more Member States by that same decision to refrain from recovering the amount of duties in question in comparable cases without referring such cases to the Commission;

Whereas the Commission's decision-making procedure should be brought into line with that laid down in Commission Regulation (EEC) No 3799/86 of 12 December 1986 laying down provisions for the implementation of Articles 4a, 6a, 11a and 13 of Council Regulation (EEC) No 1430/79 on the repayment or remission of import or export duties⁽⁴⁾;

Whereas it is desirable, for the sake of clarity, to set out in a new Commission Regulation all the provisions henceforth applicable for the practical implementation of Regulation (EEC) No 1697/79 and, consequently, to repeal Regulation (EEC) No 1573/80;

Whereas it is appropriate to restrict the validity of the present Regulation to a period of two years in order to examine it in the light of experience;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down provisions for the implementation of Article 5 (2) of Regulation (EEC) No 1697/79, hereinafter referred to as the 'basic Regulation'.

Article 2

The competent authority of the Member State in which the error was committed or noticed and which resulted in insufficient duty being collected shall itself decide not to take action for the post-clearance recovery of the uncollected duties:

- (a) in cases in which preferential tariff treatment has been applied in the context of a tariff quota or an allocated tariff ceiling when the limits laid down by that quota or tariff ceiling were reached at the time of acceptance of the customs declaration without that fact having, before the release for free circulation of the goods in question, been published in the *Official Journal of the European Communities* or, where such fact is not published, been made known in an appropriate manner in the Member State concerned, the person

⁽¹⁾ OJ No L 197, 3. 8. 1979, p. 1.

⁽²⁾ OJ No L 161, 26. 6. 1980, p. 1.

⁽³⁾ OJ No L 104, 22. 4. 1983, p. 15.

⁽⁴⁾ OJ No L 352, 13. 12. 1986, p. 19.

liable having for his part acted in good faith and observed all the provisions laid down by the rules in force as far as his customs declaration is concerned ;

- (b) in cases in which it considers that the conditions laid down in Article 5 (2) of the basic Regulation are fulfilled and provided that the amount not collected from the person concerned in consequence of the same error and relating, where applicable, to a number of import or export operations, is less than ECU 2 000 ;
- (c) in cases in which the Member State to which the said authority is subject has been so authorized in accordance with Article 8.

Article 3

1. Each Member State shall send the Commission a list of the cases in which the provisions of Article 2 (a), (b) or (c) have been applied, giving a short summary of each case.
2. The list referred to in paragraph 1 shall be forwarded during the first and third quarters of each year for all cases where a decision not to recover was taken during the preceding half-year.
3. The Commission shall circulate the lists to all other Member States.
4. The lists shall be examined periodically by the Committee on Duty Free Arrangements.

Article 4

Where, other than in the cases referred to in Article 2, the competent authority of the Member State in which the error was committed either considers that the conditions laid down in Article 5 (2) of the basic Regulation are fulfilled or is in doubt as to the precise scope of the criteria of that provision with regard to a particular case, that authority shall submit the case to the Commission, so that a decision may be taken in accordance with the procedure laid down in Articles 5 to 7. The relevant documents submitted to the Commission shall contain all the information required to enable a comprehensive examination of the case to be carried out.

As soon as it receives the relevant documents the Commission shall inform the Member State concerned accordingly.

Should it be found that the information supplied by the Member State is not sufficient to enable a decision to be taken on the case concerned in full knowledge of the facts, the Commission may request that additional information be supplied.

Article 5

Within 15 days following receipt of the documents referred to in the first paragraph of Article 4 the Commission shall forward a copy thereof to the Member States.

Consideration of the case in question shall be included as soon as possible on the agenda of a meeting of the Committee on Duty Free Arrangements.

Article 6

After consulting a group of experts composed of representatives of all Member States, meeting within the framework of the Committee on Duty Free Arrangements to consider the case in question, the Commission shall decide whether the circumstances under consideration are such that no action need be taken for recovery of the duties concerned, or that such is not the case.

Such decision shall be taken within six months of the date on which the documents referred to in the first paragraph of Article 4 are received by the Commission. Where the Commission has found it necessary to request additional information from the Member State in order that it may give a ruling, the period of six months shall be extended by a period equivalent to that between the date the Commission sent the request for additional information and the date it received that information.

Article 7

The Member State concerned shall be notified of the decision referred to in Article 6 as soon as possible and in any event within 30 days of the expiry of the period specified in Article 6.

A copy of the decision shall be sent to the other Member States.

Article 8

Where it is established by the decision referred to in Article 6 that the circumstances under consideration are such that no action need be taken for recovery of the duties concerned, the Commission may, under conditions which it shall determine, authorize one or more Member States to refrain from taking action for the recovery of duties in cases involving comparable issues of fact and of law.

In such a case, the decision referred to in Article 6 shall also be notified to each Member State so authorized.

Article 9

If the Commission fails to take a decision within the period referred to in Article 6 or fails to notify a decision to the Member State concerned within the period in Article 7, the competent authorities of that Member State shall not recover the duties in question.

Article 10

Regulation (EEC) No 1573/80 is hereby repealed.

Article 11

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

It will cease to apply two years after its entry into force.

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

Done at Brussels, 2 August 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2381/89**of 2 August 1989****laying down detailed rules for granting compensation for tuna for the canning industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 1495/89⁽²⁾, and in particular Article 17a (10) thereof;

Whereas Article 17a of Regulation (EEC) No 3796/81 provides for an allowance to be paid to producers' organizations if it is found, in respect of a given quarter, that the prices of given products are lower than a given triggering threshold;

Whereas for the purposes of applying this allowance system the selling price referred to in Article 17a of Regulation (EEC) No 3796/81 should be defined;

Whereas, for the quantities in respect of which entitlement to the allowance has been established, rules should be laid down governing the submission of applications by the parties concerned in order to obtain payment of the compensation;

Whereas certain minimum elements of the control procedure should be laid down, while it should be left to the Member States' control authorities to adopt suitable provisions for effective regular monitoring of the system introduced;

Whereas, this system is open to the risk of specific fraud, in particular as regards the fact that the application and payment of compensation are decided after the expiry of the quarterly periods concerned; whereas, with a view to minimizing these risks, in the case of a false declaration made intentionally or by gross negligence, the beneficiary must pay to the Member State an amount equal to 25 % of the compensation concerned without prejudice to the recovery of the compensation and interest in question;

Whereas, steps should be taken to see that an infringement with limited implications to the tuna compensation scheme does not involve the total withdrawal of the right to compensation but only a standard reduction thereof;

Whereas, to ensure the correct functioning of the system in question certain rules should be laid down regarding the notifications to be made by the Member States;

Whereas Commission Regulation (EEC) No 2469/86 of 31 July 1986 laying down detailed rules for the granting

of compensation to producers of tuna for the canning industry⁽³⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules of application for the granting of the allowance referred to in Article 17a of Regulation (EEC) No 3796/81, hereinafter referred to as the 'basic Regulation'.

Article 2

1. The grant of the allowance and its maximum amount shall be determined by means of a Regulation adopted in accordance with the procedure laid down in Article 33 of the basic Regulation, where it has been ascertained that the conditions laid down in Article 17a (1) of the basic Regulation are met for the quarter in question.

2. The allowance shall be granted to producers' organizations, subject to the limits laid down in Article 17a (4) of the basic Regulation, in respect of the products listed in Annex III to the said Regulation, caught by its members and sold and delivered to canning industries located within the customs territory of the Community with a view to their complete and definitive processing into products falling within CN code 1604.

Article 3

The average selling price recorded on the Community market referred to in the first indent of Article 17a (1) of the basic Regulation shall be determined by the Commission each month on the basis of the monthly average prices notified by the Member States pursuant to Article 17 (4) of the basic Regulation.

Calculation of these monthly average prices by Member States shall be based on selling prices as invoiced by the producers' organizations or their members, at the stage of the first-hand sale in the Community.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 148, 1. 6. 1989, p. 1.

⁽³⁾ OJ No L 211, 1. 8. 1986, p. 19.

This selling price shall be determined:

- in the case of products sold at landing, for merchandise on board, alongside quay,
- in the case of products sold following storage by the producers' organization or its members, at warehouse.

Article 4

Within the limits of the volumes as laid down in Article 17a (4) of the basic Regulation, the competent authorities of the Member State concerned shall grant the allowance to producers' organizations in accordance with Article 17a (6) of the said Regulation.

Article 5

1. An application for payment of the allowance accompanied by the supporting documents referred to in paragraph 2 shall be submitted by the producers' organization concerned, for all the quantities delivered during the period in question, to the competent authorities of the Member State in which the producers' organization is established not later than 30 days after the entry into force of the Regulation provided for in Article 2 (1).

2. The supporting documents shall be as follows:

- (a) the invoices for the sale of the products, showing at least the names and addresses of the buyer and seller, as referred to in Article 2 (2) and, for each consignment of a given category of product:
 - the quantity sold,
 - the selling price actually charged,
 - the date of delivery,
 - the place of delivery;
- (b) proof of landing in the customs territory of the Community, certified by the competent authorities of the Member State in which the landing took place;
- (c) proof of delivery of the products in question in the customs territory of the Community;
- (d) proof of payment of the goods at the price referred to in the second indent of point (a);
- (e) proof of the Community origin of the products;
- (f) a declaration by the processor that the quantity purchased is intended for processing, in accordance with Article 2 (2).

3. In the case of products other than those caught and landed by a member of a producers' organization in its Member State, the T 2 M document shall be presented in accordance with Commission Regulation (EEC) No 137/79⁽¹⁾ as proof of Community origin.

4. The allowance shall be paid to the producers' organization by the Member State concerned within two

months of receipt of the complete file as referred to in this Article, except in the case of an administrative enquiry as to the right to the allowance.

Article 6

1. The Member States concerned shall set up a control system for checking that the products in respect of which the allowance is claimed qualify for it and that all other relevant Community rules are observed.

2. Detailed rules governing the control system must provide at least for the following:

- provisions concerning verifications of the Community origin of the products, particularly on the basis of ship's papers,
- identification in the producers' organizations' sales records of the quantities of each product landed and sold under these arrangements and, for each quantity in question, the date of sale, the buyer of the products as well as the price at which the said quantity was sold,
- random inspections at the place of sale and at producers' organizations in order to verify that the data as mentioned in Article 5 (2) and (3) correspond to the real situation.
- direct inspections of the processing industries, in particular with the aim of verifying administratively or in person that products purchased under these arrangements have in fact been sent for processing in accordance with Article 2 (2).

Inspections shall be covered by a detailed report on the execution of the engagements by the recipient of the allowance as well as on the audit carried out.

Article 7

1. In the event of a false declaration being made intentionally or as a result of serious negligence, the recipient of the allowance shall pay to the Member State concerned an amount equivalent to 25 % of the allowance granted to him during the period of three months covered by the application, irrespective of his obligation to repay the compensation in accordance with the conditions set out in Article 8 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽²⁾, plus interest to be fixed by the Member State effective from the date of payment of the compensation until its recovery.

2. Where an infringement of the allowance scheme, with limited implications, has been committed by a recipient of the allowance and where it is shown by the said recipient, to the satisfaction of the Member State concerned, that such infringement was not committed with intention to defraud or as the result of serious negligence, the Member State shall withhold an amount equal to 10 % of the allowance applicable to the quantities concerned by the infringement and in respect of which the allowance was or was to be granted.

⁽¹⁾ OJ No L 20, 27. 1. 1979, p. 1.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

3. Member States shall notify the Commission each month of the cases to which this Article applies.

Article 8

1. The Member States concerned shall notify the Commission not later than one month after the date of entry into force of this Regulation of the control measures set up pursuant to Article 6 (1).

2. The Member States shall also notify the Commission, before the end of the quarter following the period for which the allowance has been paid, of payments made under Article 5 (4), the quantities delivered and relating thereto and the outcome of the inspections referred to in Article 6 (2).

Article 9

The conversion rate applicable to the allowance shall be the representative rate in force on the date of sale of the product.

Article 10

Regulation (EEC) No 2469/86 is hereby repealed.

Article 11

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, 2 August 1989.

For the Commission

Manuel MARÍN

Vice-President

COMMISSION REGULATION (EEC) No 2382/89

of 2 August 1989

abolishing the 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 Commission Regulation (EEC) No 2176/89⁽³⁾, as amended by Regulation (EEC) No 2266/89⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Spain (except the Canary Islands);Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No

1035/72 would result in the countervailing charge being fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2176/89 is hereby repealed.

Article 2

This Regulation shall enter into force on 3 August 1989.

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

Done at Brussels, 2 August 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 208, 20. 7. 1989, p. 18.⁽⁴⁾ OJ No L 216, 27. 7. 1989, p. 57.⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 2383/89

of 2 August 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 1115/88 ⁽²⁾,Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽³⁾, as last amended by Regulation (EEC) No 1075/89 ⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

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

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

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

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

Whereas, pursuant to the provisions of Article 9 (1) of Regulation (EEC) No 1837/80, for the week beginning 3 July 1989, the variable slaughter premium for sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (3) of Regulation (EEC) No 1837/80 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 5, being fixed in accordance with those Annexes;

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

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 3 July 1989, the level of the premium is fixed at 46,488 ECU/100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80, which left the territory of region 5 during the week beginning 3 July 1989, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 3 July 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 2 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 2 August 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	21,849	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	46,488	0
0204 21 00	46,488	0
0204 50 11		0
0204 22 10	32,542	
0204 22 30	51,137	
0204 22 50	60,434	
0204 22 90	60,434	
0204 23 00	84,608	
0204 30 00	34,866	
0204 41 00	34,866	
0204 42 10	24,406	
0204 42 30	38,353	
0204 42 50	45,326	
0204 42 90	45,326	
0204 43 00	63,456	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	60,434	
0210 90 19	84,608	
1602 90 71 :		
— unboned (bone-in)	60,434	
— boned or boneless	84,608	

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

COMMISSION REGULATION (EEC) No 2384/89
of 2 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 2366/89 ⁽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 3 August 1989.

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

Done at Brussels, 2 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 223, 2. 8. 1989, p. 17.

ANNEX

to the Commission Regulation of 2 August 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	27,08 ⁽¹⁾
1701 11 90	27,08 ⁽¹⁾
1701 12 10	27,08 ⁽¹⁾
1701 12 90	27,08 ⁽¹⁾
1701 91 00	24,78
1701 99 10	24,78
1701 99 90	24,78 ⁽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 2385/89

of 2 August 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 2338/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2338/89 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 Regulation (EEC) No 2338/89, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 1989.

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

Done at Brussels, 2 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 222, 1. 8. 1989, p. 14.

ANNEX

to the Commission Regulation of 2 August 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	0,2478	—
1702 20 90	0,2478	—
1702 30 10	—	33,19
1702 40 10	—	33,19
1702 60 10	—	33,19
1702 60 90	0,2478	—
1702 90 30	—	33,19
1702 90 60	0,2478	—
1702 90 71	0,2478	—
1702 90 90	0,2478	—
2106 90 30	—	33,19
2106 90 59	0,2478	—

COMMISSION REGULATION (EEC) No 2386/89

of 2 August 1989

fixing the maximum export refund for white sugar for the 14th 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 14th 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 14th 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 29,399 per 100 kilograms.

Article 2

This Regulation shall enter into force on 3 August 1989.

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

Done at Brussels, 2 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 107, 19. 4. 1989, p. 6.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 5.

COMMISSION REGULATION (EEC) No 2387/89

of 2 August 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 2284/89⁽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 2342/89⁽⁷⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2342/89 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⁽⁸⁾ 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⁽⁹⁾ 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⁽¹⁰⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy for colza, rape and sunflower seed will be confirmed or replaced as from 3 August 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 3 August 1989.

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

Done at Brussels, 2 August 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 218, 28. 7. 1989, p. 17.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 222, 1. 8. 1989, p. 21.

⁽⁸⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹⁰⁾ 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 8 (')	1st period 9 (')	2nd period 10 (')	3rd period 11 (')	4th period 12 (')	5th period 1 (')
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	22,104	22,182	21,902	22,106	22,384	22,423
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	52,47	52,65	52,00	52,48	53,14	53,38
— Netherlands (Fl)	58,31	58,51	57,77	58,31	59,05	59,28
— BLEU (Bfrs/Lfrs)	1 067,33	1 071,10	1 057,58	1 067,43	1 080,85	1 082,74
— France (FF)	167,99	168,60	166,40	167,97	170,11	170,38
— Denmark (Dkr)	197,39	198,09	195,59	197,41	199,89	200,24
— Ireland (£ Irl)	18,697	18,765	18,520	18,694	18,933	18,963
— United Kingdom (£)	14,841	14,900	14,673	14,780	14,976	14,898
— Italy (Lit)	37 009	37 140	36 669	36 951	37 416	37 313
— Greece (Dr)	3 662,57	3 661,32	3 575,03	3 573,93	3 624,79	3 524,27
(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)	3 460,86	3 472,22	3 423,85	3 444,88	3 487,17	3 466,62
(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)	4 877,48	4 892,61	4 824,39	4 792,01	4 838,03	4 780,24

(') Subject 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 8 (¹)	1st period 9 (¹)	2nd period 10 (¹)	3rd period 11 (¹)	4th period 12 (¹)	5th period 1 (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	24,604	24,682	24,402	24,606	24,884	24,923
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	58,37	58,56	57,90	58,38	59,04	59,29
— Netherlands (Fl)	64,90	65,11	64,37	64,91	65,64	65,87
— BLEU (Bfrs/Lfrs)	1 188,05	1 191,82	1 178,30	1 188,15	1 201,57	1 203,45
— France (FF)	187,23	187,84	185,65	187,21	189,36	189,63
— Denmark (Dkr)	219,72	220,41	217,91	219,73	222,22	222,56
— Ireland (£ Irl)	20,839	20,907	20,662	20,836	21,075	21,105
— United Kingdom (£)	16,595	16,653	16,426	16,533	16,730	16,651
— Italy (Lit)	41 192	41 322	40 851	41 133	41 598	41 495
— Greece (Dr)	4 111,04	4 109,78	4 023,50	4 022,40	4 073,26	3 972,74
(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)	3 843,10	3 854,46	3 806,09	3 827,12	3 869,41	3 848,86
(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)	5 357,49	5 372,62	5 304,39	5 272,01	5 318,03	5 260,25

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

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 8 (1)	1st period 9 (1)	2nd period 10 (1)	3rd period 11 (1)	4th period 12 (1)
1. Gross aids (ECU):					
— Spain	6,890	6,890	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,704	20,835	21,664	21,674	21,666
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	49,28	49,59	51,53	51,56	51,55
— Netherlands (Fl)	54,61	54,96	57,15	57,17	57,15
— BLEU (Bfrs/Lfrs)	999,73	1 006,06	1 046,09	1 046,57	1 046,18
— France (FF)	156,30	157,32	163,83	163,87	163,76
— Denmark (Dkr)	184,89	186,06	193,46	193,55	193,48
— Ireland (£ Irl)	17,396	17,510	18,235	18,238	18,226
— United Kingdom (£)	13,580	13,678	14,275	14,222	14,202
— Italy (Lit)	34 680	34 899	36 280	36 217	36 203
— Greece (Dr)	3 283,65	3 285,92	3 413,83	3 359,08	3 349,54
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	3 491,56	3 510,65	3 621,43	3 610,88	3 611,41
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 316,65	6 342,73	6 489,61	6 401,71	6 389,55
— in another Member State (Esc)	6 156,13	6 181,54	6 324,69	6 239,02	6 227,17
3. Compensatory aids:					
— in Spain (Pta)	3 446,16	3 465,25	3 576,03	3 565,48	3 566,01
4. Special aid:					
— in Portugal (Esc)	6 156,13	6 181,54	6 324,69	6 239,02	6 227,17

(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 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
DM	2,077010	2,073520	2,070270	2,066820	2,066820	2,057460
Fl	2,343240	2,339800	2,336500	2,333080	2,333080	2,323740
Bfrs/Lfrs	43,491800	43,471300	43,451700	43,435400	43,435400	43,366500
FF	7,028140	7,028570	7,028410	7,028730	7,028730	7,030700
Dkr	8,065810	8,067500	8,069170	8,070670	8,070670	8,077110
£Irl	0,778547	0,778238	0,778589	0,778844	0,778844	0,781094
£	0,669127	0,671339	0,673646	0,675930	0,675930	0,682223
Lit	1 494,05	1 498,28	1 501,71	1 505,42	1 505,42	1 515,79
Dr	179,61400	181,72300	183,80600	186,37800	186,37800	193,43000
Esc	173,51500	174,30500	175,29200	176,45900	176,45900	180,11200
Pta	130,25800	130,84000	131,36100	131,98000	131,98000	133,60900

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 July 1989

amending Decision 89/15/EEC on the importations of live animals and fresh meat from certain third countries

(89/468/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Directive 89/227/EEC ⁽²⁾, and in particular Article 3 thereof,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues ⁽³⁾, and in particular Article 7 thereof, in conjunction with Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action ⁽⁴⁾, and in particular Article 6 thereof,

Whereas, in application of Commission Decision 89/15/EEC ⁽⁵⁾, as last amended by Decision 89/356/EEC ⁽⁶⁾, Member States continue to authorize imports of fresh meat and live animals from certain third countries appearing in the Annex of this Decision under the conditions laid down in that Annex;

Whereas the authorities of Canada have provided further guarantees concerning veal calves of less than 15 days of age intended for fattening; whereas it is now possible to

amend Decision 89/15/EEC in order to authorize such imports from Canada;

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 Annex to Decision 89/15/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 93, 6. 4. 1989, p. 25.

⁽³⁾ OJ No L 275, 26. 9. 1986, p. 36.

⁽⁴⁾ OJ No L 70, 16. 3. 1988, p. 16.

⁽⁵⁾ OJ No L 8, 11. 1. 1989, p. 11.

⁽⁶⁾ OJ No L 150, 2. 6. 1989, p. 27.

- (¹) As regards beef and veal, imports are restricted to meat, intended for human consumption, obtained from cows which have been used only for dairy production.
- (²) Imports of live bovine animals are restricted to those intended for reproduction and to veal calves of less than 15 days of age intended for fattening.
- (³) As regards beef and veal, imports are restricted to meat intended for human consumption complying with the conditions agreed between the United States of America and the European Economic Community and which has been obtained from animals from holdings approved by the Commission.

COMMISSION DECISION

of 28 July 1989

concerning certain protection measures relating to bovine spongiform encephalopathy in the United Kingdom

(89/469/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 89/360/EEC⁽²⁾, and in particular Article 9 thereof,

Whereas several outbreaks of bovine spongiform encephalopathy have occurred throughout the territory of the United Kingdom;

Whereas this disease can be considered to be a new serious contagious or infectious animal disease whose presence may constitute a danger to cattle in other Member States;

Whereas a significant risk may be considered to exist in respect of live animals; whereas however, this risk is considered to exist only for cattle born before 18 July 1988 or born to affected cows, in view of the epidemiology and pathogenesis of the disease;

Whereas the United Kingdom authorities have given certain guarantees to certain Member States to prevent the spread of the disease; whereas therefore these measures should be applied to intra-Community trade to all Member States;

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 United Kingdom shall not send to other Member States live cattle born before 18 July 1988 or born to

females in which bovine spongiform encephalopathy is suspected or has been officially confirmed.

Article 2

The health certificate provided for in Directive 64/432/EEC accompanying cattle sent from the United Kingdom must be completed by the following:

'animals in accordance with Commission Decision 89/469/EEC of 28 July 1989 concerning bovine spongiform encephalopathy'.

Article 3

Member States shall amend the measures which they apply to trade so as to bring into compliance with this Decision three days after its notification. They shall immediately inform the Commission thereof.

Article 4

The Commission will follow developments in the situation. This Decision may be amended in the light of such developments.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.⁽²⁾ OJ No L 153, 6. 6. 1989, p. 29.