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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2428/89

of 28 July 1989

on the application of Decision No 1/89 of the EEC-Cyprus Association Council derogating from the provisions concerning the definition of the concept of 'originating products' laid down in the agreement establishing an association between the European Economic Community and the Republic of Cyprus

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 Agreement establishing an Association between the European Economic Community and the Republic of Cyprus ⁽¹⁾ was signed on 19 December 1972 and entered into force on 1 June 1973;

Whereas the Additional Protocol ⁽²⁾ to the said Agreement was signed at Brussels on 15 September 1977 and entered into force on 1 June 1978;

Whereas, pursuant to Article 25 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the Additional Protocol, as extended by Article 2 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement ⁽³⁾, which was signed at Luxembourg on 19 October 1987, entered into force on 1 January 1988 and force an integral part of the agreement, the EEC-Cyprus Association Council has adopted Decision No 1/89 derogating from the rules of origin applicable to certain textile products;

Whereas that Decision should be made to apply within the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/89 of the EEC-Cyprus Association Council shall apply in the Community.

The text of the Decision is annexed to this Regulation.

Article 2

1. The quantities listed in Annex I to Decision 1/89 shall be administered by the Commission. If an importer enters for the circulation in a Member State a product covered by a certificate EUR 1 bearing the endorsement referred to in Article 4 of Decision No 1/89 and that entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to the requirements.

2. Requests for drawings, endorsed with the date of acceptance of the said entry and the serial number of the certificates EUR 1, must be forwarded to the Commission forthwith.

3. Drawings shall be granted by the Commission in chronological order of the date of acceptance by the customs authorities of the Member State concerned of the entry for free circulation to the extent that the available balance of the said amount so permits.

4. Should a Member State fail to use the quantities it has drawn, it shall return them as soon as possible.

5. If the quantities requested are greater than the available balance of the amount, they shall be granted pro rata, pursuant to paragraph 3. The Commission shall inform the Member State of the drawings made.

Member States shall be informed forthwith when the quantity has been used up.

Article 3

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 2.

⁽²⁾ OJ No L 339, 28. 12. 1977, p. 2.

⁽³⁾ OJ No L 393, 31. 12. 1987, p. 2.

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

DECISION No 1/89 OF THE EEC-CYPRUS ASSOCIATION COUNCIL

of 28 July 1989

derogating from the provisions concerning the definition of the concept of 'originating products' laid down in the Agreement establishing an association between the European Economic Community and the Republic of Cyprus

THE EEC-CYPRUS ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, signed at Brussels on 19 December 1972, hereinafter referred to as 'the Agreement',

Having regard to the Protocol concerning the definition to the concept of 'originating products' and methods or administrative cooperation annexed to the Additional Protocol to the Agreement, and in particular Article 25 thereof,

Whereas it was agreed, in the Joint Declaration by the Contracting Parties concerning the rules of origin, annexed to the Final Act of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement, signed at Luxembourg on 19 October 1987, which entered into force on 1 January 1988, that the Community and the Association Council would, after the entry into force of the Protocol, take a decision on additional Cypriot requests for derogations from the rules of origin applicable to products under headings 61.02 and 61.03 of the Common Customs Tariff;

Whereas the derogations requested are intended to bring into line the availability of supplies to Cypriot garment industries with the availability of supplies to Community producers;

Whereas, during the first phase of the second stage of the Agreement, Community and Cypriot tariff and commercial policy measures, particularly as regards the use of raw materials originating in third countries in the manufacture of products to which the requests relate, are to be only partially harmonized; whereas the products imported from Cyprus and benefiting from a derogation from the rules of origin accordingly be subject to conditions which are as far as possible equivalent to those applicable to the same products obtained within the Community, in order to avoid all risk of circumvention of Community tariff and commercial policy measures;

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from Article 3 (1) of the Protocol concerning the definition of the concept of 'originating

product' and methods of administrative cooperation, products listed in Annex I to this Decision and manufactured in Cyprus shall, within the limits of the quantities indicated and under the conditions set out below, be considered as originating products for the purposes of the Agreement.

Article 2

1. For the purposes of Article 1, products listed in Annex I shall be considered as originating in Cyprus provided that, as a result of working or processing carried out in Cyprus, the products obtained are classified under a tariff heading other than that covering each of the materials worked or processed.

2. Notwithstanding paragraph 1, the manufacture of garments from parts of garments falling within Combined Nomenclature code 6217 90 00 shall not be considered as sufficient working or processing, unless the parts have been obtained from fabric cut to size in the Community and are covered by a supplier's declaration made out on an invoice or other accompanying document, of which a specimen is given in Annex III.

Article 3

Materials not originating in Cyprus or in the Community used for the manufacture of the products referred to in Article 1 shall not be eligible for any form of drawback or exemption from customs duties or charges having equivalent effect to customs duties, with the exception of any amounts exceeding the corresponding duties of the Common Customs Tariff.

Article 4

Movement certificates EUR 1 issued pursuant to this Decision shall be endorsed:

'Derogation — Decision No 1/89'

in the box marked 'remarks', in one of the languages in which the Agreement is drawn up.

Article 5

The competent authorities of Cyprus shall send the Commission monthly statements of Cypriot imports and exports of fabrics listed in Annex II.

Article 6

Done at Brussels, 28 July 1989.

This Decision shall apply for a period of two years.

Article 7

This Decision shall enter into force on the day on which it is adopted.

*For the EEC-Cyprus Association Council**The President*

A. ANGELIDES

*ANNEX I***LIST PROVIDED FOR IN ARTICLE 1****(products benefiting from the derogation)**

CN Code	Description	Annual quantities (1 000 pieces)
6204 43 00	Dresses of synthetic fibres	90
6204 53 00 6204 59 10	Skirts and divided skirts of synthetic or artificial fibres	47
6206 40 00	Women's or girls' blouses, shirts and shirt-blouses, of man-made fibres	390
6205 30 00	Men's or boy's shirts, of man-made fibres	105

*ANNEX II***LIST PROVIDED FOR IN ARTICLE 5****(products subject to statistical notification)**

CN Code	Description
5407 5408	Woven fabrics of synthetic or artificial filament yarn
5512 to 5516	Woven fabrics of synthetic or artificial staple fibres

ANNEX III

DECLARATION FOR PRODUCTS NOT HAVING PREFERENTIAL ORIGIN STATUS

I, the undersigned, declare that the goods listed on this invoice..... ⁽¹⁾		
were produced in ⁽²⁾ and incorporate the following components		
or materials which not have Community origin for preferential trade :		
..... ⁽³⁾	 ⁽⁴⁾	 ⁽⁵⁾
.....		
.....		
..... ⁽⁶⁾		
I undertake to make available to the customs authorities, if required, evidence in support of this		
declaration.		
..... ⁽⁷⁾	 ⁽⁸⁾	
	 ⁽⁹⁾	

Note :

The text inside the box, suitably completed in conformity with the footnotes below, constitutes a suppliers' declaration. The footnotes do not have to be reproduced.

-
- ⁽¹⁾ — If only of the goods listed in the invoice are concerned, they should be clearly indicated or marked and this marketing entered on the declaration as follows : 'Listed on this invoice and marked were produced'
 — If a document other than the invoice or an Annex to the invoice is used (see Article 3), the name of the document concerned shall be mentioned instead of the word 'invoice'.
- ⁽²⁾ Customs or Member State.
- ⁽³⁾ Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.
- ⁽⁴⁾ Customs values to be given only if required.
- ⁽⁵⁾ Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as 'third country'.
- ⁽⁶⁾ 'And have undergone the following processing in (the Community) (Member State) to be added with a description of the processing carried out if this information is required.
- ⁽⁷⁾ Place and date.
- ⁽⁸⁾ Name and function in company.
- ⁽⁹⁾ Signature.

COUNCIL REGULATION (EEC) No 2429/89

of 28 July 1989

amending Annex I to Regulation (EEC) No 288/82 in respect of the liberalization of certain products which are subject to national quantitative restrictions

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 instruments establishing common organization of agricultural markets and to the instruments concerning processed agricultural products adopted pursuant to Article 235 of the Treaty, in particular the provisions of those instruments which allow for derogation from the general principle that all quantitative restrictions or measures having equivalent effect may be replaced solely by the measures provided for in those same instruments,

Having regard to the proposal from the Commission,

Whereas the common commercial policy must be based on uniform principles; whereas the common rules for imports laid down by Regulation (EEC) No 288/82⁽¹⁾, as last amended by Regulation (EEC) No 1243/86⁽²⁾, are an important aspect of that policy; whereas the liberalization of imports, that is to say the absence of any quantitative restrictions, subject to exceptions and derogations provided for in Community rules, in the starting point for common rules in this field;

Whereas the quantitative restrictions which exist in the Member States are listed in Annex I to Regulation (EEC) No 288/82;

Whereas the economic and trade situation is such that a number of quantitative restrictions still applied by certain Member States are may be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EEC) No 288/82:

- the products listed, for each given Member State, in Annex A to this Regulation are deleted,
- is deleted in the description of the geographical scope of the quantitative restrictions concerning the products listed, for each given Member State, in Annex B to this Regulation.

Article 2

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

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

Done at Brussels, 28 July 1989.

*For the Council**The President*

M. CHARASSE

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

ANNEX A

BENELUX	ex 8212	PORTUGAL	ex 7408	ex 3920 92 00	8302 10 10
6401 10 10	8214 10 00	2815 11 00	7411	3920 93 00	8302 10 90
6401 91 10	8214 20 00	2815 12 00		3920 94 00	8302 20 10
6401 92 10	8214 90 00		7608	3920 99 11	8302 20 90
6401 99 10		ex 3909 10 00		3920 99 19	8302 30 00
	8215 91 00	to	8201 10 00	ex 3921 19 90	8302 41 00
6402 30 10	8215 99	ex 3909 40 00	ex 8201 30 00	3921 90 11	8302 42 10
6402 91 10				ex 3921 90 41	8302 49 10
6402 99 10	8433 11 10	ex 3919 10 31	8202 10 00	ex 3921 90 43	8302 49 90
	to	to		ex 3921 90 49	8302 50 00
6911 10 00	8433 19 90	ex 3919 10 39	8205		8302 60 10
6911 90 00				5204 11 00	8302 60 90
ex 6912 00 50	ex 8907	ex 3920 61 00	8201 50 00	5204 19 00	8425
		to		5504 90 00	
		ex 3920 69 00	8301 20 00		8426 11 00
GERMANY	ITALY		to	5511 10 00	ex 8426 12 00
6911 10 00	1604 13 10	ex 3921 13 00	8301 40 90	5511 20 00	8426 19 00
ex 6911 90 00	ex 1604 14 10	ex 3921 19 10	8302 42 90	5511 30 00	8426 20 00
		ex 3921 90 19		ex 5604 90 00	8426 30 00
ex 6912 00 50	ex 1904 20 50	ex 3921 90 20	ex 8456		ex 8426 41 00
6912 00 90		ex 3921 90 30		7010 90 10	ex 8426 49 00
	ex 1604 20 70	ex 3921 90 41	ex 8458	7604 21 00	8426 91 10
		ex 3921 90 50			8426 91 90
SPAIN		ex 3915 90 91	ex 8461	8201 20 00	8426 99 10
4809 20 00	6907	ex 3915 90 99		8201 40 00	8426 99 90
	6908		ex 8462	8201 60 00	ex 8427 90 00
4816 20 00		ex 3916 90 15		8201 90 00	
ex 4816 10 00	ex 8211 10 00	ex 3916 90 19	ex 8463		8428
	8211 91 90			8202 20 10	
6805 10	8211 92 90	5205	8428 90 71	8202 20 90	ex 8430 10 00
			8428 90 79		
7202 99 90	8215	5206	ex 8428 90 99	8201 31 10	8431 10 00
7202 60 00					ex 8431 20 00
ex 7207	ex 8407	5503	8429 51 10	8202 31 51	ex 8431 31 00
				8202 31 59	ex 8431 39 10
ex 7211 ⁽¹⁾	ex 8501	5501	ex 9017	8202 31 90	ex 8431 39 90
ex 7217 ⁽²⁾				8202 32 10	ex 8431 41 00
ex 7211	ex 8502	5502	ex 9105	8202 32 90	ex 8431 49 10
				8202 40 00	ex 8431 49 90
ex 7212	ex 8503	5506	ex 9607	8202 91 11	
				8202 91 19	8457
7304	8506	5507	ex 3907 50 00	8202 91 30	
7305				8202 91 90	8459
7306	ex 8544	5508	ex 3910 00 00	8202 99 11	
				8202 99 19	8460
7411	8545 11 00	5509		8202 99 90	
			ex 3917 29 11	ex 8206 00 00	ex 8510 90 00
ex 8208	9503	ex 7013	ex 3917 29 13		
			ex 3917 32 11	ex 8214 10 00	ex 9031 10 00
ex 8210	5001 00 00	ex 7217 ⁽³⁾	ex 3917 32 19	ex 8214 20 00	ex 9031 20 00
			ex 3917 39 11	ex 8214 90 00	9031 30 00
			ex 3917 39 13		9031 40 00
8211 91	5002 00 00	ex 7315	ex 3919 90 31	8301 10 00	ex 9031 80 91
8211 92			ex 3919 90 35	8301 50 00	ex 9031 80 99
8211 93	5006	ex 7407	ex 3919 90 39	8301 60 00	ex 9031 90 90
				8301 70 00	

⁽¹⁾ Excluding those codes relating to ECSC products.⁽²⁾ With the exception of 7217 11 10, 7217 11 90, 7217 31 00, 7217 32 00, 7217 33 00.⁽³⁾ Excluding 7217 31 00, 7217 32 00, 7217 33 00, 7217 39 00.

ANNEX B

DENMARK	3204 14 00	8546 10 00	9015 30 90	ex 9026 20 90	ex 9031 80 91
	3204 15 00	8546 20 10	9015 40 90	ex 9026 80 10	ex 9031 80 99
8211 10 00	3204 16 00	8546 20 91	9015 80 11	ex 9026 80 99	
8211 91 90	3204 17 00	8546 20 99	ex 9015 80 91		ex 9032 10 10
8211 92 90	3204 19 00	8546 90 10	ex 9015 80 93	ex 9027 10 90	9032 10 91
	3204 20 00	ex 8546 90 90	ex 9015 80 99	9027 80 99	ex 9032 10 99
ex 8215	3204 90 00				ex 9032 20 10
	ex 6907 10 00 (1)	9011 10 00	9024 10 10	9029 10 10	ex 9032 20 90
GREECE	ex 6907 90 10 (1)	9011 20 00	9024 10 89	9029 20 10	ex 9032 89 10
	ex 6907 90 91 (1)	9011 80 00	9024 10 91		ex 9032 89 90
		9011 90 00	9024 10 93	9030 10 10	
8506 11 10			9024 80 10	9030 10 90	ex 9503 10 10
8506 11 90	7202 41 10	9014 20 11	9024 80 99	9030 20 10	9503 30 30
8506 13 00	7202 41 90	9014 20 13		9030 31 10	ex 9503 80 10
8506 12 00	7202 50 00	9014 20 15	ex 9025 19 10	9030 39 10	ex 9503 80 90
		9014 20 19	ex 9025 19 99	9030 39 91	ex 9503 90 31
	8211 10 00 (1)	9014 20 90	ex 9025 20 10	9030 39 99	ex 9503 90 35
FRANCE	8211 91 90 (1)	ex 9014 80 00	9025 80 10	9030 40 10	ex 9503 90 55
	8211 92 90 (1)		ex 9025 80 99	9030 40 90	ex 9503 90 99
ex 3203 00 19	8211 93 90 (1)	9015 10 10		9030 81 10	
		9015 10 90	ex 9026 10 10	9030 89 10	
3204 11 00	8529 10 90	9015 20 10	ex 9026 10 91	9030 89 99	
3204 12 00	8529 90 10	9015 20 90	ex 9026 10 99		IRELAND
3204 13 00	8529 90 99	9015 30 10	ex 9026 20 10	9031 10 00	
				9031 80 10	6305 10 10

(1) Alignment on the no quantity restrictive regime.

COMMISSION REGULATION (EEC) No 2430/89

of 7 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 4 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 8 August 1989.

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

Done at Brussels, 7 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 7 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	145,61
0712 90 19	34,31	145,61
1001 10 10	15,88	153,19 ⁽¹⁾ ⁽²⁾
1001 10 90	15,88	153,19 ⁽¹⁾ ⁽²⁾
1001 90 91	15,20	111,03
1001 90 99	15,20	111,03
1002 00 00	42,96	120,40 ⁽³⁾
1003 00 10	33,63	108,69
1003 00 90	33,63	108,69
1004 00 10	25,03	94,85
1004 00 90	25,03	94,85
1005 10 90	34,31	145,61 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	145,61 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	146,61 ⁽⁴⁾
1008 10 00	33,63	3,80
1008 20 00	33,63	30,82 ⁽⁴⁾
1008 30 00	33,63	0,00 ⁽⁵⁾
1008 90 10	(?)	(?)
1008 90 90	33,63	0,00
1101 00 00	34,43	168,59
1102 10 00	73,29	181,71
1103 11 10	38,99	251,82
1103 11 90	37,03	181,92

(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 2431/89

of 7 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 4 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 8 August 1989.

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

Done at Brussels, 7 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 7 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	0	0
0712 90 19	0	0	0	0
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	2,00
1003 00 90	0	0	0	2,00
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	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	36,32
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	3,56	3,56
1107 10 99	0	0	0	2,66	2,66
1107 20 00	0	0	0	3,10	3,10

COMMISSION REGULATION (EEC) No 2432/89
of 7 August 1989
on the supply of various consignments of cereals as food aid

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

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

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

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 80 534 tonnes of cereals;

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

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

Article 2

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

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

Done at Brussels, 7 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, 21. 6. 1989, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. **Operation No⁽¹⁾**: 367/89
2. **Programme**: 1989
3. **Recipient**: CICR, 17, avenue de la Paix, CH-1202 Geneva; telex 22269 CICR-CH; Sub-Delegação do Comité Internacional da Cruz Vermelha, Avenida da Independência 54, Restinga, Lobito, República Popular de Angola; tel. 24 48
4. **Representative of the recipient⁽²⁾**: Delegação do Comité Internacional da Cruz Vermelha, Travessa de João Seca nº 14; Caixa Postal 2501, Luanda, República Popular de Angola; tel. 9 33 82 / 9 22 25, telex 3353 CICV AN
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: Maize meal
7. **Characteristics and quality of the goods⁽³⁾**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.8)
8. **Total quantity**: 2 000 tonnes (3 846 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking⁽⁴⁾**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIB.2 (d))
Marking on the bags: in letters at least 5 cm high: the month and the year of manufacture and 'ACÇÃO Nº 367/89 / AO — 162 / SÊMOLA DE MILHO / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA / DISTRIBUIÇÃO GRATUITA / LOBITO'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lobito
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15. 9. 1989 to 15. 10. 1989
18. **Deadline for the supply**: 15. 11. 1989
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 8. 1989, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 9. 1989, at 12 noon
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15. 9. 1989 to 15. 10. 1989
 - (c) deadline for the supply: 15. 11. 1989
22. **Amount of the tendering security**: ECU 5 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⁽⁶⁾**: refund applicable on 31. 7. 1989 fixed by Commission Regulation (EEC) No 1932/89 (OJ No L 187, 1. 7. 1989, p. 43)

ANNEX II

1. **Operation No** (1): 345/89
2. **Programme**: 1989
3. **Recipient**: Euronaid, Rhijngeesterstraatweg 40, 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**: Dominica (20 tonnes), Egypt (110 tonnes), Chile (167 tonnes)
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (3) (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.6)
8. **Total quantity**: 297 tonnes (517 tonnes of cereals)
9. **Number of lots**: one in three parts: A: 20 tonnes; B: 110 tonnes; C: 167 tonnes)
10. **Packaging and marking** (5): Parts A, B: (7); see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.2 i (a))
Marking on the bags in letters at least 5 cm high:
 - Parts A (20 tonnes) and B (110 tonnes):
'ACTION No 345/89 / FOR FREE DISTRIBUTION / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / EURONAIID / WHEAT FLOUR'
 - Part C (167 tonnes):
'ACCIÓN N° 345/89 / DESTINADO A LA DISTRIBUCIÓN GRATUITA / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / HARINA DE TRIGO'
11. **Method of mobilization**: the 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**: 15. 9. 1989 to 15. 10. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 8. 1989, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 9. 1989, at 12 noon
 - (b) period for making the goods available at the port of shipment: 1. 10. 1989 to 31. 10. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (6): 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** (6): refund applicable on 31. 7. 1989 fixed by Commission Regulation (EEC) No 1932/89 (OJ No L 187, 1. 7. 1989, p. 43)

ANNEX III

1. **Operation No** (1): 344/89
2. **Programme**: 1989
3. **Recipient**: Euronaid, Rhijsgeesterstraatweg 40, 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**: El Salvador (144 tonnes); Guatemala (36 tonnes); Egypt (72 tonnes); Gambia (36 tonnes)
6. **Product to be mobilized**: milled rice (product codes 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods** (3) (4): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIA.10)
8. **Total quantity**: 288 tonnes (691 tonnes of cereals)
9. **Number of lots**: one (two parts: A: 180 tonnes; B: 108 tonnes)
10. **Packaging and marking** (5): see list published in OJ No C 216, 14. 8. 1987, p. 3 (under IIB.1 (c))
Marking on the bags in letters at least 5 cm high:
 - Part A (180 tonnes):
'ACCIÓN N° 344/89 / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA / DESTINADO A LA DISTRIBUCIÓN GRATUITA / EURONAIID / ARROZ'
 - Part B (108 tonnes) (7):
'ACTION No 344/89 / FOR FREE DISTRIBUTION / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY / EURONAIID / RICE'
11. **Method of mobilization**: the 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**: 15. 9. 1989 to 15. 10. 1989
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 22. 8. 1989, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 5. 9. 1989, at 12 noon
 - (b) period for making the goods available at the port of shipment: 1. 10. 1989 to 31. 10. 1989
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (8): 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** (9): refund applicable on 31. 7. 1989 fixed by Commission Regulation (EEC) No 1932/89 (OJ No L 187, 1. 7. 1989, p. 43)

ANNEX IV

1. **Operation No (¹):** 365/89
2. **Programme:** 1988
3. **Recipient:** ICRC, 17, avenue de la Paix, CH-1211 Geneva; telex 22269 CICR-CH
4. **Representative of the recipient (²):** Délégation du CICR, reparto Belmonte KM 7, Carretera Sur, Apartado 2005, Managua, Nicaragua, tél: 52081/2/3/4/5, telex 2268 CICRNIC NK
5. **Place or country of destination:** Nicaragua
6. **Product to be mobilized:** milled rice (product codes 1006 30 94 900 or 1006 30 96 900)
7. **Characteristics and quality of the goods (³):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.10)
8. **Total quantity:** 200 tonnes (480 tonnes of cereals)
9. **Number of lots:** one
10. **Packaging and marking (⁴):** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 (c)):
Marking on the bags: in letters at least 5 cm high:
'ACCIÓN 365/89 / NI-94 / ARROZ / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA PARA SU DISTRIBUCIÓN GRATUITA / CORINTO (+ manufacturing date)'
11. **Method of mobilization:** the Community market
12. **Stage of supply:** free at destination
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse:** Almacén CICR Managua, Reparto Belmonte KM 7, Carretera, Sur, Apartado 2005, Managua, Nicaragua
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 15. 9. 1989 to 15. 10. 1989
18. **Deadline for the supply:** 15. 11. 1989
19. **Procedure for determining the costs of supply:** tendering
20. **Date of expiry of the period allowed for submission of tenders:** 22. 8. 1989, at 12 noon (Brussels time)
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 5. 9. 1989, at 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1. 10. 1989 to 31. 10. 1989
 - (c) deadline for the supply: 30. 11. 1989
22. **Amount of the tendering security:** ECU 5 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 (⁶):** refund applicable on 31. 7. 1989 fixed by Commission Regulation (EEC) No 1932/89 (OJ No L 187, 1. 7. 1989, p. 43)

ANNEX V

1. **Operation Nos⁽¹⁾:** 376, 377 and 378/89
 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, 1050 Bruxelles; tel. 02 647 32 27, telex 64809 COMRAU B
 5. **Place or country of destination:** Egypt
 6. **Product to be mobilized:** common wheat
 7. **Characteristics and quality of the goods⁽³⁾:** see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
 8. **Total quantity:** 75 000 tonnes
 9. **Number of lots:** three (A: 25 000 tonnes; B: 25 000 tonnes; C: 25 000 tonnes)
 10. **Packaging:** in bulk
 11. **Method of mobilization:** the Community market
 12. **Stage of supply⁽⁴⁾:** free at port of shipment fob stowed
 13. **Port of shipment:** —
 14. **Port of landing specified by the recipient:** —
 15. **Port of landing:** —
 16. **Address of the warehouse and, if appropriate, port of landing:** —
 17. **Period for making the goods available at the port of shipment:** 15. 9. 1989 to 15. 10. 1989
 18. **Deadline for the supply:** —
 19. **Procedure for determining the costs of supply:** tendering
 20. **Date of expiry of the period allowed for submission of tenders:** 22. 8. 1989, at 12 noon
 21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 5. 9. 1989, at 12 noon
 - (b) period for making the goods available at the port of shipment: 1. 10. 1989 to 31. 10. 1989
 - (c) deadline for the supply: —
 22. **Amount of the tendering security:** ECU 5 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 22037 AGREC B
 25. **Refund payable on request by the successful tenderer⁽⁶⁾:** refund applicable on 31. 7. 1989 fixed by Commission Regulation (EEC) No 1932/89 in (OJ No L 187, 1. 7. 1989, p. 43)
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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 product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate shall supply to the beneficiary or its representative, on delivery, the following documents :
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- certificate of origin,
 - phytosanitary certificate and fumigation certificate.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (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) Nr. 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
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987 p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁷) Shipment to take place in 20-foot containers, condition FCL/LCL. The supplier shall be responsible for the cost of making the containers available in the stack provision 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 subparagraph, of Regulation (EEC) No 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 bags belonging to each shipping 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.
- (⁸) The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (⁹) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.
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COMMISSION REGULATION (EEC) No 2433/89
of 7 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 2424/89⁽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 8 August 1989.

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

Done at Brussels, 7 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 228, 5. 8. 1989, p. 28.

ANNEX

to the Commission Regulation of 7 August 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	26,84 ⁽¹⁾
1701 11 90	26,84 ⁽¹⁾
1701 12 10	26,84 ⁽¹⁾
1701 12 90	26,84 ⁽¹⁾
1701 91 00	24,17
1701 99 10	24,17
1701 99 90	24,17 ⁽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 2434/89

of 7 August 1989

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2379/89⁽³⁾, as amended by Regulation (EEC) No 2426/89⁽⁴⁾

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2379/89 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2379/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 August 1989.

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

Done at Brussels, 7 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 225, 3. 8. 1989, p. 28.⁽⁴⁾ OJ No L 228, 5. 8. 1989, p. 32.

ANNEX

to the Commission Regulation of 7 August 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	16,54 ⁽¹⁾	
1701 11 90 910	23,20 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	16,54 ⁽¹⁾	
1701 12 90 910	23,20 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,1798
1701 99 10 100	17,98	
1701 99 10 910	25,22	
1701 99 10 950	23,72	
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 2435/89

of 7 August 1989

introducing a countervailing charge on fresh lemons originating in Argentina

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least 0,6 ECU below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least 0,6 ECU below the reference price;

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

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

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

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

Whereas for fresh lemons originating in Argentina the entry prices calculated in this way have for six consecutive market days been alternatively above and below the reference price; whereas three of these entry prices are at least ECU 0,6 below the reference prices; whereas a countervailing charge should therefore be introduced for these lemons;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 1,28 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Argentina.

Article 2

This Regulation shall enter into force on 9 August 1989.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 14 August 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 137, 20. 5. 1989, p. 24.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 7 August 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2436/89
of 7 August 1989
amending Regulation (EEC) No 2357/89 introducing a countervailing charge on
table grapes originating in Cyprus

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 2357/89⁽³⁾
introduced a countervailing charge on table grapes origina-
ting in Cyprus;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72
laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is
amended; whereas if those conditions are taken into
consideration the countervailing charge on the import of
table grapes originating in Cyprus must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2357/89, '3,69 ECU'
is hereby replaced by '7,67 ECU'.

Article 2

This Regulation shall enter into force on 8 August 1989.

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

Done at Brussels, 7 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 222, 1. 8. 1989, p. 64.